

108TH CONGRESS
2D SESSION

S. 2818

To amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2004

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to ensure the same requirements that apply to voters who register by mail also apply to voters who do not register in person with an officer or employee of a State or local government entity, and to provide for increased penalties for fraudulent registration in cases involving 10 or more violations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

1 (1) The right to vote is a fundamental and in-
2 controvertible right under the Constitution.

3 (2) There is a need for Congress to encourage
4 and enable every eligible American to vote by re-
5 affirming that the right to vote is a fundamental
6 right under the Constitution.

7 (3) There is a need for Congress to encourage
8 and enable every eligible American to vote by re-
9 affirming that the United States is a democratic
10 government “of the people, by the people, and for
11 the people” in which every vote counts.

12 (4) There is a need for Congress to encourage
13 and enable every eligible American to vote by elimi-
14 nating procedural obstacles to voting.

15 (5) There is a need to counter discrimination in
16 voting by removing barriers to the exercise of the
17 constitutionally protected right to vote.

18 (6) There is a need to ensure that voter reg-
19 istration processes fairly incorporate every eligible
20 American seeking to exercise the right to vote.

21 (7) Participation in the electoral process is a
22 fundamental civic responsibility in which all eligible
23 Americans should be encouraged to actively partici-
24 pate.

1 (8) There is a need to ensure that every eligible
 2 American seeking to exercise the right to vote has
 3 access to the electoral process through a uniform
 4 system of voter registration that includes each vot-
 5 er's personal registration with an appropriate State
 6 or local government election entity.

7 (9) Congress has authority under section 4 of
 8 Article I of the Constitution of the United States,
 9 section 5 of the Fourteenth Amendment to the Con-
 10 stitution of the United States, and section 2 of the
 11 Fifteenth Amendment to the Constitution of the
 12 United States to enact legislation to address the
 13 equal protection violations that may be caused by
 14 unfair voting systems.

15 (10) Congress has an obligation to ensure that
 16 the States and localities improve election administra-
 17 tion and to ensure the integrity of full participation
 18 of all Americans in the democratic election process.

19 **SEC. 2. REQUIREMENTS FOR VOTERS WHO DO NOT REG-**
 20 **ISTER IN PERSON WITH AN OFFICER OR EM-**
 21 **PLOYEE OF A STATE OR LOCAL GOVERN-**
 22 **MENT ENTITY.**

23 (a) IN GENERAL.—

24 (1) APPLICATION OF REQUIREMENTS TO VOT-
 25 ERS NOT REGISTERING IN PERSON.—Section

1 303(b)(1)(A) of the Help America Vote Act of 2002
 2 (42 U.S.C. 15483(b)(1)(A)) is amended to read as
 3 follows:

4 “(A) the individual—

5 “(i) registered to vote in a jurisdiction
 6 by mail; or

7 “(ii) did not register to vote in a ju-
 8 risdiction in person with an officer or em-
 9 ployee of a State or local government enti-
 10 ty; and”.

11 (2) MEANING OF IN PERSON.—Paragraph (1)
 12 of section 303(b) of such Act is amended by insert-
 13 ing at the end the following:

14 “For purposes of subparagraph (A)(ii), an individual
 15 shall not be considered to have registered in person
 16 if the registration is made by a person other than
 17 the person whose name appears on the voter reg-
 18 istration form.”.

19 (b) CONFORMING AMENDMENT.—The heading for
 20 subsection (b) of section 303 of such Act is amended by
 21 inserting “AND WHO DO NOT REGISTER IN PERSON”
 22 after “MAIL”.

23 (c) EFFECTIVE DATE.—The amendments made by
 24 this section shall take effect as if included in section 303
 25 of the Help America Vote Act of 2002.

1 **SEC. 3. INCREASED PENALTIES RELATING TO FRAUDU-**
2 **LENT VOTER REGISTRATION IN CASES IN-**
3 **VOLVING 10 OR MORE VIOLATIONS.**

4 (a) FALSE INFORMATION IN REGISTERING OR VOT-
5 ING.—Subsection (c) of section 11 of the Voting Rights
6 Act of 1965 (42 U.S.C. 1973i(c)) is amended by inserting
7 at the end the following: “In the case of any person who
8 is found to have been in violation of this section with re-
9 spect to 10 or more voter registrations, this section shall
10 be applied by substituting ‘\$20,000’ for ‘\$10,000’ and by
11 substituting ‘ten years’ for ‘five years’ with respect to each
12 such violation.”.

13 (b) PENALTY UNDER NATIONAL VOTER REGISTRA-
14 TION ACT OF 1993.—Section 12 of the National Voter
15 Registration Act of 1993 (42 U.S.C. 1973gg–10) is
16 amended by inserting at the end the following: “In the
17 case of any person who is found to have been in violation
18 of paragraph (2)(A) with respect to 10 or more registra-
19 tion applications, such person shall be fined not less
20 \$500,000 (\$1,000,000 in the case of an organization) or
21 shall be imprisoned not more than 10 years, or both, and
22 any such fine shall be paid into the general fund of the
23 Treasury as provided in the preceding sentence.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to violations occurring after the
3 date of the enactment of this Act.

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