

AMENDMENT TO RULES COMMITTEE PRINT 116-7
OFFERED BY MR. BUCK OF COLORADO

Page 29, strike line 20 and all that follows through page 30, line 11 and insert the following:

1 (2) RESPONSIBILITIES OF ELECTION OFFI-
2 CIALS.—Section 9 of such Act (52 U.S.C. 20508) is
3 amended by adding at the end the following new
4 subsection:

5 “(c) RESPONSIBILITIES OF ELECTION OFFICIALS
6 THAT PROVIDE VOTING INFORMATION BY ELECTRONIC
7 MAIL.—

8 “(1) USE OF ELECTRONIC MAIL ADDRESS.—

9 “(A) IN GENERAL.—If an individual pro-
10 vides an electronic mail address under sub-
11 section (b)(5) for the purpose of receiving vot-
12 ing information, the appropriate State or local
13 election official shall ensure that such electronic
14 mail address is used only for purposes of car-
15 rying out official duties of election officials and
16 is not transmitted by the State or local election
17 official (or any agent of such an official, includ-
18 ing a contractor) to any person who does not
19 require the address to carry out such official

1 duties and who is not under the direct super-
2 vision and control of the State or local election
3 official.

4 “(B) PERMITTED USES.—Nothing in sub-
5 paragraph (A) shall be construed to prevent the
6 transmission of information—

7 “(i) to the individual who provided an
8 electronic mail address under subsection
9 (b)(5), for purposes of allowing such indi-
10 vidual to review, correct, or update voter
11 registration information on file with the
12 election official;

13 “(ii) to any Federal, State or local law
14 enforcement agency, or any other govern-
15 ment agency charged with investigating al-
16 legations of criminal or fraudulent election
17 activities (including by any foreign state or
18 power)—

19 “(I) except as provided in sub-
20 clause (II), if the State or local elec-
21 tion official notifies the individual
22 prior to such transmission; and

23 “(II) when the transmission oc-
24 curs as a result of a validly issued
25 warrant or subpoena in connection

1 with an investigation, if the State or
2 local election official notifies such in-
3 dividual upon completion of the inves-
4 tigation; or

5 “(iii) in relation to any audit under-
6 taken to ensure that—

7 “(I) the use of electronic mail is
8 an effective means of communicating
9 with registered voters; or

10 “(II) the use of, or the failure in
11 delivery and receipt of, electronic mail
12 has not disenfranchised the individual.

13 “(2) ELECTRONIC MAIL SYSTEM.—The appro-
14 priate State or local election official shall ensure the
15 use of a system for sending electronic mail that—

16 “(A) provides the election official with
17 feedback and metrics (including the open-rate,
18 click-through rate, conversion rate, bounce rate,
19 and spam complaints) that allow such official to
20 identify whether the electronic mail was re-
21 ceived by the requesting individual; and

22 “(B) is compliant with the appropriate
23 provisions of the Americans with Disabilities
24 Act.

1 “(3) OTHER REQUIREMENTS.—The appropriate
2 State or local election official shall—

3 “(A) provide an individual that receives
4 electronic mail containing voting information—

5 “(i) a clear and conspicuous notice ex-
6 plaining how the individual may opt-out of
7 (or decline) the receipt such electronic mail
8 and opt-in to the receipt of such informa-
9 tion by regular mail;

10 “(ii) a valid physical address and
11 phone number of the State or local election
12 official that allows the individual, at the
13 election of such individual, to update com-
14 munication preferences in person or by
15 phone; and

16 “(iii) an internet-based system or
17 website that allows the individual to verify
18 that such communications preferences have
19 been updated; and

20 “(B) transmit a printed copy of any elec-
21 tion-related information by regular mail to any
22 individual who did not receive and open the
23 electronic mail and click-through any links con-
24 tained in such electronic mail, if applicable.

1 “(4) REPORT.—The chief State election official
2 shall submit to the Civil Rights Division of the De-
3 partment of Justice a report, not later than 90 days
4 following an election for Federal office, that contains
5 the following information:

6 “(A) Description of any efforts where elec-
7 tronic mail was used to disseminate voting in-
8 formation to individuals requesting such infor-
9 mation under subsection (b)(5).

10 “(B) Aggregated data and statistics re-
11 lated to such efforts, including the electronic
12 mail open rate, click-through rate, conversion
13 rate, bounce rate, and spam complaints.

14 “(C) Description of measures taken to en-
15 sure that individuals described in paragraph
16 (3)(B) were provided voting information by reg-
17 ular mail.

18 “(D) Description of accommodations for
19 individuals with disabilities in relation to the re-
20 ceipt of voting information by regular and elec-
21 tronic mail.”.

