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:

(2) Responsibilities of Election Officials.—Section 9 of such Act (52 U.S.C. 20508) is amended by adding at the end the following new subsection:

“(c) Responsibilities of Election Officials That Provide Voting Information by Electronic Mail.—

“(1) Use of electronic mail address.—

“(A) In general.—If an individual provides an electronic mail address under subsection (b)(5) for the purpose of receiving voting information, the appropriate State or local election official shall ensure that such electronic mail address is used only for purposes of carrying out official duties of election officials and is not transmitted by the State or local election official (or any agent of such an official, including a contractor) to any person who does not require the address to carry out such official
duties and who is not under the direct supervision and control of the State or local election official.

“(B) PERMITTED USES.—Nothing in subparagraph (A) shall be construed to prevent the transmission of information—

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

“(ii) to any Federal, State or local law enforcement agency, or any other government agency charged with investigating allegations of criminal or fraudulent election activities (including by any foreign state or power)—

“(I) except as provided in subclause (II), if the State or local election official notifies the individual prior to such transmission; and

“(II) when the transmission occurs as a result of a validly issued warrant or subpoena in connection
with an investigation, if the State or local election official notifies such individual upon completion of the investigation; or

“(iii) in relation to any audit undertaken to ensure that—

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

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

“(2) ELECTRONIC MAIL SYSTEM.—The appropriate State or local election official shall ensure the use of a system for sending electronic mail that—

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

“(B) is compliant with the appropriate provisions of the Americans with Disabilities Act.
“(3) OTHER REQUIREMENTS.—The appropriate State or local election official shall—

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

“(i) a clear and conspicuous notice explaining how the individual may opt-out of (or decline) the receipt such electronic mail and opt-in to the receipt of such information by regular mail;

“(ii) a valid physical address and phone number of the State or local election official that allows the individual, at the election of such individual, to update communication preferences in person or by phone; and

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

“(B) transmit a printed copy of any election-related information by regular mail to any individual who did not receive and open the electronic mail and click-through any links contained in such electronic mail, if applicable.
“(4) REPORT.—The chief State election official shall submit to the Civil Rights Division of the Department of Justice a report, not later than 90 days following an election for Federal office, that contains the following information:

“(A) Description of any efforts where electronic mail was used to disseminate voting information to individuals requesting such information under subsection (b)(5).

“(B) Aggregated data and statistics related to such efforts, including the electronic mail open rate, click-through rate, conversion rate, bounce rate, and spam complaints.

“(C) Description of measures taken to ensure that individuals described in paragraph (3)(B) were provided voting information by regular mail.

“(D) Description of accommodations for individuals with disabilities in relation to the receipt of voting information by regular and electronic mail.”.