

S 565

Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Mar 19, 2001

Current Status: Returned to the Calendar. Calendar No. 239.

Latest Action: Returned to the Calendar. Calendar No. 239. (Apr 11, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/565>

Sponsor

Name: Sen. Dodd, Christopher J. [D-CT]

Party: Democratic • **State:** CT • **Chamber:** Senate

Cosponsors (50 total)

| Cosponsor | Party / State | Role | Date Joined |
|--------------------------------------|----------------------|-------------|--------------------|
| Sen. Daschle, Thomas A. [D-SD] | D · SD | | Mar 19, 2001 |
| Sen. Dayton, Mark [D-MN] | D · MN | | Mar 19, 2001 |
| Sen. Inouye, Daniel K. [D-HI] | D · HI | | Mar 19, 2001 |
| Sen. Kennedy, Edward M. [D-MA] | D · MA | | Mar 19, 2001 |
| Sen. Kerry, John F. [D-MA] | D · MA | | Mar 19, 2001 |
| Sen. Corzine, Jon S. [D-NJ] | D · NJ | | Mar 27, 2001 |
| Sen. Akaka, Daniel K. [D-HI] | D · HI | | May 17, 2001 |
| Sen. Baucus, Max [D-MT] | D · MT | | May 17, 2001 |
| Sen. Bayh, Evan [D-IN] | D · IN | | May 17, 2001 |
| Sen. Biden, Joseph R., Jr. [D-DE] | D · DE | | May 17, 2001 |
| Sen. Bingaman, Jeff [D-NM] | D · NM | | May 17, 2001 |
| Sen. Boxer, Barbara [D-CA] | D · CA | | May 17, 2001 |
| Sen. Cantwell, Maria [D-WA] | D · WA | | May 17, 2001 |
| Sen. Carnahan, Jean [D-MO] | D · MO | | May 17, 2001 |
| Sen. Clinton, Hillary Rodham [D-NY] | D · NY | | May 17, 2001 |
| Sen. Dorgan, Byron L. [D-ND] | D · ND | | May 17, 2001 |
| Sen. Durbin, Richard J. [D-IL] | D · IL | | May 17, 2001 |
| Sen. Edwards, John [D-NC] | D · NC | | May 17, 2001 |
| Sen. Feingold, Russell D. [D-WI] | D · WI | | May 17, 2001 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | May 17, 2001 |
| Sen. Graham, Bob [D-FL] | D · FL | | May 17, 2001 |
| Sen. Harkin, Tom [D-IA] | D · IA | | May 17, 2001 |
| Sen. Hollings, Ernest F. [D-SC] | D · SC | | May 17, 2001 |
| Sen. Johnson, Tim [D-SD] | D · SD | | May 17, 2001 |
| Sen. Landrieu, Mary L. [D-LA] | D · LA | | May 17, 2001 |
| Sen. Leahy, Patrick J. [D-VT] | D · VT | | May 17, 2001 |
| Sen. Levin, Carl [D-MI] | D · MI | | May 17, 2001 |
| Sen. Lieberman, Joseph I. [D-CT] | D · CT | | May 17, 2001 |
| Sen. Lincoln, Blanche L. [D-AR] | D · AR | | May 17, 2001 |
| Sen. Mikulski, Barbara A. [D-MD] | D · MD | | May 17, 2001 |
| Sen. Miller, Zell [D-GA] | D · GA | | May 17, 2001 |
| Sen. Murray, Patty [D-WA] | D · WA | | May 17, 2001 |
| Sen. Nelson, Ben [D-NE] | D · NE | | May 17, 2001 |
| Sen. Nelson, Bill [D-FL] | D · FL | | May 17, 2001 |
| Sen. Reed, Jack [D-RI] | D · RI | | May 17, 2001 |
| Sen. Reid, Harry [D-NV] | D · NV | | May 17, 2001 |
| Sen. Rockefeller, John D., IV [D-WV] | D · WV | | May 17, 2001 |
| Sen. Sarbanes, Paul S. [D-MD] | D · MD | | May 17, 2001 |
| Sen. Stabenow, Debbie [D-MI] | D · MI | | May 17, 2001 |
| Sen. Torricelli, Robert G. [D-NJ] | D · NJ | | May 17, 2001 |
| Sen. Wellstone, Paul D. [D-MN] | D · MN | | May 17, 2001 |

| Cosponsor | Party / State | Role | Date Joined |
|---------------------------------|---------------|------|--------------|
| Sen. Wyden, Ron [D-OR] | D · OR | | May 17, 2001 |
| Sen. Breaux, John B. [D-LA] | D · LA | | May 22, 2001 |
| Sen. Byrd, Robert C. [D-WV] | D · WV | | May 22, 2001 |
| Sen. Carper, Thomas R. [D-DE] | D · DE | | May 22, 2001 |
| Sen. Cleland, Max [D-GA] | D · GA | | May 22, 2001 |
| Sen. Conrad, Kent [D-ND] | D · ND | | May 22, 2001 |
| Sen. Kohl, Herb [D-WI] | D · WI | | May 22, 2001 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | May 22, 2001 |
| Sen. Jeffords, James M. [I-VT] | I · VT | | Jul 19, 2001 |

Committee Activity

| Committee | Chamber | Activity | Date |
|------------------------------------|---------|-------------|--------------|
| Rules and Administration Committee | Senate | Reported By | Nov 28, 2001 |

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

| Bill | Relationship | Last Action |
|-------------|----------------------|---|
| 107 HR 3295 | Procedurally related | Oct 29, 2002: Became Public Law No: 107-252. |

Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 - **Title I: Uniform and Nondiscriminatory Election Technology and Administration Requirements** - Requires each voting system used in an Federal election (with specified exceptions) to: (1) permit the voter to verify his or her votes on the ballot before the ballot is cast and counted; and (2) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error). Provides that, if the voter selects votes for more than one candidate for a single office, the voting system must: (1) notify the voter that he or she has selected more than one candidate for a single office on the ballot; (2) notify him or her before the ballot is cast and counted of the effect of casting multiple votes for the office; and (3) provide the opportunity to correct the ballot before the ballot is cast and counted.

(Sec. 101) Allows a State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots) to meet the requirements of this title by: (1) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and (2) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error). Requires the voting system to ensure that any required notification preserves the privacy of the voter and the confidentiality of the ballot.

Requires the voting system to: (1) produce a permanent paper record with a manual audit capacity; and (2) provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced. Requires the printed record produced to be available as an official record for any recount conducted with respect to any Federal election in which the system is used.

Requires the voting system to: (1) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; (2) satisfy such requirement through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and (3) meet the voting system standards for disability access if purchased with funds made available under title II of this Act on or after January 1, 2007.

Outlines requirements for voting system alternative language accessibility.

Prohibits the error rate of the voting system in counting ballots from exceeding the error rate standards established under the voting system standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (FEC).

(Sec. 102) Provides that, if an individual declares that he or she is a registered voter in the jurisdiction in which he or she desires and is eligible to vote in a Federal election, but the individual's name does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot according to specified procedures.

Requires the appropriate State or local election official to cause voting information to be publicly posted at each polling place on the day of each Federal election.

Limits to the casting of a provisional ballot only any individual who votes in a Federal election for any reason, including a

Federal or State court order, after the time set for poll closing by a State law in effect ten days before the election.

(Sec. 103) Requires each State, acting through the chief State election official, to implement an interactive computerized statewide voter registration list that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each one (computerized list). Exempts from such requirement a State in which, under a State law in effect continuously on and after the date of enactment of this Act, there is no voter registration requirement for individuals in the State with respect to Federal elections. Requires: (1) the computerized list to be accessible to each State and local election official in the State; (2) the appropriate State or local election official to perform list maintenance with respect to the computerized list on a regular basis; and (3) with certain exceptions, the Commissioner of Social Security to provide, upon request from a State or locality maintaining an interactive computerized statewide voter registration list, only such information as is necessary to determine the eligibility of an individual to vote under State law. States that any State or locality that receives such information may only share it with election officials.

Prescribes requirements a State shall impose for voting in person or by mail if: (1) the individual is registered to vote in a jurisdiction but has not previously voted in a Federal election in the State; or (2) the individual has not previously voted in such an election in the jurisdiction, and the jurisdiction is located in a State that does not have a computerized list complying with the requirements of this title. Allows an individual who desires to vote in person or by mail, but who does not meet the necessary requirements, to cast a provisional ballot. Requires mail-in voter registration forms to include specific questions pertaining to citizenship and age, boxes for the applicant to check, and a statement telling the applicant not to complete the form if the applicant checked "no" in response to either question.

(Sec. 104) Authorizes the Attorney General, acting through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, to bring a civil action in an appropriate district court for declaratory or injunctive relief to carry out this title.

(Sec. 105) States that the requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing stricter election technology and administrative requirements, so long as they are not inconsistent with these.

Title II: Grant Programs - Subtitle A: Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program - Establishes a Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under which the Attorney General may make grants to approved applicant States and localities to pay the costs of: (1) implementing voting system standards; (2) providing for provisional voting; and (3) establishing a computerized statewide voter registration list.

(Sec. 207) Outlines requirements for audits and examinations of States and localities.

(Sec. 209) Authorizes appropriations.

Subtitle B: Federal Election Reform Incentive Grant Program - Establishes a Federal Election Reform Incentive Grant Program under which the Attorney General may make grants to approved applicant States and localities to pay the Federal share of the costs to: (1) improve, acquire, lease, modify, or replace voting systems and technology, and improve the accessibility of polling places; (2) implement new election administration procedures to increase voter participation and reduce disenfranchisement, such as "same-day" voter registration procedures; (3) educate voters concerning voting procedures, voting rights or voting technology, and train election personnel; (4) implement new election administration procedures such as requiring individuals to present identification at the polls and programs to identify, to deter, and to investigate voting fraud and refer allegations of voting fraud to the appropriate authority; (5) meet the requirements of

current Federal election law; and (6) establish toll-free telephone hotlines for voter reporting of possible voting fraud and voting rights violations and general election information.

(Sec. 216) Outlines requirements for audits and examinations of States and localities.

(Sec. 218) Authorizes appropriations for FY 2002.

Subtitle C: Federal Election Accessibility Grant Program - Establishes a Federal Election Accessibility Grant Program under which the Attorney General may make grants to approved applicant States and localities to pay the Federal share of the costs to: (1) make polling places accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters; and (2) provide individuals with disabilities and the other described individuals with information about the accessibility of polling places.

(Sec. 226) Outlines requirements for audits and examinations of States and localities.

(Sec. 228) Authorizes appropriations for FY 2002.

Subtitle D: National Student/Parent Mock Election - Authorizes the Election Administration Commission (EAC) to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Authorizes appropriations through FY 2008.

Title III: Administration - Subtitle A: Election Administration Commission - Establishes the Election Administration Commission (EAC) as an independent establishment to: (1) serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to Federal elections; (2) carry out specified requirements of the National Voter Registration Act of 1993; (3) make Federal election system information available to the public and media; (4) compile and make available to the public the official certified results of Federal elections and statistics regarding national voter registration and turnout; (5) establish an Internet website to facilitate public access, public comment, and public participation in the activities of the Commission, and make all information on such website available in print; (6) conduct a specified study on first time voters who register by mail; and (7) administer the voting systems standards, the provisional voting requirements, computerized statewide voter registration list requirements, requirements for voters who register by mail under title I of this Act, and the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program, the Federal Election Reform Incentive Grant Program, and the Federal Election Accessibility Grant Program under title II of this Act. Authorizes appropriations.

Subtitle B: Transition Provisions - Transfers to the EAC various specified functions of the FEC, as well as various referenced functions of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice within this Act, and other specified officials and entities.

(Sec. 315) Covers EAC personnel under the Hatch Act Reform Amendments of 1993 and the Inspector General Act of 1978, but excludes them from the Senior Executive Service.

Subtitle C: Advisory Committee on Electronic Voting and the Electoral Process - Establishes the Advisory Committee on Electronic Voting and the Electoral Process to study and report to Congress and the EAC on issues and challenges, especially the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

Title IV: Uniformed Services Election Reform - Amends the Uniformed and Overseas Citizens Absentee Voting Act, as

amended by the National Defense Authorization Act for Fiscal Year 2002, to prohibit a State from refusing to count a ballot submitted in a Federal election by an absent uniformed services voter solely on the grounds: (1) that the ballot lacked a notarized witness signature, an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186'), a postmark if there are any other indicia that the vote was cast in a timely manner, or an overseas postmark; or (2) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

(Sec. 402) Makes other changes to such Act to: (1) increase the access to the polls of uniformed services voters and recently separated uniformed services voters; and (2) prohibit a State from refusing to accept or process, with respect to any Federal election, any otherwise valid voter registration application or absentee ballot application submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such an application by absentee voters who are not members of the uniformed services.

(Sec. 404) Directs the Secretary of Defense, as part of any voting assistance program conducted by the Secretary, to distribute to each State enough copies of the Federal military voting laws so that the State is able to distribute a copy to each jurisdiction of the State.

(Sec. 406) Directs the EAC to study and report to Congress on the feasibility and advisability of providing for permanent registration of overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, as amended by the National Defense Authorization Act for Fiscal Year 2002 and this title.

Requires each State to designate a single office responsible for providing Federal election voter registration and absentee ballot procedure information to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

Requires the EAC to study and report to Congress on the feasibility and advisability of making such State office responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots from each absent uniformed services voter or overseas voter who wishes to so register or vote.

(Sec. 407) Requires each State and local government, within 120 days of each regularly scheduled general Federal election, to report to the EAC and the general public on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election, and the number that were returned by such voters and cast in the election.

Requires the EAC to develop a standardized format for such reports.

(Sec. 408) Requires a State, with respect to each absent uniformed services voter and each overseas voter whose voter registration application or absentee ballot request is rejected, to provide the voter with the reasons why.

(Sec. 409) Directs the EAC to study and report to Congress on the feasibility and advisability of: (1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and (2) requiring any State that requires an oath or affirmation to accompany any such document to use the standard oath.

(Sec. 410) Directs the EAC to study and report to Congress on the feasibility and advisability of prohibiting a State from

refusing to accept any voter registration application, absentee ballot, request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

Title V: Criminal Penalties; Miscellaneous - Requires the Attorney General to review and report to Congress on existing criminal statutes concerning election offenses to determine whether additional statutory offenses are needed to secure the use of the Internet for election purposes, and whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(Sec. 502) Establishes criminal penalties for conspiracy to deprive voters of a fair election and for knowingly making a false statement with respect to naturalization, citizenry, or alien registry.

(Sec. 503) Amends title II (Old Age, Survivors and Disability Insurance) (OASDI) of the Social Security Act (SSA) to permit State and local governments to use social security numbers for voter registration and election administration.

(Sec. 504) Amends Federal armed forces law, as amended by the National Defense Authorization Act for Fiscal Year 2002, to: (1) direct the Secretary of Defense to ensure that voting materials are transmitted expeditiously by military postal authorities at all times; (2) direct the Secretary to implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States; (3) direct the Secretary to ensure that the measures implemented do not result in the delivery of absentee ballots to their final destination after the date of the Federal election; (4) direct the Secretary of each military department to provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials; (5) require each State to permit absent uniformed services voters to use absentee registration procedures and vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and (6) accept and process, with respect to any such election, any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.

(Sec. 506) Expresses the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

(Sec. 507) Directs the EAC to study and report to Congress on the feasibility and advisability of a program of the FEC and the Postal Service under which the Postal Service must waive the amount of postage applicable with respect to absentee ballots submitted by voters in general Federal elections that does not apply with respect to the postage required to send the absentee ballots to voters.

(Sec. 508) Directs the EAC to develop a Help America Vote College Program to: (1) encourage students enrolled at institutions of higher education to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and (2) encourage State and local governments to use the services of the students participating in the Program. Authorizes appropriations.

(Sec. 510) Expresses the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

(Sec. 511) Requires the EAC to report to Congress on the advisability of establishing an election day holiday, including options for holding Federal elections on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours.

(Sec. 512) Expresses the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

(Sec. 513) Directs the EAC to report to Congress on issues regarding the broadcasting or transmitting by cable of Federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

(Sec. 514) Expresses the sense of the Senate that: (1) the provisions of this Act shall not prohibit States from using curbside voting as a last resort to satisfy the voter accessibility requirements of title I of this Act; (2) the provisions of this Act permit States to use Federal funds to purchase new voting machines and to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements of title I of this Act; (3) nothing in this Act requires States to replace existing voting machines; (4) nothing under title I specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and (5) the EAC, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

Actions Timeline

- **Apr 11, 2002:** Considered by Senate. (consideration: CR S2516-2554)
- **Apr 11, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 99 - 1. Record Vote Number: 65.
- **Apr 11, 2002:** Passed Senate with an amendment and an amendment to the Title by Yea-Nay Vote. 99 - 1. Record Vote Number: 65.
- **Apr 11, 2002:** Senate incorporated this measure in HR 3295 as an amendment.
- **Apr 11, 2002:** Senate vitiated previous passage.
- **Apr 11, 2002:** Returned to the Calendar. Calendar No. 239.
- **Apr 10, 2002:** Considered by Senate. (consideration: CR S2465, S2466-2477)
- **Mar 4, 2002:** Considered by Senate. (consideration: CR S1414-1417)
- **Mar 4, 2002:** Cloture on the bill, upon reconsideration, not invoked in Senate by Yea-Nay Vote. 51 - 44. Record Vote Number: 40.
- **Mar 1, 2002:** Considered by Senate. (consideration: CR S1379-1387)
- **Mar 1, 2002:** Cloture not invoked in Senate by Yea-Nay Vote. 49 - 39. Record Vote Number: 39.
- **Mar 1, 2002:** Motion by Senator Daschle to reconsider the vote by which the motion to invoke cloture on S.565 was not agreed to (Roll Call No. 39) entered in Senate.
- **Mar 1, 2002:** Motion to proceed to consideration of the motion to reconsider the vote by which the motion to invoke cloture on S. 565 (Roll Call No. 39) was not agreed to agreed to in Senate by Unanimous Consent.
- **Mar 1, 2002:** Motion by Senator Daschle to reconsider the vote by which the motion to invoke cloture on S. 565 was not agreed to (Roll Call No. 39) agreed to in Senate.
- **Feb 27, 2002:** Considered by Senate. (consideration: CR S1223-1232, S1241)
- **Feb 27, 2002:** Cloture motion on the bill presented in Senate.
- **Feb 26, 2002:** Considered by Senate. (consideration: CR S1142-1149, S1166-1196)
- **Feb 25, 2002:** Considered by Senate. (consideration: CR S987-991, S993-994)
- **Feb 15, 2002:** Considered by Senate. (consideration: CR S879-881, S975)
- **Feb 14, 2002:** Considered by Senate. (consideration: CR S797-830, S832-835, S836-840)
- **Feb 13, 2002:** Measure laid before Senate. (consideration: CR S709-729)
- **Nov 28, 2001:** Committee on Rules and Administration. Reported by Senator Dodd without amendment. Without written report.
- **Nov 28, 2001:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 239.
- **Aug 3, 2001:** Sponsor introductory remarks on measure. (CR S8876-8878)
- **Aug 2, 2001:** Committee on Rules and Administration. Ordered to be reported without amendment favorably.
- **Mar 19, 2001:** Introduced in Senate
- **Mar 19, 2001:** Sponsor introductory remarks on measure. (CR S2475-2477)
- **Mar 19, 2001:** Read twice and referred to the Committee on Rules and Administration.

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