

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 672
OFFERED BY MR. HARPER OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Election Support Con-
3 solidation and Efficiency Act”.

4 **SEC. 2. TERMINATION OF ELECTION ASSISTANCE COMMIS-**
5 **SION.**

6 (a) **TERMINATION.**—The Help America Vote Act of
7 2002 (42 U.S.C. 15301 et seq.) is amended by adding at
8 the end the following new title:

9 **“TITLE X—TERMINATION OF**
10 **COMMISSION**
11 **“Subtitle A—Termination**

12 **“SEC. 1001. TERMINATION.**

13 “Effective on the Commission termination date, the
14 Commission (including the Election Assistance Commis-
15 sion Standards Board and the Election Assistance Com-
16 mission Board of Advisors under part 2 of subtitle A of
17 title II) is terminated and may not carry out any programs
18 or activities.

1 **“SEC. 1002. TRANSFER OF OPERATIONS TO OFFICE OF MAN-**
2 **AGEMENT AND BUDGET DURING TRANSI-**
3 **TION.**

4 “(a) IN GENERAL.—The Director of the Office of
5 Management and Budget shall, effective upon the Com-
6 mission termination date—

7 “(1) perform the functions of the Commission
8 with respect to contracts and agreements described
9 in subsection 1003(a) until the expiration of such
10 contracts and agreements, but shall not renew any
11 such contract or agreement; and

12 “(2) shall take the necessary steps to wind up
13 the affairs of the Commission.

14 “(b) EXCEPTION FOR FUNCTIONS TRANSFERRED TO
15 OTHER AGENCIES.—Subsection (a) does not apply with
16 respect to any functions of the Commission that are trans-
17 ferred under subtitle B.

18 **“SEC. 1003. SAVINGS PROVISIONS.**

19 “(a) PRIOR CONTRACTS.—The termination of the
20 Commission under this subtitle shall not affect any con-
21 tract that has been entered into by the Commission before
22 the Commission termination date. All such contracts shall
23 continue in effect until modified, superseded, terminated,
24 set aside, or revoked in accordance with law by an author-
25 ized Federal official, a court of competent jurisdiction, or
26 operation of law.

1 “(b) OBLIGATIONS OF RECIPIENTS OF PAYMENTS.—

2 “(1) IN GENERAL.—The termination of the
3 Commission under this subtitle shall not affect the
4 authority of any recipient of a payment made by the
5 Commission under this Act prior to the Commission
6 termination date to use any portion of the payment
7 that remains unobligated as of the Commission ter-
8 mination date, and the terms and conditions that
9 applied to the use of the payment at the time the
10 payment was made shall continue to apply.

11 “(2) SPECIAL RULE FOR STATES RECEIVING
12 REQUIREMENTS PAYMENTS.—In the case of a re-
13 quirements payment made to a State under part 1
14 of subtitle D of title II, the terms and conditions ap-
15 plicable to the use of the payment for purposes of
16 the State’s obligations under this subsection (as well
17 as any obligations in effect prior to the termination
18 of the Commission under this subtitle), and for pur-
19 poses of any applicable requirements imposed by
20 regulations promulgated by the Director of the Of-
21 fice of Management and Budget, shall be the general
22 terms and conditions applicable under Federal law,
23 rules, and regulations to payments made by the Fed-
24 eral government to a State, except that to the extent
25 that such general terms and conditions are incon-

1 sistent with the terms and conditions that are speci-
2 fied under part 1 of subtitle D of title II or section
3 902, the terms and conditions specified under such
4 part and such section shall apply.

5 “(c) PENDING PROCEEDINGS.—

6 “(1) NO EFFECT ON PENDING PROCEEDINGS.—

7 The termination of the Commission under this sub-
8 title shall not affect any proceeding to which the
9 Commission is a party that is pending on such date,
10 including any suit to which the Commission is a
11 party that is commenced prior to such date, and the
12 applicable official shall be substituted or added as a
13 party to the proceeding.

14 “(2) TREATMENT OF ORDERS.—In the case of
15 a proceeding described in paragraph (1), an order
16 may be issued, an appeal may be taken, judgments
17 may be rendered, and payments may be made as if
18 the Commission had not been terminated. Any such
19 order shall continue in effect until modified, termi-
20 nated, superseded, or revoked by an authorized Fed-
21 eral official, a court of competent jurisdiction, or op-
22 eration of law.

23 “(3) CONSTRUCTION RELATING TO DIS-
24 CONTINUANCE OR MODIFICATION.—Nothing in this
25 subsection shall be deemed to prohibit the dis-

1 continuation or modification of any proceeding de-
2 scribed in paragraph (1) under the same terms and
3 conditions and to the same extent that such pro-
4 ceeding could have been discontinued or modified if
5 the Commission had not been terminated.

6 “(4) REGULATIONS FOR TRANSFER OF PRO-
7 CEEDINGS.—The Director of the Office of Manage-
8 ment and Budget may issue regulations providing
9 for the orderly transfer of proceedings described in
10 paragraph (1).

11 “(d) JUDICIAL REVIEW.—Orders and actions of the
12 applicable official in the exercise of functions of the Com-
13 mission shall be subject to judicial review to the same ex-
14 tent and in the same manner as if such orders and actions
15 had been issued or taken by the Commission. Any require-
16 ments relating to notice, hearings, action upon the record,
17 or administrative review that apply to any function of the
18 Commission shall apply to the exercise of such function
19 by the applicable official.

20 “(e) APPLICABLE OFFICIAL DEFINED.—In this sec-
21 tion, the ‘applicable official’ means, with respect to any
22 proceeding, order, or action—

23 “(1) the Director of the Office of Management
24 and Budget, to the extent that the proceeding,
25 order, or action relates to functions performed by

1 the Director of the Office of Management and Budg-
2 et under section 1002; or

3 “(2) the Federal Election Commission, to the
4 extent that the proceeding, order, or action relates
5 to a function transferred under subtitle B.

6 **“SEC. 1004. COMMISSION TERMINATION DATE.**

7 “The ‘Commission termination date’ is the first date
8 following the expiration of the 60-day period that begins
9 on the date of the enactment of this subtitle.

10 **“Subtitle B—Transfer of Certain**
11 **Authorities**

12 **“SEC. 1011. TRANSFER OF ELECTION ADMINISTRATION**
13 **FUNCTIONS TO FEDERAL ELECTION COMMIS-**
14 **SION.**

15 “There are transferred to the Federal Election Com-
16 mission (hereafter in this section referred to as the ‘FEC’)
17 the following functions of the Commission:

18 “(1) The adoption of voluntary voting system
19 guidelines, in accordance with part 3 of subtitle A
20 of title II.

21 “(2) The testing, certification, decertification,
22 and recertification of voting system hardware and
23 software by accredited laboratories, in accordance
24 with subtitle B of title II.

1 “(3) The maintenance of a clearinghouse of in-
2 formation on the experiences of State and local gov-
3 ernments in implementing voluntary voting system
4 guidelines and in operating voting systems in gen-
5 eral.

6 “(4) The development of a standardized format
7 for reports submitted by States under section 102(c)
8 of the Uniformed and Overseas Citizens Absentee
9 Voting Act, and the making of such format available
10 to States and units of local government submitting
11 such reports, in accordance with section 703(b).

12 “(5) Any functions transferred to the Commis-
13 sion under section 801 (relating to functions of the
14 former Office of Election Administration of the
15 FEC).

16 “(6) Any functions transferred to the Commis-
17 sion under section 802 (relating to functions de-
18 scribed in section 9(a) of the National Voter Reg-
19 istration Act of 1993).

20 “(7) Any functions of the Commission under
21 section 1604(a) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2002 (Public Law 107—
23 107; 115 Stat. 1277; 42 U.S.C. 1977ff note) (relat-
24 ing to establishing guidelines and providing technical

1 assistance with respect to electronic voting dem-
2 onstration projects of the Secretary of Defense).

3 “(8) Any functions of the Commission under
4 section 589(e)(1) of the Military and Overseas Voter
5 Empowerment Act (42 U.S.C. 1973ff—7(e)(1)) (re-
6 lating to providing technical assistance with respect
7 to technology pilot programs for the benefit of ab-
8 sent uniformed services voters and overseas voters).

9 **“SEC. 1012. EFFECTIVE DATE.**

10 “The transfers under this subtitle shall take effect
11 on the Commission termination date described in section
12 1004.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 of such Act is amended by adding at the end the following:

“TITLE X—TERMINATION OF COMMISSION

“Subtitle A—Termination

“Sec. 1001. Termination.

“Sec. 1002. Transfer of operations to Office of Management and Budget dur-
ing transition.

“Sec. 1003. Savings provisions.

“Sec. 1004. Commission termination date.

“Subtitle B—Transfer of Certain Authorities

“Sec. 1011. Transfer of election administration functions to Federal Election
Commission.

“Sec. 1012. Effective date.”.

1 **SEC. 3. REPLACEMENT OF STANDARDS BOARD AND BOARD**
2 **OF ADVISORS WITH GUIDELINES REVIEW**
3 **BOARD.**

4 (a) REPLACEMENT.—Part 2 of subtitle A of title II
5 of the Help America Vote Act of 2002 (42 U.S.C. 15341
6 et seq.) is amended to read as follows:

7 **“PART 2—GUIDELINES REVIEW BOARD**

8 **“SEC. 211. ESTABLISHMENT.**

9 “There is established the Guidelines Review Board
10 (hereafter in this part referred to as the ‘Board’).

11 **“SEC. 212. DUTIES.**

12 “The Board shall, in accordance with the procedures
13 described in part 3, review the voluntary voting system
14 guidelines under such part.

15 **“SEC. 213. MEMBERSHIP.**

16 “(a) IN GENERAL.—The Board shall be composed of
17 82 members appointed as follows:

18 “(1) One State or local election official from
19 each State, to be selected by the chief State election
20 official of the State, who shall take into account the
21 needs of both State and local election officials in
22 making the selection.

23 “(2) 2 members appointed by the National Con-
24 ference of State Legislatures.

25 “(3) 2 members appointed by the National As-
26 sociation of Secretaries of State.

1 “(4) 2 members appointed by the National As-
2 sociation of State Election Directors.

3 “(5) 2 members appointed by the National As-
4 sociation of County Recorders, Election Administra-
5 tors, and Clerks.

6 “(6) 2 members appointed by the Election Cen-
7 ter.

8 “(7) 2 members appointed by the International
9 Association of County Recorders, Election Officials,
10 and Treasurers.

11 “(8) 2 members appointed by the United States
12 Commission on Civil Rights.

13 “(9) 2 members appointed by the Architectural
14 and Transportation Barrier Compliance Board
15 under section 502 of the Rehabilitation Act of 1973
16 (29 U.S.C. 792).

17 “(10) The chief of the Voting Section of the
18 Civil Rights Division of the Department of Justice
19 or the chief’s designee.

20 “(11) The director of the Federal Voting As-
21 sistance Program of the Department of Defense.

22 “(12) The Director of the National Institute of
23 Standards and Technology or the Director’s des-
24 ignee.

1 “(13) 4 members representing professionals in
2 the field of science and technology, of whom—

3 “(A) one each shall be appointed by the
4 Speaker and the Minority Leader of the House
5 of Representatives; and

6 “(B) one each shall be appointed by the
7 Majority Leader and the Minority Leader of the
8 Senate.

9 “(14) 4 members representing voter interests,
10 of whom—

11 “(A) one each shall be appointed by the
12 chair and ranking minority member of the
13 Committee on House Administration of the
14 House of Representatives; and

15 “(B) one each shall be appointed by the
16 chair and ranking minority member of the
17 Committee on Rules and Administration of the
18 Senate.

19 “(b) MANNER OF APPOINTMENTS.—

20 “(1) IN GENERAL.—Appointments shall be
21 made to the Board under subsection (a) in a manner
22 which ensures that the Board will be bipartisan in
23 nature and will reflect the various geographic re-
24 gions of the United States.

1 “(2) SPECIAL RULE FOR CERTAIN APPOINT-
2 MENTS.—The 2 individuals who are appointed as
3 members of the Board under each of the paragraphs
4 (2) through (9) of subsection (a) may not be mem-
5 bers of the same political party.

6 “(c) TERM OF SERVICE; VACANCY.—Members of the
7 Board shall serve for a term of 2 years, and may be re-
8 appointed. Any vacancy in the Board shall be filled in the
9 manner in which the original appointment was made.

10 “(d) EXECUTIVE BOARD.—

11 “(1) IN GENERAL.—Not later than 60 days
12 after the day on which the appointment of its mem-
13 bers is completed, the Board shall select 9 of its
14 members to serve as the Executive Board of the
15 Guidelines Review Board, of whom—

16 “(A) not more than 5 may be State elec-
17 tion officials;

18 “(B) not more than 5 may be local election
19 officials; and

20 “(C) not more than 5 may be members of
21 the same political party.

22 “(2) TERMS.—Except as provided in paragraph
23 (3), members of the Executive Board of the Board
24 shall serve for a term of 2 years and may not serve
25 for more than 3 consecutive terms.

1 “(3) STAGGERING OF INITIAL TERMS.—Of the
2 members first selected to serve on the Executive
3 Board of the Board—

4 “(A) 3 shall serve for 1 term;

5 “(B) 3 shall serve for 2 consecutive terms;

6 and

7 “(C) 3 shall serve for 3 consecutive terms,
8 as determined by lot at the time the members are
9 first appointed.

10 “(4) DUTIES.—The Executive Board of the
11 Board shall carry out such duties of the Board as
12 the Board may delegate.

13 “(e) BYLAWS; DELEGATION OF AUTHORITY.—The
14 Board may promulgate such bylaws as it considers appro-
15 priate to provide for the operation of the Board, including
16 bylaws that permit the Executive Board to grant to any
17 of its members the authority to act on behalf of the Execu-
18 tive Board.

19 **“SEC. 214. POWERS; NO COMPENSATION FOR SERVICE.**

20 “(a) HEARINGS AND SESSIONS.—

21 “(1) IN GENERAL.—To the extent that funds
22 are made available by the Federal Election Commis-
23 sion, the Board may hold such hearings for the pur-
24 pose of carrying out this Act, sit and act at such
25 times and places, take such testimony, and receive

1 such evidence as the Board considers advisable to
2 carry out this title, except that the Board may not
3 issue subpoenas requiring the attendance and testi-
4 mony of witnesses or the production of any evidence.

5 “(2) MEETINGS.—The Board shall hold a meet-
6 ing of its members—

7 “(A) not less frequently than once every 2
8 years for purposes selecting the Executive
9 Board and voting on the voluntary voting sys-
10 tem guidelines referred to it under section 222;
11 and

12 “(B) at such other times as it considers
13 appropriate for purposes of conducting such
14 other business as it considers appropriate con-
15 sistent with this title.

16 “(b) INFORMATION FROM FEDERAL AGENCIES.—
17 The Board may secure directly from any Federal depart-
18 ment or agency such information as the Board considers
19 necessary to carry out this Act. Upon request of the Exec-
20 utive Board, the head of such department or agency shall
21 furnish such information to the Board.

22 “(c) POSTAL SERVICES.—The Board may use the
23 United States mails in the same manner and under the
24 same conditions as a department or agency of the Federal
25 Government.

1 “(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
2 the request of the Executive Board, the Administrator of
3 the General Services Administration shall provide to the
4 Board, on a reimbursable basis, the administrative sup-
5 port services that are necessary to enable the Board to
6 carry out its duties under this title.

7 “(e) NO COMPENSATION FOR SERVICE.—Members of
8 the Board shall not receive any compensation for their
9 service, but shall be paid travel expenses, including per
10 diem in lieu of subsistence, at rates authorized for employ-
11 ees of agencies under subchapter I of chapter 57 of title
12 5, United States Code, while away from their homes or
13 regular places of business in the performance of services
14 for the Board.

15 **“SEC. 215. STATUS OF BOARD AND MEMBERS FOR PUR-**
16 **POSES OF CLAIMS AGAINST BOARD.**

17 “(a) IN GENERAL.—The provisions of chapters 161
18 and 171 of title 28, United States Code, shall apply with
19 respect to the liability of the Board and its members for
20 acts or omissions performed pursuant to and in the course
21 of the duties and responsibilities of the Board.

22 “(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
23 WILLFUL CONDUCT.—Subsection (a) may not be con-
24 strued to limit personal liability for criminal acts or omis-
25 sions, willful or malicious misconduct, acts or omissions

1 for private gain, or any other act or omission outside the
2 scope of the service of a member of the Board.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) MEMBERSHIP ON TECHNICAL GUIDELINES
5 DEVELOPMENT COMMITTEE.—Section 221(c)(1) of
6 such Act (42 U.S.C. 15361(c)(1)) is amended—

7 (A) in subparagraph (A), by striking
8 clauses (i) and (ii) and inserting the following:

9 “(i) Members of the Guidelines Re-
10 view Board.”;

11 (B) by redesignating clause (iii) of sub-
12 paragraph (A) as clause (ii); and

13 (C) in subparagraph (D), by striking
14 “Standards Board or Board of Advisors” and
15 inserting “Guidelines Review Board”.

16 (2) CONSIDERATION OF PROPOSED GUIDE-
17 LINES.—Section 222(b) of such Act (42 U.S.C.
18 15362(b)) is amended—

19 (A) in the heading, by striking “BOARD OF
20 ADVISORS AND STANDARDS BOARD” and in-
21 serting “GUIDELINES REVIEW BOARD”; and

22 (B) by striking paragraphs (2) and (3) and
23 inserting the following:

24 “(2) GUIDELINES REVIEW BOARD.—The Execu-
25 tive Director of the Commission shall submit the

1 guidelines proposed to be adopted under this part
2 (or any modifications to such guidelines) to the
3 Guidelines Review Board.”.

4 (3) REVIEW OF PROPOSED GUIDELINES.—Sec-
5 tion 222(c) of such Act (42 U.S.C. 15362(c)) is
6 amended by striking “the Board of Advisors and the
7 Standards Board shall each review” and inserting
8 “the Guidelines Review Board shall review”.

9 (4) FINAL ADOPTION OF PROPOSED GUIDE-
10 LINES.—Section 222(d) of such Act (42 U.S.C.
11 15362(d)) is amended by striking “the Board of Ad-
12 visors and the Standards Board” each place it ap-
13 pears in paragraphs (1) and (2) and inserting “the
14 Guidelines Review Board”.

15 (5) ASSISTANCE WITH NIST REVIEW OF TEST-
16 ING LABORATORIES.—Section 231(c)(1) of such Act
17 (42 U.S.C. 15371(c)(1)) is amended by striking “the
18 Standards Board and the Board of Advisors” and
19 inserting “the Guidelines Review Board”.

20 (6) ASSISTING FEC WITH DEVELOPMENT OF
21 STANDARDIZED FORMAT FOR REPORTS ON ABSEN-
22 TEE BALLOTS OF ABSENT UNIFORMED SERVICES
23 AND OVERSEAS VOTERS.—Section 703(b) of such
24 Act (42 U.S.C. 1973ff—1 note) is amended by strik-
25 ing “the Election Assistance Commission Board of

1 Advisors and the Election Assistance Commission
2 Standards Board” and inserting “the Guidelines Re-
3 view Board”.

4 (c) CLERICAL AMENDMENT.—The table of contents
5 of such Act is amended by amending the item relating to
6 part 2 of subtitle A of title II to read as follows:

“PART 2—GUIDELINES REVIEW BOARD

“Sec. 211. Establishment.

“Sec. 212. Duties.

“Sec. 213. Membership.

“Sec. 214. Powers; no compensation for service.

“Sec. 215. Status of Board and members for purposes of claims against
Board.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the Commission termi-
9 nation date described in section 1004 of the Help America
10 Vote Act of 2002 (as added by section 1(a)).

11 **SEC. 4. SPECIAL REQUIREMENTS RELATING TO TRANSFER**
12 **OF CERTAIN AUTHORITIES TO FEDERAL**
13 **ELECTION COMMISSION.**

14 (a) DEVELOPMENT AND ADOPTION OF VOLUNTARY
15 VOTING SYSTEM GUIDELINES.—

16 (1) IN GENERAL.—Part 3 of subtitle A of title
17 II of the Help America Vote Act of 2002 (42 U.S.C.
18 15361 et seq.) is amended by adding at the end the
19 following new section:

1 **“SEC. 223. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**
2 **TION COMMISSION.**

3 “(a) TRANSFER.—Effective on the Commission ter-
4 mination date described in section 1004, the Federal Elec-
5 tion Commission (hereafter in this section referred to as
6 the ‘FEC’) shall be responsible for carrying out the duties
7 and functions of the Commission under this part.

8 “(b) ROLE OF EXECUTIVE DIRECTOR.—The FEC
9 shall carry out the operation and management of its duties
10 and functions under this part through the Office of the
11 Executive Director of the FEC.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents of such Act is amended by adding at the end
14 of the item relating to part 3 of subtitle A of title
15 II the following:

“Sec. 223. Transfer of authority to Federal Election Commission.”.

16 (b) TESTING, CERTIFICATION, DECERTIFICATION,
17 AND RECERTIFICATION OF VOTING SYSTEM HARDWARE
18 AND SOFTWARE.—

19 (1) IN GENERAL.—Subtitle B of title II of such
20 Act (42 U.S.C. 15371 et seq.) is amended by adding
21 at the end the following new section:

22 **“SEC. 232. TRANSFER OF AUTHORITY TO FEDERAL ELEC-**
23 **TION COMMISSION.**

24 “(a) TRANSFER.—

1 “(1) IN GENERAL.—Effective on the Commis-
2 sion termination date described in section 1004, the
3 Federal Election Commission (hereafter in this sec-
4 tion referred to as the ‘FEC’) shall be responsible
5 for carrying out the duties and functions of the
6 Commission under this subtitle.

7 “(2) ROLE OF EXECUTIVE DIRECTOR.—The
8 FEC shall carry out the operation and management
9 of its duties and functions under this subtitle
10 through the Office of the Executive Director of the
11 FEC.

12 “(b) TRANSFER OF OFFICE OF VOTING SYSTEM
13 TESTING AND CERTIFICATION.—

14 “(1) IN GENERAL.—There are transferred to
15 the FEC all functions that the Office of Voting Sys-
16 tem Testing and Certification of the Commission
17 (hereafter in this section referred to as the ‘Office’)
18 exercised under this subtitle before the Commission
19 termination date.

20 “(2) TRANSFER OF PROPERTY, RECORDS, AND
21 PERSONNEL.—

22 “(A) PROPERTY AND RECORDS.—The con-
23 tracts, liabilities, records, property, appropria-
24 tions, and other assets and interests of the Of-
25 fice, together with the unexpended balances of

1 any appropriations or other funds available to
2 the Office, are transferred and made available
3 to the FEC.

4 “(B) PERSONNEL.—

5 “(i) IN GENERAL.—The personnel of
6 the Office are transferred to the FEC, ex-
7 cept that the number of full-time equiva-
8 lent personnel so transferred may not ex-
9 ceed the number of full-time equivalent
10 personnel of the Office as of January 1,
11 2011.

12 “(ii) TREATMENT OF EMPLOYEES AT
13 TIME OF TRANSFER.—An individual who is
14 an employee of the Office who is trans-
15 ferred under this section shall not be sepa-
16 rated or reduced in grade or compensation
17 because of the transfer during the 1-year
18 period that begins on the date of the trans-
19 fer.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents of such Act is amended by adding at the end
22 of the items relating to subtitle B of title II the fol-
23 lowing:

“Sec. 232. Transfer of authority to Federal Election Commission.”.

24 (c) DEVELOPMENT OF STANDARDIZED FORMAT FOR
25 REPORTS ON ABSENTEE BALLOTING BY ABSENT UNI-

1 FORMED SERVICES VOTERS AND OVERSEAS VOTERS.—
2 Section 703(b) of such Act (42 U.S.C. 1973ff—1 note)
3 is amended by adding at the end the following: “Effective
4 on the Commission termination date described in section
5 1004, the Federal Election Commission shall be respon-
6 sible for carrying out the duties and functions of the Com-
7 mission under this subsection.”.

8 **SEC. 5. CONFORMING AMENDMENTS TO OTHER LAWS.**

9 (a) FEDERAL ELECTION CAMPAIGN ACT OF 1971.—

10 (1) DUTIES OF FEC.—Section 311(a) of the
11 Federal Election Campaign Act of 1971 (2 U.S.C.
12 438(a)) is amended—

13 (A) by striking “and” at the end of para-
14 graph (8);

15 (B) by striking the period at the end of
16 paragraph (9) and inserting a semicolon; and

17 (C) by adding at the end the following new
18 paragraphs:

19 “(10) provide for the adoption of voluntary vot-
20 ing system guidelines, in accordance with part 3 of
21 subtitle A of title II of the Help America Vote Act
22 of 2002 (42 U.S.C. 15361 et seq.);

23 “(11) provide for the testing, certification, de-
24 certification, and recertification of voting system
25 hardware and software by accredited laboratories, in

1 accordance with subtitle B of title II of the Help
2 America Vote Act of 2002 (42 U.S.C. 15371 et
3 seq.);

4 “(12) maintain a clearinghouse of information
5 on the experiences of State and local governments in
6 implementing voluntary voting system guidelines and
7 in operating voting systems in general;

8 “(13) carry out the duties described in section
9 9(a) of the National Voter Registration Act of 1993;

10 “(14) develop a standardized format for reports
11 submitted by States under section 102(c) of the Uni-
12 formed and Overseas Citizens Absentee Voting Act,
13 make such format available to States and units of
14 local government submitting such reports, and re-
15 ceive such reports in accordance with section 102(c)
16 of such Act, in accordance with section 703(b) of the
17 Help America Vote Act of 2002;

18 “(15) carry out the duties described in section
19 1604(a)(2) of the National Defense Authorization
20 Act for Fiscal Year 2002 (Public Law 107—107;
21 115 Stat. 1277; 42 U.S.C. 1977ff note); and

22 “(16) carry out the duties described in section
23 589(e)(1) of the Military and Overseas Voter Em-
24 powerment Act (42 U.S.C. 1973ff—7(e)(1)).”.

1 (2) AUTHORIZATION TO ENTER INTO PRIVATE
2 CONTRACTS TO CARRY OUT FUNCTIONS.—Section
3 311 of such Act (2 U.S.C. 438) is amended by add-
4 ing at the end the following new subsection:

5 “(g) Subject to applicable laws, the Commission may
6 enter into contracts with private entities to carry out any
7 of the authorities that are the responsibility of the Com-
8 mission under paragraphs (10) through (16) of subsection
9 (a).”.

10 (3) LIMITATION ON AUTHORITY TO IMPOSE RE-
11 QUIREMENTS ON STATES AND UNITS OF LOCAL GOV-
12 ERNMENT.—Section 311 of such Act (2 U.S.C.
13 438), as amended by paragraph (2), is further
14 amended by adding at the end the following new
15 subsection:

16 “(h) Nothing in paragraphs (10) through (16) of sub-
17 section (a) or any other provision of this Act shall be con-
18 strued to grant the Commission the authority to issue any
19 rule, promulgate any regulation, or take any other actions
20 that imposes any requirement on any State or unit of local
21 government, except to the extent that the Commission had
22 such authority prior to the enactment of this subsection
23 or to the extent permitted under section 9(a) of the Na-
24 tional Voter Registration Act of 1993 (42 U.S.C.
25 1973gg—7(a)).”.

1 (b) NATIONAL VOTER REGISTRATION ACT OF
2 1993.—Section 9(a) of the National Voter Registration
3 Act of 1993 (42 U.S.C. 1973gg—7(a)) is amended by
4 striking “Election Assistance Commission” and inserting
5 “Federal Election Commission”.

6 (c) UNIFORMED AND OVERSEAS CITIZENS ABSEN-
7 TEE VOTING ACT.—

8 (1) DEVELOPMENT OF STANDARDS FOR STATE
9 REPORTS.—Section 101(b)(11) of the Uniformed
10 and Overseas Citizens Absentee Voting Act (42
11 U.S.C. 1973ff(b)(11)) is amended by striking “the
12 Election Assistance Commission” and inserting “the
13 Federal Election Commission”.

14 (2) RECEIPT OF REPORTS ON NUMBER OF AB-
15 SENTEE BALLOTS TRANSMITTED AND RECEIVED.—
16 Section 102(c) of such Act (42 U.S.C. 1973ff—1(c))
17 is amended by striking “the Election Assistance
18 Commission (established under the Help America
19 Vote Act of 2002)” and inserting “the Federal Elec-
20 tion Commission”.

21 (d) ELECTRONIC VOTING DEMONSTRATION
22 PROJECTS FOR SECRETARY OF DEFENSE.—Section
23 1604(a)(2) of the National Defense Authorization Act for
24 Fiscal Year 2002 (Public Law 107—107; 115 Stat. 1277;
25 42 U.S.C. 1977ff note) is amended by striking “the Elec-

1 tion Assistance Commission” and inserting “the Federal
2 Election Commission”.

3 (e) TECHNOLOGY PILOT PROGRAM FOR ABSENT
4 MILITARY AND OVERSEAS VOTERS.—Section 589(e)(1) of
5 the Military and Overseas Voter Empowerment Act (42
6 U.S.C. 1973ff—7(e)(1)) is amended by striking “Election
7 Assistance Commission” and inserting “Federal Election
8 Commission”.

9 (f) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the Commission termi-
11 nation date described in section 1004 of the Help America
12 Vote Act of 2002 (as added by section 1(a)).

13 **SEC. 6. OTHER CONFORMING AMENDMENTS RELATING TO**
14 **TERMINATION.**

15 (a) HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title
16 5, United States Code, is amended by striking “or the
17 Election Assistance Commission”.

18 (b) SENIOR EXECUTIVE SERVICE.—Section
19 3132(a)(1)(C) of title 5, United States Code, is amended
20 by striking “or the Election Assistance Commission”.

21 (c) INSPECTOR GENERAL ACT OF 1978.—Section
22 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C.
23 App.) is amended by striking “the Election Assistance
24 Commission,”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the Commission termi-
3 nation date described in section 1004 of the Help America
4 Vote Act of 2002 (as added by section 1(a)).

5 **SEC. 7. STUDIES.**

6 (a) PROCEDURES FOR ADOPTION AND MODIFICATION
7 OF VOLUNTARY VOTING SYSTEM GUIDELINES.—

8 (1) STUDY.—The Comptroller General shall
9 conduct a study of the procedures used to adopt and
10 modify the voluntary voting system guidelines appli-
11 cable to the administration of elections for Federal
12 office, and shall develop recommendations on meth-
13 ods to improve such procedures, taking into account
14 the needs of persons affected by such guidelines, in-
15 cluding State and local election officials, voters with
16 disabilities, absent military and overseas voters, and
17 the manufacturers of voting systems.

18 (2) REPORT.—Not later than 2 years after the
19 date of the enactment of this Act, the Comptroller
20 General shall submit a report to Congress on the
21 study conducted under paragraph (1), and shall in-
22 clude in the report the recommendations developed
23 under such paragraph.

24 (b) PROCEDURES FOR VOTING SYSTEM TESTING AND
25 CERTIFICATION.—

1 (1) STUDY.—The Federal Election Commission
2 shall conduct a study of the procedures for the test-
3 ing, certification, decertification, and recertification
4 of voting system hardware and software used in elec-
5 tions for Federal office, and shall develop a rec-
6 ommendation on the entity that is best suited to
7 oversee and carry out such procedures, taking into
8 consideration the needs of persons affected by such
9 procedures, including State and local election offi-
10 cials, voters with disabilities, absent military and
11 overseas voters, and the manufacturers of voting
12 systems.

13 (2) REPORT.—Not later than 2 years after the
14 date of the enactment of this Act, the Federal Elec-
15 tion Commission shall submit a report to Congress
16 on the study conducted under paragraph (1), and
17 shall include in the report the recommendation de-
18 veloped under such paragraph.

