

public assistance offices, State unemployment offices, or programs primarily engaged in providing services to persons with disabilities, as well as at private offices and locations in areas of low registration, are more likely to reach these eligible citizens, who are likely to have contact with a number of these agencies. Currently, most registration systems make it difficult for the low income citizen to qualify to participate in our nation's elections. Agency voter registration programs provide an institutional solution to the problem of unequal access to the voting booth.

Agency-based registration on a year-round basis may also indirectly minimize the necessity for periodic, large scale purges of voter registration lists by election registrars. With an effective agency-based registration system, voters would have the opportunity not only to register, but also to update their registrations each time they sought services at the government agency. Persons who receive social services—welfare, unemployment checks—must keep their addresses up-to-date in order to receive the benefit. Similarly, public housing recipients must keep their address information up-to-date. Like the motor-voter program, any application for renewal, recertification, or change of address would serve as an update for that person's registration to vote unless the applicant declines in writing.

The bill has a broad scope with regard to agency-based registration for persons with disabilities. As noted by a number of organizations representing the disabled community, particularly Disabled AND Able to Vote, there is no one agency which provides services to all, or even a large percentage of the disabled population. Vocational rehabilitation services, for example, reach no more than one disabled person out of 15 at any one time during their entire life. Independent living centers are overwhelmingly located in large cities and do not serve those persons with disabilities who live in suburbs, small towns, or rural areas. Thirty-seven percent of all persons with disabilities acquire the disability after the age of 55. As a result, employment, education and training programs rarely provide services to these individuals. In order to access this isolated population, it is essential that as many locations as possible which provide services to disabled Americans offer voter registration services: by making forms available, providing assistance with filling out the forms, and collecting and forwarding the registration forms to the appropriate election official.

Because many of these services may be offered by home visits, the bill includes a provision which requires that any agency which provides services to persons with disabilities at the person's home must provide the same degree of assistance for voter registration in the home as an agency provides in the office.

Concerns have also been expressed that the agency-based registration programs risk various forms of intimidation of the public. However, this bill explicitly prohibits those engaged in registering voters from seeking to influence an applicant's political preference or party registration, displaying any political preference or party affiliation, or making any statement to an applicant the purpose of which is to discourage the applicant from voting. Agency personnel are also prohibited from intimidating a person to register who does not want to register, for fear of not receiving benefits. Moreover,

under the criminal penalties section of the bill, it is a Federal offense to intimidate any person who attempts to register to vote. The Committee believes that these provisions are a sufficient deterrent to any person who would seek to intimidate any person who is entitled to register through the agency-based registration program, or any other registration program established by this bill or any other law.

Like the motor-voter provisions of the bill, the Committee is aware that some concern has been expressed that this provision of the bill transfers voting registration authority from State voting registrars to agencies. That is not the intent of this bill. This bill provides only that the role of the agency-based registration program is to provide forms to applicants and receive completed voter applications for transmittal to the appropriate State voting registration official. It is the voter registration official who determines whether or not to accept the application and place the name on the voting roll for the appropriate voting jurisdiction. The bill requires that the appropriate voting registration office notify each applicant of the disposition of the application. There is no provision in this bill which would require or suggest that determination be made by anyone other than the appropriate voting registrar under State law.

In addition, this bill does not give any authority to the agencies with regard to the design of the voting registration application form. In fact, the bill encourages agencies to incorporate their forms to provide one form for the applicant, as an application for services and voter registration. Ideally, the agency-based program would work efficiently if one form were created. In that instance, some cooperation would be required to integrate the two application forms to be processed by the agencies. The bill leaves it to State law as to the officer who is responsible for the design, layout and contents of the voting registration application form, subject to the requirements of this bill.

IV. VOTING LIST CONFIRMATION PROCEDURES AND STANDARDS

One of the purposes of this bill is to ensure that once a citizen is registered to vote, he or she should remain on the voting list so long as he or she remains eligible to vote in that jurisdiction. The Committee recognizes that while voting is a right, people have an equal right not to vote, for whatever reason. However, many States continue to penalize such non-voters by removing their names from the voter registration rolls merely because they have failed to cast a ballot in a recent election. Such citizens may not have moved or died or committed a felony. Their only "crime" was not to have voted in a recent election. As the Reverend Jesse Jackson stated during the House hearings on voter registration reform in the 101st Congress: "No other rights guaranteed to citizens are bound by the constant exercise of that right. We do not lose our right to free speech because we do not speak out on every issue."

While most States use the procedure of removal for non-voting merely as an inexpensive method for eliminating persons believed to have moved or died, many persons may be removed from the election rolls merely for exercising their right not to vote, a prac-

reach activity, such as the mailing of list verification notices or conducting a canvass, must be concluded not later than 90 days before an election, however, this would not prevent a State from making the appropriate changes to the official lists pursuant to the Act during the 90 day pre-election period.

A State or local subdivision may satisfy this requirement by using the National Change of Address program available through licensees of the U.S. Postal Service. The Committee strongly encourages all States to implement the NCOA program, which is efficient, is cost-effective once the start-up computerization expenses are absorbed, and properly implemented, is uniform and objective. Jurisdictions which choose not to use the NCOA program should implement another reasonable program which is designed to meet the requirements of the bill, *i.e.* that it be uniform, non-discriminatory and in conformance with the Voting Rights Act of 1965.

If in the course of using the NCOA program, it is determined that a voter has changed addresses within the jurisdiction of the same voting registrar, the registrar is directed to make the change on the official list of eligible voters and notify the voter of the change by sending a notice of the change by forwardable mail with a postage pre-paid return card for the registrar to verify or correct the information.

The Act allows the removal of a person's name from the official list by reason of a change of residence outside the jurisdiction of the registrar, only if the voter notifies the registrar of such a change or has failed to respond to a notice sent by the registrar and has failed to vote or appear to vote in two Federal general elections following date of the notice.⁵ Under this notice requirement, the notice must be sent by forwardable mail, with a return postage prepaid and preaddressed card, on which the registrar may state his or her current address. This mailing must include a notice to the registrar that if he or she has not changed residence, or changed residence within the jurisdiction of the registrar, that the card should be returned no later than the time period provided for registration by mail. Further, if the card is not returned, confirmation or attestation may be required before the registrar is permitted to vote in the Federal election during the period between the date of the notice and ending after the second general election for Federal office that occurs after the date of the notice. If the registrar does not vote or appear to vote, his or her name will be removed from the list of eligible voters. This mailing must also give information to the registrar concerning how the registrar can continue to vote if he or she has moved outside the jurisdiction of the registrar. A voting registrar shall correct the roll based on information obtained through this program.

As previously noted, one of the guiding principles of this legislation to ensure that once registered, a voter remains on the rolls so long as he or she is eligible to vote in that jurisdiction. Thus, when a registrar fails to return a card to the voting registrar, the voter must be permitted to vote if he or she appears at the polls within

⁵ A "request" by a registrar would include actions that result in the registrar being registered at a new address such as registering in another jurisdiction or providing a change of address notice through the drivers license process that updates the voter registration.

tice which some believe tends to disproportionately affect persons of low incomes, and blacks and other minorities.

Such purging for non-voting tends to be highly inefficient and costly. It not only requires eligible citizens to re-register when they have chosen not to exercise their vote, but it also unnecessarily places additional burdens on the registration system because persons who are legitimately registered must be processed all over again.

Although purge systems may be inefficient and costly, the Committee and other participants are well aware of the need for the States to maintain accurate voting rolls. An important goal of this bill, to open the registration process, must be balanced with the need to maintain the integrity of the election process by updating the voting rolls on a continual basis. The maintenance of accurate and up-to-date voter registration lists is the hallmark of a national system seeking to prevent voter fraud. These processes, however, must be scrutinized to prevent poor and illiterate voters from being caught in a purge system which will require them to needlessly re-register. Such processes must be structured to prevent abuse which has a disparate impact on minority communities. Unfortunately, there is a long history of such list cleaning mechanisms which have been used to violate the basic rights of citizens.

One of the advantages of the bill is the fact that the motor-voter and agency-based programs are ongoing and that applications and renewals may serve as updating the addresses of registered voters. Thus, the need for large scale purges and list cleaning systems becomes superfluous. Nevertheless, the bill requires States to conduct a program to maintain the integrity of the rolls. The Act requires that any program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. Merely because a program was conducted under the National Voter Registration Act would not be a defense to any claim which might be asserted under the Voting Rights Act. The requirements of the two acts are distinct and complementary. The States must comply with the National Voter Registration Act in a manner which does not violate the Voting Rights Act.

These programs may not remove the name of a voter from the list of eligible voters by reason of a person's failure to vote. States are permitted to remove the names of eligible voters from the rolls at the request of the voter or as provided by State law by reason of mental incapacity or criminal conviction.⁴

In addition, States are required to conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists by reason of death or a change in residence. Any program which the States undertake to verify addresses must be completed not later than 90 days before a primary or general election. It is intended by this requirement that the State out-

⁴ The bill also includes a provision which requires the U.S. Attorney to give notice to the chief State election official information regarding the criminal convictions of any person. This notice requirement will permit States to make a determination if such criminal conviction is reason for the removal of the person's name from the list of eligible voters.

search Service's study, however, the experience of the States with mail registration appears to be that voter fraud is no more prevalent under a mail registration system than under other types of voter registration systems. Moreover, where States have investigated fraudulent registration and voting, there has never been a recommendation to repeal mail registration.⁵ As previously noted elsewhere in this report, the provisions relating to mail registration permit the States to require by law that a person make a personal appearance to vote if that person registered by mail and had not previously voted in that jurisdiction.

Nevertheless, a uniform national voter registration system should make it a Federal offense to fraudulently register to vote. Voter fraud is a crime against the legitimate electoral process. On the other hand, others expressed concern that legitimate voters should be able to go to the polls without fear of intimidation or threat by either officials or other citizens. As much as it is a crime to attempt to fraudulently cast a ballot, it is equally a crime to try to prevent an eligible citizen from casting a ballot in an election. Any national voter registration measure should discourage equally both of these activities. Language was added to the criminal penalties section to make clear that the person charged must have actual knowledge that the registration forms contain materially false information and were submitted with the specific intent to fraudulently affect the outcome of an election.

In addition to criminal enforcement, an effective national voter registration program must also include private civil enforcement. Such private initiative can encourage action to assure that a reasonable effort is undertaken to achieve its objectives in all States and, indeed, it may be essential to the success of such a program in some areas. Private civil enforcement should be designed to assure and to encourage, to the fullest extent possible, the cooperation of local and State election officials responsible for implementation of the voter registration programs. An essential element of an effective civil enforcement program is a requirement for notice of any complaint regarding its implementation to the appropriate election officials together with a process for its administrative resolution before legal action may be commenced.

SECTION-BY-SECTION DESCRIPTION AND DISCUSSION
SECTION 1. SHORT TITLE

This Act may be cited as the "National Voter Registration Act of 1993."

⁵ Opponents to the legislation have often referred to a footnote reference in the April 17, 1991 Justice Department letter, which refers to an Illinois Grand Jury investigation of voter fraud. However, it should be noted that the Grand Jury never recommended that mail registration should be repealed. In addition, a Grand Jury investigation in Kings County, New York which found substantial incidents of voting fraud never recommended a repeal of New York's mail registration system. The Grand Jury did not conclude that mail registration was the cause or a significant contributing cause to the specific incidence of fraud it investigated. It should be further noted that during the Committee's consideration of S. 250 in the last Congress, the New York State Assembly passed legislation revising its registration laws. Part of this legislation was to maintain and expand the mail registration system. Clearly, if the State of New York believed that the mail registration system resulted in fraudulent registrations, it would have sought to limit or abandon mail registration.

two general Federal elections after the date of the notice. While the bill secures the right of the voter to vote, it does not dictate the way in which the person is to vote. The State may establish its own requirements regarding the means of voting.

In response to the concerns of various witnesses representing civil rights organizations, these requirements of the bill were added to prevent the discriminatory nature of periodic voter purges, which they assert appear to affect blacks and minorities more than others. It should be noted that the bill does not mandate any specific time periods for when such list cleaning mechanisms must be used. While these provisions have been included to insure that voting rolls will be free from "deadwood", there will be less need for these mailings because the programs of voter registration include provisions for automatic updating of addresses. Thus, the process of updating registration rolls is an ongoing and continuous process.

V. ENFORCEMENT AND REGULATION

A. The Federal Election Commission

The Federal Election Commission (FEC) was created to oversee the campaign finance law authorized under the Federal Election Campaign Act and its amendments. The FEC officially became operative in 1975. Although known mostly for its regulatory activities in the area of Federal election campaign finance, the FEC is the only Federal agency uniquely set up to deal with Federal elections. Due to the politically sensitive nature of its role, the FEC was organized as an independent agency with members appointed with consideration of their political affiliations, but under restrictions designed to assure that no single political party would control its deliberations. Further, through its National Clearinghouse on Election Administration, the FEC has maintained an advisory role in election administration and has developed model election administration programs and information to assist States in conducting their elections. Given its composition and independent status, its experience in developing rules and regulations in the area of campaign finance, its unique position within the Federal government, and as the principal agency dealing with election administration, and its experience in developing model procedures for States, the Federal regulation of any national voter registration could best be administered from the FEC.

B. Enforcement

Many State and local election administrators expressed concern about the potential for an increase in voter fraud as a possible result of voter registration reform, and especially that registration by mail would make it easier for persons to vote fraudulently. This bill not only attempts to make voter registration convenient, but is also designed to prevent fraud and abuse of the electoral process.

The Committee is aware of the concerns regarding the potential for fraud in registrations. Throughout the bill, each registration program has been developed to assure the integrity of the voting rolls. One of the principle concerns expressed by critics of this bill is the use of mail registration. Based on the Congressional Re-

these exceptions have lessened the impediments to registration which goes significantly beyond the requirements of the bill. A State would not be exempt if it merely granted local jurisdictions the option of providing for election day registration or no registration if local jurisdictions also had the option of requiring any other form of registration. The Committee does not believe such an option results in a significant reduction in registration barriers.

SECTION 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE

Subsections (a) and (b) require that each State motor vehicle driver's license application, including a renewal application, shall also serve as an application for voter registration for Federal elections. In addition, such an application will also serve as updating any previous voter registration by the applicant. An applicant for a motor vehicle driver's license may decline to register to vote and such information may not be used for any purpose other than voter registration.

Although the declination to register must be in writing, no particular format is required so long as a record of the declination is created and retained. The Committee recognizes that in some jurisdictions, the application process is fully computerized. In such cases, it would be sufficient to satisfy the requirement of a written declination if the form signed by an applicant at the conclusion of the process contains an attestation to all questions in the application, including any declination question. It is the intent of the Committee that the applicant procedure should require the affirmative act of an applicant but only after the applicant has received a complete application that includes both the drivers license and voter registration application forms. States are afforded latitude in this section to develop an application which will meet the needs of the particular jurisdiction. In some instances, a State may determine that the application should include a box in either form for a registrant to check if he or she declines to register. In other instances where the application for the driver's license and voting registration are combined into a single form, the failure of an applicant to sign the voting registration application portion could serve as a declination to register, if the drivers license portion contains a notice to the applicant that the failure to complete and sign the voter registration application portion of that form is a declination to register.

This requirement that there be a written declination to register serves two purposes: first, to prevent unnecessary paperwork where a person is already properly registered; and, two, to prevent the registration of ineligible persons. It is not the intent of this bill to generate needless paperwork for either the registry of motor vehicles or the voter registrar. The Committee would expect the registry of motor vehicles staff to instruct applicants who are already properly registered or those who are otherwise ineligible to vote decline to register. Such instructions should also be included in any written materials provided to applicants as well as in any instructions posted in motor vehicle agency offices. Some have claimed that the failure to decline to register will result in the automatic

SECTION 2. FINDINGS AND PURPOSES

Section (a) sets forth the findings of the Congress that the right to vote is a fundamental right of citizens; that it is the duty of Federal, State, and local governments to promote the exercise of that right; and that discriminatory and unfair registration laws and procedures have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

Section (b) sets forth the purposes of this Act, which are to increase the registration of voters, to make it possible for Federal, State, and local governments to implement the Act in a manner that enhances the participation of eligible citizens, to protect the integrity of the electoral process, and guarantee accurate and current voter registration rolls

SECTION 3. DEFINITIONS

Section 3 defines the term "motor vehicle driver's license" to include any personal identification document issued by a State motor vehicle authority, and applies the definitions of Section 301 of the Federal Election Campaign Act of 1971 to election terms used in this Act. "State" is defined to be a State of the United States or the District of Columbia. A "voter registration agency" is any office designated under this Act's agency-based registration provisions to perform registration functions which include distributing registration forms simultaneously with applications for services or benefits, providing assistance to applicants similar to that provided in the completion of the office's own forms, and receipt and transmittal of such forms to the appropriate voter registrar.

SECTION 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE

Section 4(a) requires that the States, in addition to any other methods for voter registration provided for under State law, establish procedures to permit voter registration in elections for Federal office; simultaneously with an application for a driver's license; by mail application; by application in person, either at an appropriate registration office, or at a Federal, State or private sector location ("agency registration").

Section 4(b) provides that this Act is not applicable to a State where either or both of the following apply: a State in which there is no voter registration requirement for any voter in the State with respect to a Federal election; or, a State in which all voters may register to vote at the polling place at the time of voting in a Federal general election.

The language of this section is specific as it relates to the exceptions. It is the intent of the Committee that these exceptions are narrowly drawn to assure that only those States in which any voter may vote either without registration or by registering at the polling place on election day would be exempt. A State would be exempt from the requirements of the bill if it meets either or both of these requirements. It is not the intent of this legislation to encourage the adoption of election day registration. Rather, the Committee believes that States which have implemented one or both of

vehicle agency is responsible for forwarding voting registration applications to the appropriate State election official. It should be made very clear to any applicant in a driver's license bureau that the application for voter registration is an application which must be reviewed by the appropriate election officials. Only the election officials designated and authorized under State law are charged with the responsibility to enroll eligible voters on the list of voters. This bill should not be interpreted in any way to supplant that authority. Election officials should continue to make determinations as to an applicant's eligibility, such as citizenship, as are made under current law and practice. Applications should be sent to the appropriate election official for the applicant's address in accordance with the regulations and laws of each State.

Although the Committee would encourage States to adopt a single form for a voter registration application and a motor vehicle driver's license application in order to expedite the process, to minimize the duplication of information, and to establish a truly simultaneous application process, it recognizes that administrative and funding considerations pose serious problems for some States. Thus, Section 5(c) is so drafted to describe an application process that permits the use of two forms, one for the motor vehicle driver's license application and one for the voting registration application, thereby avoiding any cost associated with revamping current procedures of computer programs. Where two forms are used, it is expected and intended that such forms will be used simultaneously as part of a single, integrated application process. All applicants appearing at the motor vehicle office must be given an application that includes both forms. If such an applicant does not wish to register to vote and so indicates by declining in writing to do so, such an applicant should not complete the voter registration portion of the application.

Subsection (d) provides that any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of a change of address for voter registration unless the registrant states on the form that the change of address is not for voter registration purposes. The requirements of residency pertaining to driver's licenses may vary from those pertaining to voting; therefore, this provision will permit a person to indicate that a change of address notification to the motor vehicle agency is not intended to effect a change in the address for voting purposes and should not be forwarded to the voting registrar.

SECTION 6. MAIL REGISTRATION

Subsection (a) requires that all States accept and use the mail voter registration form prescribed by the Federal Election Commission. In addition, States are permitted to develop and use their own mail registration form, provided it meets the requirements of this Act. Mail registration forms may also be used for voter registration change of address.

The Federal Election Commission, in consultation with the chief election officials of the States, is required pursuant to Section 9 to promulgate a mail registration application form. That form shall

registrations of such individuals. This is simply not true. This bill provides for simultaneous applications procedures, but still requires the intervening act of a review of the registration applications by the appropriate State or local election official.

Some have noted that the requirements for obtaining a driver's license are not the same as those for eligibility to vote, specifically, age and citizenship. The Committee would expect that any driver's license applicant who does not meet the requirements for eligibility to vote would decline to do so. It is important, therefore, that such applicant be advised of the voting requirements and the need to decline to register if he or she does not meet the requirements. The bill provides that all registration requirements should be set forth in the application to register to vote so that they will be readily available for each applicant to review during the application process. The applicant should be advised that there is no obligation to specify the particular reason for choosing to decline to register.

Since some of the reasons for declining to register to vote may involve matters of personal privacy, such as ineligibility under State law due to mental incompetence or a criminal conviction, an individual who declines to register to vote shall not be questioned as to the reasons for such action. If an individual reveals such information, it must be treated as confidential and may not be used for any other purpose. As discussed later, the Act contains a general prohibition against a State or entity from revealing any information relating to a declination to register or to the particular location or agency where a person registered.

Subsection (c) requires that each State shall include a voter registration application form as part of an application for a State motor vehicle driver's license. The voter registration application form may not require any information that duplicates information required in the driver's license portion of the form, other than a second signature and the minimum amount of information necessary to prevent duplicate voter registration and enable State election officials to assess the eligibility of the applicant for voter registration and other parts of the election process, and must include a means by which an applicant may decline to register to vote. The voter registration application form must include a statement that states each eligibility requirement, including citizenship, and attestation that the applicant meets each such requirement, and the signature of the applicant under penalty of perjury. In addition, where appropriate, such forms should include information requesting the applicant's mail address if it differs from the applicant's residence. Each completed voter registration application form must be made available to the appropriate State election official as provided by State law.

The terms "State election officials" and "appropriate State election official" refer to whatever election official under State law has the appropriate responsibility for the administration of voter registrations and elections. In some cases, this may be a local election official.

Although the application for voting registration is simultaneous with an application for a driver's license, it is not the intent of the bill to supplant the traditional role of voting registrars over the registration procedure. The bill makes it very clear that the motor

misuse. Subsection (c) provides that a State may require by law that a person who registers to vote by mail and has not previously voted in that jurisdiction, vote in person. This requirement would not be applicable to any person who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act, or who is provided the right to vote otherwise than in person by the Voting Accessibility for the Elderly and Handicapped Act, or who is entitled to vote otherwise than in person by any other Federal law. States are permitted to employ any other fraud protection procedures which are not inconsistent with this bill.

SECTION 7. VOTER REGISTRATION AGENCIES

Subsection (a) requires that each State establish an agency-based registration program by designating various public private agencies or offices for the registration of voters for Federal elections. The Act requires that certain agencies must be included in such a program. Thus, each State must designate all public offices in the State of those agencies that provide public assistance, unemployment compensation, or related services and all agencies and offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities. In addition the State must designate additional Federal, State or local governmental agencies as well as private sector offices as registration agencies, but each State is given discretion as to which agencies and what offices of those agencies to include. The Act provides that such discretionary agency programs may include public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and any agency or office that provides services to persons with disabilities that is not included in the mandatory agency-based voter registration program. Federal, State and private sector offices could also be included in this program.

A voter registration agency that provides service or assistance in addition to conducting voter registration shall distribute simultaneously with each application for service or assistance, and with each recertification, renewal, or change of address, a mail voter registration application form promulgated by the Federal Election Commission as provided for in the Act or its own form, if the agency has devised its own form in compliance with the requirements of this Act. The offices should to the greatest extent practicable, incorporate in application forms and other forms used for purposes other than voter registration, a means by which an applicant may decline in writing to register to vote. With this "incorporation to the greatest extent practicable in the agency's own forms," the bill attempts to provide flexibility to the agencies to develop a program that best fits the type of program. For example, in the case of a program such as unemployment compensation, where eligibility must be recertified on a frequent (i.e., weekly or biweekly) basis, the Committee intends that the agency be required to provide voter registration materials and assistance at the time of initial application, upon any change in the address or eligibility status of the applicant, and upon any extension in the eligibility for benefits. If an applicant does not decline to register, the office is

include a statement that specifies each eligibility requirement for voting, contain an attestation that the applicant meets each such requirement, including citizenship, and require the signature of the applicant, under penalty of perjury. Where appropriate, the application form should include information requesting the applicant's mail address if it differs from the applicant's residence. The form may not include any requirement for notarization or other formal authentication, such as witnessing. If a State chooses to develop and use its own form, that form must comply with the same criteria that applies to the Federal form promulgated by the Federal Election Commission.

The requirements that States use a uniform mail registration application form serves to augment the extensive outreach features of the "motor-voter" and agency-based registration procedures. Uniform mail forms will permit voter registration drives through a regional or national mailing, or for more than one State at a central location, such as a city where persons from a number of neighboring States work, shop or attend events. By permitting States to develop and use their own forms as well, the bill provides flexibility for the States. In those States that develop their own mail voter registration application, an applicant may use, and the State must accept, either the national form developed by the FEC or the State's own form.

Subsection (b) requires the chief State election official to make the mail registration forms available for distribution through governmental and private entities, with a particular emphasis on making such forms available to organized voter registration programs. Broad dissemination of mail application forms, when coupled with the other procedures of this bill, should reach most persons eligible to register to vote, and is, therefore, a key element of the voter outreach feature of the bill. Such forms may also be disseminated to agencies designated under the agency-based registration procedures for use by those agencies in their registration programs.

States that use mail registration application procedures generally employ a number of means to prevent fraud, such as including on the form a statement of voter qualification requirements or penalties for fraud, or a follow-up mailing. The form to be developed by the FEC is to include a statement setting forth the requirements to vote (including age and citizenship) and an attestation to be signed by the applicant under penalty of perjury. Mail registration forms developed by the State should contain the same statement and attestation.

The bill requires notice to each applicant of the disposition of his or her application. This requirement could be met by a follow-up mailing by any State that wishes to employ that procedure as a means of protecting against possible fraud in the mail registration process. With regard to this notice requirement, States should be aware that such a notice should be drafted with regard to the purge provisions of this bill.

The Committee believes that these provisions are sufficient to deter fraudulent registrations. Nevertheless, the bill includes an additional provision relating to first time voters which has been added to address the concerns that this process may be subject to

abilities made it clear that vocational rehabilitation offices would not have extensive contact with such persons and that a broader designation of offices would be necessary if a State's agency program was to include a sufficient number of persons with disabilities. The Act now includes a definition that is intended to have more extensive out-reach to persons with disabilities. While it would include vocational rehabilitation offices, it would also extend to many other agencies that have more contact on a regular basis with persons with disabilities, such as, but not limited to, those agencies which provide transportation, job training, education counseling, rehabilitation or independent living services.

The Committee also recognizes that many persons with disabilities are less likely to visit offices in order to obtain services or benefits. As a result, the bill requires that if a voter registration agency designated by the State provides services to a person with a disability at the person's home, the agency shall provide the voter registration services at the person's home, as well. The Committee notes that the provisions referring to persons with disabilities are not intended to reach any person otherwise ineligible to register, such as by reason of a current judicial determination of mental incapacity to vote.

Since the requirements for services or assistance at agency offices may differ significantly from those for voting registration purposes, the Committee would expect that any applicant for services or assistance from such an agency who does not meet the requirements for eligibility to register to vote would decline to do so. It is important, therefore, that each applicant be advised of the voting requirements and the need to decline to register if he or she does not meet the requirements. The bill provides that all registration requirements should be set forth in the application to register to vote so that they will be readily available for each applicant to review during the application process. These requirements must include a statement of citizenship, an attestation that the applicant meets each such requirement, and the signature of the applicant under penalty of perjury. The applicant should be advised that there is no obligation to specify the particular reason for choosing to decline to register.

Since some of the reasons for declining to register to vote may involve matters of personal privacy, such as ineligibility under State law due to mental incompetence or a criminal conviction, an individual who declines to register to vote shall not be questioned as to the reasons for such action. If an individual reveals such information, it must be treated as confidential and may not be used for any purpose other than voter registration. As discussed later, the Act contains a general prohibition against a State or other entity, including an agency designated under this provision, from revealing any information relating to a declination to register or to the identification of the agency where a person registered.

Subsection (b) requires all entities of the Federal government to cooperate as much as possible with the States in carrying out this program by participating as designated voter registration agencies. This participation requirement is subject to the Federal agency agreeing to participate pursuant to subsection (a). No specific Federal agencies are designated in this bill to participate, it being left

to provide the same type and degree of assistance in completing the registration application as it usually provides its applicants with regard to the completion of the offices own forms. Costs for registration application assistance for these offices should be considered matchable under the current Federal match rate for these programs.

A person who provides these voter registration services at an agency voter registration office shall not influence an applicant's political preference or party registration, display any political preference or party affiliation, or make any segment to an applicant the purpose or effect of which is to discourage the applicant from registering to vote.

While concerns have been raised that applicants will be coerced to affiliate with a particular political party or that the receipt of benefits is contingent upon the act of registering to vote, the Committee believes that these provisions, together with the criminal penalties provisions of the bill, are sufficient to deter any such activities. Moreover, no evidence has been presented that such abuses have occurred in a State which has implemented an agency-based registration program.

The mandatory portion of the agency-based registration program, which includes offices providing public assistance, unemployment compensation or related services and services primarily to persons with disabilities, is intended to supplement the motor-voter provisions of the bill by reaching out to those citizens who are likely not to benefit from the State motor-voter registration program. These agencies are included in the mandatory agency registration program because they are considered most likely to serve persons of voting age who may not have drivers licenses and therefore are not served by the motor-voter provisions. This mandatory portion provides a necessary balance to the motor-voter program, without unduly burdening State resources.

The second portion of a State's agency-based registration program includes other agencies and offices which the State may designate to extend its outreach to as many citizens of voting age as possible. While the States are required to have a discretionary agency registration program in addition to the mandatory one, the State is given latitude to determine which agencies, as well as which of their offices, should be included.

Each agency voter registration office is required to provide the following services: distribution of mail voter registration application forms (or the agency's own form), assistance to applicants in completing voter registration application forms, acceptance of completed voter registration application forms for transmittal to the appropriate State election official. The term "appropriate State election official" shall be interpreted in accordance with State law or practice and is intended to mean that official who is authorized under State law to register voters in the jurisdiction where the registrant resides.

Previous versions of this legislation included in the mandatory agency registration program offices that provide vocational rehabilitation services in an attempt to assure that persons with disabilities would be reached by some part of the State's registration programs. Representatives of programs that serve persons with dis-

in voting registration and intends to give each State discretion to adopt a means of notification best suited to accomplish that purpose as well as providing a means for notifying an applicant, who has not had direct contact with the voter registrar's office, of the appropriate voting place for his or her residence. The Committee believes that accurate and current voter registration lists are essential to the integrity of the election process and for the protection of the individual.

This section also provides that the name of a registered voter may not be removed from the official list of eligible voters except: at the request of the registrant; as provided by State law, by reason of criminal conviction or mental incapacity; or, in accordance with the requirements of the Act, by reason of the death or a change in the residence of the registrant. Recognizing the essential need to maintain the integrity of the voter registration lists, the bill requires that States conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of death or by a change of residence.

A "request" by a registrant would include actions that result in the registrant being registered at a new address, such as registering in another jurisdiction or providing a change-of-address notice through the drivers license process that updates the voter registration.

States are required to inform applicants of voter eligibility requirements, the penalties provided by law for the submission of a false voter registration application, and ensure that the identity of the voter registration agency through which any particular voter is registered is not publicly disclosed.

Subsection (b) sets forth the standards for the confirmation of voter registration. Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current registration roll for Federal elections shall be (1) uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965; and (2) shall not result in the removal of the name of any person from the official list because of a failure to vote.

The purpose of this requirement is to prohibit selective or discriminatory purge programs. This requirement may not be avoided by a registrar conducting a purge program or activity based on lists provided by other parties where such lists were compiled as the result of a selective, non-uniform, or discriminatory program or activity. The term "non-discriminatory" is intended to mean that the procedure complies with the requirements of the Voting Right Act of 1965.

The term "uniform" is intended to mean that any purge program or activity must be applied to an entire jurisdiction.

It is the intent of this section to impose the uniform, nondiscriminatory and conforming with the Voting Rights Act standards on any activity that is used to start, or has the effect of starting, a purge of the voter rolls, without regard to how it is described or to whether it also may have some other purpose. For example, the mailing of sample ballots is clearly a program that has another purpose but might provide the basis for a purge of voter rolls. It is

to the States to negotiate such arrangements with the appropriate Federal agencies. It is the Committee's intention that any agency or organization providing assistance under the terms of this Act would negotiate a mutually satisfactory arrangement, which could include, where appropriate or required, reimbursement for services provided.

Subsection (c) requires that a completed registration application shall be transmitted to the appropriate State election official no later than 10 days after the date of acceptance. If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application must be transmitted to the appropriate State election official no later than 5 days after the date of acceptance. An applicant may, if he or she chooses, mail the voter registration application directly to the appropriate State election official rather than returning it to the agency for transmittal. The agency providing voter registration services is prohibited from requiring a registrant to mail the form, and must accept it and forward it to the appropriate registration official if turned in by the applicant. Thus, the agency has an affirmative obligation to actively collect completed registration applications.

SECTION 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION

Subsection (a) provides that any person registered to vote not later than 30 days, or a lesser period as provided by State law, before a Federal election shall be permitted to vote. For these purposes, registration is complete upon submitting the form to the voting registrar, motor vehicle office, designated agency or office, or on date of postmark, if mailed. While the Act is clear with regard to the motor-voter and agency-based registration deadline requirement, the mail situation may be in need of some clarification. The reference, "or a lesser period as provided by State law" means, with regard to a mailed registration application, that the shorter State period would apply only if it is referenced to "date of postmark". If the shorter period provided by State law refers to the date of receipt in the registrar's office, the thirty day period provided for here would apply. It is not intended here to penalize a registration applicant; thus, if the application is postmarked after thirty days, but is received before the deadline specified by State law, it should be accepted. Also, one postmarked before thirty days but received after the deadline under State law, should also be accepted as timely.

Each State election official is required to give notice to each applicant regarding the disposition of his or her voter registration application. The means of notifying each applicant is not specified, so that each State may continue to use whatever means is required or permitted by State law or regulation. States should be aware that such notices should be drafted with regard to the purge provisions of the bill. States may adopt whichever procedure they deem best suited to provide notice to the applicant and to provide the registrar with verification of the accuracy of the information provided by the applicant. The Committee recognizes that such notices are sent by most States as a means of detecting the possibility of fraud

same jurisdiction, the registrar should return the card before the time for closing registrations for the next Federal election, i.e. 30 days before an election, or such lesser period as may be provided by State law. If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant would be permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the second general Federal election that occurs after the date of the notice. If the registrant has not voted in an election during that period, the registrant's name will be removed from the list. If the registrant has moved to a residence outside the jurisdiction, the notice on the mailing must include information concerning how the registrant may continue to be eligible to vote.

Within the official list of eligible voters, notations (such as an asterisk or "I" for inactive status) may be made of those eligible voters who have failed to respond to a notice under Section 8(d)(2). The requirement that names with notations be maintained on the official list of eligible voters permits the State to decline to use these names in performing the type of routine, administrative responsibilities that do not impair the right of such voters to vote as set forth in the Act and as protected by the Voting Rights Act. For example, those who have failed to respond to a Section 8(d)(2) notice need not be included for administrative purposes in determining the number of signatures that may be required under State law for ballot access; the number of precincts that may be needed to service voters, or the number of ballots or voting machines that may be required in the administration of the voting process.

The term "registrar's jurisdiction", as used in connection with the NCOA program and with regard to the "affirmation" or "confirmation" requirements, is a term of art for the purpose of this Act and is not intended to dictate to the States their actual administrative structure for the purpose of registering voters. The Committee intends that a "registrar's jurisdiction" for the purposes of the Act be no smaller than a county, parish, city or town. This conforms to current practice. A State would be free, for example, to divide a very large county or city into 2 or more administrative units for registering voters as long as the county continued to be treated as the "registrar's jurisdiction" for those purposes of the Act hereinafter specified. First, that provision pertaining to a person who returns the postcard described in section 8(d) indicating that the registrar has moved to another residence within the jurisdiction of the same voter registrar must have his or her registration corrected to reflect the new address. Second, the provision that requires that a person who has not sent in the card is entitled to vote after affirming or confirming that his or her new residence is within the same congressional district and the same registrar's jurisdiction as that of his or her former residence. And third, the provision that use of the national change of address program could be considered to be in compliance with the requirements of the Act that pertain to list maintenance programs could protect the State if used State-wide or a registrar if used within the registrar's jurisdiction. As long as these protections are maintained a State would be free to alter its administrative structure and jurisdiction for the purpose of registering voters for Federal elections.

is to be used for that purpose and the registrar uses it to serve as his or her reason to send notices under subsection (d), that sample ballot mailing program must meet the standards of this section.

The Committee is mindful of the need to keep accurate and current voter rolls. The Committee is concerned that such programs can be abused and may result in the elimination of names of voters from the rolls solely due to their failure to respond to a mailing. Abuses may be found in the design of a program as well as in its implementation. In order to provide some guidance to the States, subsection (c) provides that a State may meet the requirements of conducting a general and comprehensive program that makes a reasonable effort to keep voting lists clean by establishing a program which uses the National Change of Address ("NCOA") program of the U.S. Postal Service. Use of the NCOA program by a State or any of its registration jurisdictions could be deemed to be in compliance with the requirements that the program be uniform, nondiscriminatory and in compliance with the Voting Rights Act of 1965.

By using the NCOA, a State may use change of address information to identify registrants whose addresses may have changed. If it appears from the information provided that a registrar has moved to a different address within the jurisdiction of the same voting registrar, the registrar is required to make the address change automatically and send the registrant a notice by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information. If the registrar appears to have moved to an address outside of the jurisdiction of the registrar, the registrar may not remove the name of the voter until the registrar has sent a notice to the registrar as provided in subsection (d).

The section requires that a State complete any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters at least 90 days before a primary or general election for Federal office. This requirement applies to the State outreach activity such as a mailing or a door to door canvass and requires that such activity be completed by the 90-day deadline. This section does not prohibit a State during that 90-day pre-election day period from removing names from the official list of eligible voters on the basis of the request of the registrant, as provided by State law for criminal conviction or mental incapacity, death, or any other correction of registration records pursuant to the Act.

Subsection (d) prohibits a State from removing the name of a registered voter by reason of a change in residence, unless the registered voter confirms in writing that he or she has changed residence outside the jurisdiction in which registered; or has failed to respond to a notice sent by the State and has not voted or appeared to vote within two general elections for Federal office since the date of the notice.

If a State determines that a registrant may have changed residence, the State may send by forwardable mail a postage prepaid return card on which the registrant may state his or her current address, together with a notice which states that: if the registrant has not changed residence or has changed residence within the

jurisdiction, to make the necessary correction of the records. A registrar may not impose requirements, such as re-registration, upon such a voter. Although such notice of change of address might be made by the voter through the use of the motor-voter or agency-based registration process, the registrar's responsibility to make the correction is not dependent on the voter giving such notice; such notice may come through the Postal Service change of address program or other means conducted in conformance with the requirements of the Act, subject to verification by the voter.

Some State election officials expressed concern to the Committee that they had experienced difficulty in obtaining information regarding convictions for Federal offenses from the Federal courts which is needed to remove the names of persons convicted of certain offenses from the voter rolls under State law. Subsection (g) requires a United States Attorney to inform the appropriate State election official of the felony conviction of any person. Such notice must give the name, age, and address of the offender; the entry date of judgment; a description of the offenses on which the person was convicted; and the sentence imposed. Additional information may be provided at the request of the election official if necessary to determine whether a conviction affects the person's eligibility to vote. If such a conviction is overturned, the United States Attorney shall give notice to the appropriate election official.

Subsection (h) provides lower postal rates to a State or local voting registration official for any mailing which is certified to be required or authorized by the Act. This lower postal rate is the rate for any class of mail which is made available to a qualified nonprofit organization.

Subsection (i) provides that each State shall maintain for two years all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of addresses on the official list of eligible voters. The records must be made available for public inspection and, where available, photocopying at reasonable costs. The records shall include lists of names and addresses of all persons to whom notices were sent and information concerning whether or not each person has responded to the notice as of the date of inspection.

Provisions of this Act pertaining to voter registration programs require that information regarding a person's declination to register not be used for any purpose other than registration. There was also concern that information not be made public as to what voters registered at a particularly agency, such as a welfare or unemployment office. Therefore, these records may not contain any information relating to a declination to register or the identity of a voter registration agency through which any particular voter is registered, or a list of those persons registered through a particular agency.

SECTION 9. FEDERAL COORDINATION AND REGULATIONS

Subsection (a) provides that the Federal Election Commission shall prescribe appropriate regulations necessary to carry out this Act, consult with chief election officers of the States to develop a mail voter registration application form for Federal elections, and

Subsection (e) establishes the procedures for voting in a Federal election where the registrar fails to return the card in accordance with the procedures outlined in subsection (d). If a registrar has moved from one residence to another within the jurisdiction of the same polling place, the person shall be permitted to vote at that polling place upon oral or written affirmation of the registrar's change of address, before an election official at the polling place. If a registrar has moved from a residence in one polling place to a residence in another polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrar is provided three options. The registrar shall: (1) be permitted to correct the voting records and vote at the registrar's former polling place upon oral or written affirmation of the new address; or (2) be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction where a list of eligible voters is maintained upon written affirmation of the new address; or (3) be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address, and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation of the new address by such means as are required by State law. If State law permits the registrar to vote in the current election upon oral or written affirmation of the new address at the appropriate polling place for the new address, voting at the old polling place and the central location do not have to be provided as alternative options.

If the registration records incorrectly indicate that a registrar has changed his or her residence, the registrar shall be permitted to vote upon oral or written affirmation that the registrar continues to reside at the same address.

This section of the bill attempts to incorporate an underlying purpose of the Act; that once registered, a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction. This section ensures that if a registered voter moves within the jurisdiction of the same registrar, he or she should be permitted to vote. However, while this section sets out where an individual may vote, it is silent as to how that individual may be permitted to vote. Under certain circumstances it would be appropriate, and in compliance with the requirements of this Act, to require that such a person vote by some form of challenge ballot. It is not the intent of this provision to pre-empt any State requirement that a person whose eligibility to vote is challenged may be required to vote by a special ballot that is subject to post election rejection, where the challenge is sustained.

Subsection (f) provides that in the case of change of residence within the jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrar's name may not be removed from the official list of eligible voters, nor may a registrar be required to re-register as a result of such a change of residence. The obligation of the registrar to change the rolls to reflect the new residence is triggered by notice to the registrar of such change, not the date of such change. The intent of this requirement is that it is the responsibility of a registrar, upon notification of a change of residence by a voter to another residence within the registrar's

submit by June 30 of each odd-numbered year, a report to the Congress assessing the impact of the Act on the administration of elections for Federal office and recommendations for improvements in Federal and State procedures, forms, and other matters, and provide information to the States with respect to the responsibilities of the States under this Act.

It is the Committee's intent that the Commission should carefully determine which regulations are necessary and appropriate. In addition, nothing in the Act prohibits the Federal Election Commission from gathering the appropriate statistics necessary to meet its reporting requirements under the Act.

Subsection (b) sets forth the requirements of the mail registration form to be developed by the FEC. This form may only require such identifying information (including the signature of the applicant) and other information (including data relating to previous registrations) as is necessary to enable the appropriate State election official to assess the applicant's eligibility. The form must also include a statement that specifies each eligibility requirement (including citizenship); contain an attestation that the applicant meets such requirements, and require the signature of the applicant under penalty of perjury. This form may not include any requirement for notarization or other formal authentication, *i.e.*, a witness requirement.

SECTION 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL

Each State shall designate a State officer or employee as the chief State election official to be responsible for the coordination of State responsibilities under this Act. Various provisions of this Act assign to this official certain responsibilities regarding the promulgation of regulations, the design of the Federal mail registration form, the receipt of notice of civil suits, and the distribution of mail registration forms.

SECTION 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION

Subsection (a) provides that the Attorney General may bring a civil action for declaratory or injunctive relief as is necessary to carry out this Act.

Subsection (b) provides a private right of action to any person who is aggrieved by a violation of this Act by providing written notice of the violation to the chief State election official. If the violation is not corrected within 90 days after receipt of the notice, or within 20 days if the violation occurs within 120 days before the date of an election for Federal office, the aggrieved individual may bring a civil action in Federal court for declaratory or injunctive relief. If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved individual may proceed to file a civil suit without notice to the chief State election official.

Section (c) permits a prevailing party (other than the United States) in a civil action to seek reasonable attorney fees, including litigation costs and expenses.

It should be noted that this section does not authorize the award of monetary damages. Rather, the civil remedies that are authorized are corrective action in the form of declaratory and injunctive

relief, plus reasonable attorney fees. The Committee does not believe that reasonable attorney fees will result in excessive awards in civil actions brought under this Act.

Subsection (d) provides that the right and remedies established by this Act are in addition to all other rights and remedies established by this Act nor any other provision of the Voting Rights Act of 1965. Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

SECTION 12. CRIMINAL PENALTIES

This section would make a Federal offense, punishable by a fine and/or imprisonment for not more than 5 years, for any person, including an election official, who in any election for Federal office: (1) knowingly and willfully intimidates, threatens, or coerces, any person for registering to vote, or voting, or attempting to register or vote; urging or aiding any person to register to vote, to vote, or to attempt to register to vote; or exercising any right under this Act; or (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process by the procurement or submission of voter registrations that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent under the laws of the State in which the election is held.

Concern has been expressed that these criminal provisions may be used to impede lawful political activities, such as distributing campaign literature, poll watching, and registration drives. Careful attention has been given to these concerns and this section has been specifically written to refer to acts which are "knowing and willful," and does not refer to inadvertent omissions or inaccuracies on voter registration forms or absentee ballots.

The second addresses the Federal criminal code only, and would not limit or restrict the availability of criminal penalties under State law.

SECTION 13. EFFECTIVE DATE

That Act will take effect on January 1, 1995. While this Act applies only to Federal elections and States are free to apply other regulations to State elections, many States will prefer to have the same requirements for both Federal and State elections. To accommodate those States that have constitutional obstacles to conforming State requirements to the Act, the effective date for such States will be January 1, 1996.

COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the estimate of costs of this measure prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act, is as follows:

local election jurisdictions within a state. The bill would mandate that states provide the specific registration methods consistently in all jurisdictions.

In addition, the bill would mandate that any state programs used to update voter registration lists shall be uniform and nondiscriminatory and may not remove someone from the list for not voting. The bill would permit a state, if it determines a voter has moved, to remove the voter from the list only after sending a forwardable notice with a return card that would allow the voter to confirm the correct address.

Finally, each state would have to designate a chief state official responsible for implementing the state's functions under the bill.

REQUIREMENTS FOR THE FEDERAL GOVERNMENT

The legislation would require the U.S. Postal Service to provide election officials with a postal rate subsidy for any mailings that it requires the officials to conduct, such as the registration confirmation notice and the registration update notice. The bill authorizes the appropriation of funds sufficient to reimburse the Postal Service for its losses in providing the subsidy. If the Congress does not appropriate the necessary amounts, then the Postal Service would no longer offer the subsidy.

The bill would require the FEC to provide information to the states regarding their responsibilities and to report to the Congress once every two years on the impact of the registration procedures required by the bill. The FEC also would have to develop a uniform application form to be used by states for mail registration. In addition, the bill would authorize the Attorney General to bring civil actions in court to enforce its provisions. Individuals also would be allowed to ask the court for relief from any violations of the bill's provisions.

Finally, the bill would establish criminal penalties for persons who, in any election for federal office, interfere or seek to interfere with voting or voter registration, falsify voter registration applications, or knowingly cast or tabulate false or fraudulent ballots.

5. Estimated cost to the Federal Government:

	1994	1995	1996	1997	1998
(By fiscal year, in millions of dollars)					
Spending requiring appropriation action					
Payment to the Postal Service for resale postage.....		3.4	4.5	4.5	4.5
Estimated authorization level.....		3.4	4.5	4.5	4.5
Federal Election Commission:					
Estimated authorization level.....	0.2	0.2	0.2	0.2	0.2
Estimated outlays.....	0.2	0.2	0.2	0.2	0.2
Bill total:					
Estimated authorization level.....	0.2	3.6	4.7	4.7	4.7
Estimated outlays.....	0.2	3.6	4.7	4.7	4.7
Revenues.....					
Estimated receipts from fines.....		(*)	(*)	(*)	(*)

(*) 0.00 cannot estimate these amounts.

**U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 25, 1993.**

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for the National Voter Registration Act of 1993. Because enactment of the legislation could affect revenues, pay-as-you-go procedures would apply to the bill. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Not yet assigned.
2. Bill title: National Voter Registration Act of 1993.
3. Bill status: As ordered reported by the Senate Committee on Rules and Administration on February 18, 1993.
4. Bill purpose: The bill would create a national system of voter registration procedures for elections for federal office. Responsibility for implementing the system would fall largely to the states, with the federal government responsible for enforcement, as well as some financial and technical assistance.

REQUIREMENTS FOR STATES

Under the national system of voter registration, most states (except those with election day registration and those with no registration requirement at all) would be required to provide the following methods of registration:

Motor/voter.—When someone applies for a driver's license (new, renewal, or change of address) at the state motor vehicle authority, the application procedure would have to include the opportunity to register to vote. An individual would have to decline in writing on an application form to avoid registering by this means, or would have to sign an attestation, under penalty of perjury, that the individual is eligible to register to vote.

Mail registration.—Each state would make available through various sources a form, prescribed by the Federal Election Commission (FEC), that applicants could complete and mail to the election official to register for federal elections.

Agency registration.—Each state would have to designate some state and federal offices as well as private sector locations (such as public libraries, unemployment offices, banks, fishing and hunting license bureaus, or post offices) to distribute and collect applications for voter registration. Such locations would then forward the applications to the appropriate election official.

Currently, the federal government has little involvement with voter registration. Each state has its own laws governing registration, and in practice, registration practices vary widely even among

would incur in changing their registration procedures would be directly attributable to enactment of the bill.

SUMMARY OF COSTS

Direct costs.—If the bill is enacted, state and local governments would have to pay for the cost of complying with the bill's registration provisions. For the additional staff, postage, and printing expenses associated with the expected increase in registrations, especially through motor/voter, CBO estimates that it would cost states and localities an average of about \$20 million a year for the first five years of the program. Added costs would be somewhat lower than the average in federal election years, and above the average in other years, since the procedures required by the bill would have the effect of smoothing the current election-year peaks in registration costs. Some of these expenses would begin in 1994, the year before the bill's provisions take effect, as the states prepare to offer the new registration methods.

Although the bill would not directly require it, some states may decide to acquire, expand, or upgrade computer systems to facilitate implementation of the bill. To the extent that state and local governments make such changes in computer technology, their costs could increase further. For example, we estimate that one-time costs to computerize the registration lists of all the jurisdictions that currently do not have computers would amount to less than \$25 million. We cannot predict how many jurisdictions would do so, or how many that now have computers would choose to change their system.

Another provision that would require most states to make a change from current practices affects the polling place where a registrant may be permitted to vote. Under the bill, if a registrant has changed addresses within a jurisdiction without notifying the registrar, but the new and old addresses have different polling places, then the registrant would have the option of voting at the old or new polling place, or some other polling place that has a list of registered voters. Election officials have indicated that this requirement would be quite difficult to implement without a computerized registration list. Without such a capability, it might not be possible to fully meet this requirement, so the cost to election officials of this provision cannot be estimated at this time.

Offsets to costs.—Because the bill would authorize the Postal Service to provide a rate subsidy to election officials for mailings it requires, state and local governments would be able to shift some of the costs they incur now to the federal government. The bill would require officials to notify registrants as to the outcome of their application and to contact those whom the officials plan to drop from the rolls because of a change in address. (Most officials already take both of these actions.) CBO estimates that the postal subsidy for these mailings would total about \$4 million annually. Thus, upon enactment of the bill, state and local election officials would save approximately \$4 million annually in postage costs.

Other costs.—To the extent that the legislation is successful in increasing the number of registered voters in all jurisdictions, state and local governments likely would face other costs that are not di-

The costs of this bill fall within budget functions 370 and 800. Basis of estimate: The subsidized postal rates would be used primarily to update voter registration files and to confirm the receipt of voter registration applications. Based on the total number of change-of-address actions filed with the Postal Service, CBO expects that the postal subsidy would amount to no more than \$3 million annually—probably in the vicinity of \$2 million—to cover a portion of the cost of mailing registration update notices. In addition, CBO estimates that officials would mail about 25 million voter confirmation notices, based on election officials' reports that the number of registration applications typically amounts to 20 percent of the total number of registered voters in the jurisdiction. (There are about 130 million registered voters nationwide.) Assuming an average subsidy of 7.3 cents per piece of mail, subsidizing the mailing of these confirmation notices would cost about \$2 million annually at current rates. The postal subsidy would first be available in January 1995, a year in which CBO assumes that an increase in postal rates will occur. Assuming rates will rise about 15 percent, CBO estimates that the total postal subsidy would be about \$4.5 million annually. The subsidy for fiscal year 1995 would be less because the subsidized rates would become available three months into the fiscal year.

Based on information from the FEC, CBO estimates that the additional staff and associated expenses necessary to develop a mail registration form and to provide assistance to the states would cost approximately \$200,000 annually, beginning in 1994. The requirements imposed on states and localities would become effective beginning January 1, 1995, unless provisions in a state's constitution conflict with implementing the bill. In such cases, a state would not have to comply with the bill until January 1, 1996.

The imposition of criminal penalties could cause an increase in governmental receipts from penalty collections, but CBO cannot estimate the amount of such an increase. Such fines would be deposited into the general fund of the Treasury.

6. **Pay-as-you-go considerations:** The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Enactment of the bill could result in greater receipts from penalty collections, but CBO cannot estimate the amount of any such increase.

7. **Estimated cost to State and local governments:** The bill would require most states to provide three types of voter registration for federal elections beginning in 1995: motor/voter, mail-in, and agency registration. The bill also would mandate that states use a uniform and nondiscriminatory program for maintaining accurate lists of eligible voters.

Consistent with CBO's usual procedures for estimating the cost effects of legislation, this estimate compares the cost to states of complying with the bill's provisions to the cost of their current practices under existing law. Few state and local governments currently employ all the methods required by the bill for registering and maintaining voters on the rolls. In addition, without the bill, states and localities are unlikely to replace their existing practices with those outlined in the legislation. Therefore, the costs states

rectly associated with implementing the bill's provisions. For example, if more people are registered, then presumably voter turnout during elections would increase. Because election officials try to maintain a certain ratio of voters per polling place, officials might have to add new polling places, voting machines, and poll workers. However, these officials would take similar steps because of growth or migration patterns, and it would be difficult to separate the bill's effect on increased turnout from other contributing factors.

Certain states with specialized election laws would encounter some secondary effects of the bill. California law, for example, requires state and local officials to mail all voters on the registration list a sample ballot and an explanation of all ballot initiative issues before each election. If enactment of the bill results in more people registered, then the cost of such special mailings will be greater. On the other hand, the bill's provisions that encourage improved list-cleaning would result in more accurate voter registration lists, and election officials would save money by not having to mail voting materials to or prepare polling places for people who no longer would be on the lists. We have not estimated the total costs or savings from such effects in the various states, which would depend in part on how successful this legislation would be in accomplishing its goals. California, which has some of the most extensive requirements relating to communications with registered voters, has estimated that it costs between \$4 and \$5 per registered voter to print ballots, print labels, mail sample ballots, and provide polling places. Most other states have lower costs, because they do not have all these requirements mandated by law.

Because the legislation would allow individuals to sue for relief from violation of the bill's provisions, state and local governments and officials are potentially liable to pay fines and court and attorney fees if they lose a lawsuit. Such costs would not result directly from the bill, but rather from court cases that CBO cannot predict.

CURRENT LAW

Under current law, each state sets its own rules or guidelines for registering to vote in federal elections, and many states allow a wide range in practice among decentralized, local election jurisdictions (usually counties or cities and towns). About thirty states already have mail-in registration and about one-half of the states have some form of motor/voter registration. States and local jurisdictions pay the costs of registering voters, and the federal government does not currently assist them with these costs.

DATA COLLECTION

Because voting registration practices vary so widely, the incremental cost of implementing new procedures in the nation's 18,000 election jurisdictions is difficult to determine. In preparing this estimate, CBO assumed that local jurisdictions within a state generally follow registration guidelines set out by the state (even though there are some variations). We then compared the states' current guidelines with the requirements in the bill. (CBO relied on state-by-state summaries of registration practices prepared by various election information clearinghouses.)

In so doing, CBO surveyed the election officials in just over half of the states (as well as about two dozen counties of varying sizes). We collected cost information from some states that already provide one or more of the registration procedures mandated in the bill. In addition, some states provided CBO with the fiscal notes prepared for their state legislatures when they were considering one of these options. We also contacted about half of the 12 states that currently do not offer any of the bill's registration methods for their assessment of the bill's likely impact.

ASSUMPTIONS

Based on this information about the general registration practices in each state and the steps each state would have to take under the bill, CBO makes the following assumptions regarding implementation that could affect the costs to state and local governments:

In most states, motor/voter would become the primary method of registering voters. Because most people have a driver's license and are required to renew it periodically, a motor/voter system eventually would provide most people with a convenient opportunity to register, especially after a change of address.

Although completing a driver's license application at the state department of motor vehicles (DMV) would be the most common way people would apply for registration, local election officials would remain largely responsible for maintaining accurate voter lists.

The several states with constitutional provisions that would conflict with the bill such as requiring voters to sign an oath in person in front of a registrar, would change their laws to be consistent with the bill. Otherwise, those states would have to maintain separate registration rolls and conduct federal elections separately from other elections. This estimate does not include any cost for such separate elections.

COSTS OF REGISTRATION PROVISIONS

Motor/voter: DMV costs.—The bill would require states to include a voter registration application form as part of an application for a state driver's license. The bill language suggests that states use a consolidated form, but also allows them the flexibility of using two forms. CBO assumes that states could use two forms if they desire, because the committee's report language indicates the committee's intent to allow this option to states. Thus, states that already have a two-form motor/voter process would not have to change, and states that would have to decide how to set up a motor/voter process could have a choice.

Based on the experience of the states that already have motor/voter, it appears that the additional cost to states of implementing motor/voter registration would result mainly from hiring additional staff to handle the extra paperwork. For example, state DMVs would need more employees at high traffic locations to continue to process applicants in the same amount of time as they currently do. For the 25 states that do not now have some form of motor/