

AMENDMENT TO H.R. 1

OFFERED BY M__ . _____

Page 2, line 9, strike “Finance” and insert “Finance.”.

In the item relating to section 9001 in the table of contents of the bill, strike “Congresst” and insert “Congress”.

Page 16, line 5, strike “and” and insert “to prevent and remedy discrimination in voting, and”.

Page 17, line 18, strike the period and insert the following: “, and to address partisan gerrymandering, *Rucho v. Common Cause*, 588 U. S. _____, 32-33 (2019).”

Page 18, line 25, strike “is denied” and insert “is abridged or denied”.

Page 22, line 9, strike “If any action is brought” and insert “For any action brought”.

Page 22, line 11, insert “or lawfulness” after “constitutionality”.

Page 22, line 19, add after the period the following:
“These courts, and the Supreme Court of the United

States on a writ of certiorari (if such a writ is issued), shall have exclusive jurisdiction to hear such actions.”.

Page 22, strike line 24 and all that follows through page 23, line 5 and insert the following (and redesignate the succeeding provision accordingly):

1 (3) It shall be the duty of the United States
2 District Court for the District of Columbia and the
3 Court of Appeals for the District of Columbia Cir-
4 cuit to advance on the docket and to expedite to the
5 greatest possible extent the disposition of the action
6 and appeal.

7 (b) CLARIFYING SCOPE OF JURISDICTION.—If an ac-
8 tion at the time of its commencement is not subject to
9 subsection (a), but an amendment, counterclaim, cross-
10 claim, affirmative defense, or any other pleading or motion
11 is filed challenging, whether facially or as-applied, the con-
12 stitutionality or lawfulness of this Act or any amendment
13 made by this Act or any rule or regulation promulgated
14 under this Act, the district court shall transfer the action
15 to the District Court for the District of Columbia, and
16 the action shall thereafter be conducted pursuant to sub-
17 section (a).

Page 27, strike lines 6 through 8 and insert the fol-
lowing:

1 (1) the ability of all eligible citizens of the
2 United States to access and exercise their constitu-
3 tional right to vote in a free, fair, and timely manner
4 must be vigilantly enhanced, protected, and main-
5 tained; and

Page 53, line 22, strike “Each” and insert “Except as otherwise provided in this section, each”.

Page 53, line 25, strike “or, in the case of an institution of higher education, each registration of a student for enrollment in a course of study”.

Page 54, line 7, strike “ the contributing agency informs the individual of the information described in paragraph (1),” and insert “a contributing agency as described in paragraph (1) informs an individual of the information described in such paragraph, unless the individual has declined to be registered to vote or informs the agency that they are already registered to vote,”.

Page 54, line 14, strike “, unless during such 30-day period the individual declined to be registered to vote”.

Page 55, strike lines 3 through 5 and insert the following:

1 (G) Except in the case in which the con-
2 tributing agency is a covered institution of
3 higher education, in the case of a State in
4 which affiliation or enrollment with a political
5 party is required in order to participate in an
6 election to select the party's candidate in an
7 election for Federal office, information regard-
8 ing the individual's affiliation or enrollment
9 with a political party, but only if the individual
10 provides such information.

Page 59, strike line 21 and all that follows through
page 61, line 6 (and redesignate the succeeding provi-
sions accordingly).

Page 61, insert after line 17 the following:

11 (f) INSTITUTIONS OF HIGHER EDUCATION.—

12 (1) IN GENERAL.—Each covered institution of
13 higher education shall be treated as a contributing
14 agency in the State in which the institution is lo-
15 cated with respect to in-State students.

16 (2) PROCEDURES.—

17 (A) IN GENERAL.—Notwithstanding sec-
18 tion 444 of the General Education Provisions
19 Act (20 U.S.C. 1232g; commonly referred to as
20 the 'Family Educational Rights and Privacy

1 Act of 1974”) or any other provision of law,
2 each covered institution of higher education
3 shall comply with the requirements of sub-
4 section (b) with respect to each in-State stu-
5 dent.

6 (B) RULES FOR COMPLIANCE.—In com-
7 plying with the requirements described in sub-
8 paragraph (A), the institution—

9 (i) may use information provided in
10 the Free Application for Federal Student
11 Aid described in section 483 of the Higher
12 Education Act of 1965 (20 U.S.C. 1090)
13 to collect information described in para-
14 graph (3) of such subsection for purposes
15 of transmitting such information to the ap-
16 propriate State election official pursuant to
17 such paragraph; and

18 (ii) shall not be required to prevent or
19 delay students from enrolling in a course
20 of study or otherwise impede the comple-
21 tion of the enrollment process; and (iii)
22 shall not withhold, delay, or impede the
23 provision of Federal financial aid provided
24 under title IV of the Higher Education Act
25 of 1965.

1 (C) CLARIFICATION.—Nothing in this part
2 may be construed to require an institution of
3 higher education to request each student to af-
4 firm whether or not the student is a United
5 States citizen or otherwise collect information
6 with respect to citizenship.

7 (3) DEFINITIONS.—

8 (A) COVERED INSTITUTION OF HIGHER
9 EDUCATION.—In this section, the term “covered
10 institution of higher education” means an insti-
11 tution of higher education that—

12 (i) has a program participation agree-
13 ment in effect with the Secretary of Edu-
14 cation under section 487 of the Higher
15 Education Act of 1965 (20 U.S.C. 1094);

16 (ii) in its normal course of operations,
17 requests each in-State student enrolling in
18 the institution to affirm whether or not the
19 student is a United States citizen; and

20 (iii) is located in a State to which sec-
21 tion 4(b)(1) of the National Voter Reg-
22 istration Act of 1993 (52 U.S.C.
23 20503(b)(1)) does not apply.

24 (B) IN-STATE STUDENT.—In this section,
25 the term “in-State student”—

- 1 (i) means a student enrolled in a cov-
2 ered institution of higher education who,
3 for purposes related to in-State tuition, fi-
4 nancial aid eligibility, or other similar pur-
5 poses, resides in the State; and
- 6 (ii) includes a student described in
7 clause (i) who is enrolled in a program of
8 distance education, as defined in section
9 103 of the Higher Education Act of 1965
10 (20 U.S.C. 1003).

Page 89, line 9, strike “fiscal year 2020” and insert “fiscal year 2022”.

Page 166, line 16, insert “of the jurisdiction in which the individual is registered” after “official”.

Page 170, line 6, strike “during early voting” and insert “during in-person early voting”.

Page 173, strike lines 10 through 15 (and redesignate the succeeding provision accordingly).

Page 177, line 24, strike “and”.

Page 178, line 3, strike the period and insert “; and”.

Page 178, insert after line 3 the following:

1 “(iii) of the officials who make the de-
2 termination, at least one is affiliated with
3 the political party whose candidate received
4 the most votes in the most recent statewide
5 election for Federal office held in the State
6 and at least one is affiliated with the polit-
7 ical party whose candidate received the
8 second most votes in the most recent state-
9 wide election for Federal office held in the
10 State.”.

Page 178, line 8, insert “and the Commission” after
“Congress”.

Page 179, strike line 15 and all that follows through
page 181, line 8 and insert the following:

11 “(c) TRANSMISSION OF APPLICATIONS, BALLOTS,
12 AND BALLOTING MATERIALS TO VOTERS.—

13 “(1) AUTOMATIC TRANSMISSION OF ABSENTEE
14 BALLOT APPLICATIONS.—

15 “(A) TRANSMISSION OF APPLICATIONS.—

16 Not later than 60 days before the date of an
17 election for Federal office, the appropriate
18 State or local election official shall transmit an
19 application for an absentee ballot for the elec-
20 tion to each individual who is registered to vote

1 in the election, or, in the case of any State that
2 does not register voters, all individuals who are
3 in the State's central voter file (or if the State
4 does not keep a central voter file, all individuals
5 who are eligible to vote in such election).

6 “(B) EXCEPTION FOR INDIVIDUALS AL-
7 READY RECEIVING APPLICATIONS AUTOMATI-
8 CALLY.—Subparagraph (A) does not apply with
9 respect to an individual to whom the State is
10 already required to transmit an application for
11 an absentee ballot for the election because the
12 individual exercised the option described in sub-
13 paragraph (D) of paragraph (2) to treat an ap-
14 plication for an absentee ballot in a previous
15 election for Federal office in the State as an ap-
16 plication for an absentee ballot in all subse-
17 quent elections for Federal office in the State.

18 “(C) EXCEPTION FOR STATES TRANSMIT-
19 TING BALLOTS WITHOUT APPLICATION.—Sub-
20 paragraph (A) does not apply with respect to a
21 State which transmits a ballot in an election for
22 Federal office in the State to a voter prior to
23 the date of the election without regard to
24 whether or not the voter submitted an applica-
25 tion for the ballot to the State.

1 “(D) RULE OF CONSTRUCTION.—Nothing
2 in this paragraph may be construed to prohibit
3 an individual from submitting to the appro-
4 priate State or local election official an applica-
5 tion for an absentee ballot in an election for
6 Federal office, including through the methods
7 described in paragraph (2).

8 “(2) OTHER METHODS FOR APPLYING FOR AB-
9 SENTEE BALLOT.—

10 “(A) IN GENERAL.—In addition to such
11 other methods as the State may establish for an
12 individual to apply for an absentee ballot, the
13 State shall permit an individual—

14 “(i) to submit an application for an
15 absentee ballot online; and

16 “(ii) to submit an application for an
17 absentee ballot through the use of an auto-
18 mated telephone-based system, subject to
19 the same terms and conditions applicable
20 under this paragraph to the services made
21 available online.

22 “(B) TREATMENT OF WEBSITES.—The
23 State shall be considered to meet the require-
24 ments of subparagraph (A)(i) if the website of
25 the appropriate State or local election official

1 allows an application for an absentee ballot to
2 be completed and submitted online and if the
3 website permits the individual—

4 “(i) to print the application so that
5 the individual may complete the application
6 and return it to the official; or

7 “(ii) request that a paper copy of the
8 application be transmitted to the individual
9 by mail or electronic mail so that the indi-
10 vidual may complete the application and
11 return it to the official.

12 “(C) ENSURING DELIVERY PRIOR TO
13 ELECTION.—If an individual who is eligible to
14 vote in an election for Federal office submits an
15 application for an absentee ballot in the elec-
16 tion, the appropriate State or local election offi-
17 cial shall ensure that the ballot and relating
18 voting materials are received by the individual
19 prior to the date of the election so long as the
20 individual’s application is received by the offi-
21 cial not later than 5 days (excluding Saturdays,
22 Sundays, and legal public holidays) before the
23 date of the election, except that nothing in this
24 paragraph shall preclude a State or local juris-
25 diction from allowing for the acceptance and

1 processing of absentee ballot applications sub-
2 mitted or received after such required period.
3 “(D) APPLICATION FOR ALL FUTURE
4 ELECTIONS.—At the option of an individual, a
5 State shall treat the individual’s application to
6 vote by absentee ballot by mail in an election
7 for Federal office as an application for an ab-
8 sentee ballot by mail in all subsequent Federal
9 elections held in the State.”.

Page 181, line 24, strike “postmarked, signed, or otherwise” and insert “postmarked or otherwise”.

Page 182, line 2, strike the semicolon and insert the following: “, or has been signed by the voter on or before the date of the election;”.

Page 186, line 21, strike “COUNTED” and insert “ACCEPTED”.

Page 186, line 24, strike “counted” and insert “accepted”.

Page 186, line 25, strike “not counted” and insert “rejected”.

Page 192, insert after line 15 the following (and redesignate the succeeding provisions accordingly):

1 “(b) In the case of any election mail carried by the
2 Postal Service that consists of a ballot, the Postal Service
3 shall indicate on the ballot envelope, using a postmark or
4 otherwise—

5 “(1) the fact that the ballot was carried by the
6 Postal Service; and

7 “(2) the date on which the ballot was mailed.”.

Page 193, insert after line 5 the following (and re-
designate the succeeding provision accordingly):

8 (2) MAIL-IN BALLOTS AND POSTAL SERVICE
9 BARCODE SERVICE.—

10 (A) IN GENERAL.—Section 3001 of title
11 39, United States Code, is amended by adding
12 at the end the following:

13 “(p) Any ballot sent within the United States for an
14 election for Federal office is nonmailable and shall not be
15 carried or delivered by mail unless the ballot is mailed in
16 an envelope that—

17 “(1) contains a Postal Service barcode (or suc-
18 cessive service or marking) that enables tracking of
19 each individual ballot;

20 “(2) satisfies requirements for ballot envelope
21 design that the Postal Service may promulgate by
22 regulation;

1 “(3) satisfies requirements for machineable let-
2 ters that the Postal Service may promulgate by reg-
3 ulation; and

4 “(4) includes the Official Election Mail Logo
5 (or any successor label that the Postal Service may
6 establish for ballots).”.

7 (B) APPLICATION.—The amendment made
8 by subsection (a) shall apply to any election for
9 Federal office occurring after the date of enact-
10 ment of this Act.

Page 207, line 15, strike “November 2020” and in-
sert “November 2022”.

Page 219, line 21, strike “2020” and insert “2021”.

Page 226, line 3, strike “2020” and insert “2021”.

Page 262, line 19, strike “**PART 3**” and insert
“**PART 4**”.

Strike page 268, line 4, through page 270, line 17,
and insert the following:

11 **SEC. 2001. FINDINGS REAFFIRMING COMMITMENT OF CON-**
12 **GRESS TO RESTORE THE VOTING RIGHTS**
13 **ACT.**

14 (a) FINDINGS.—Congress finds the following:

1 (1) The right to vote for all Americans is a fun-
2 damental right guaranteed by the United States
3 Constitution.

4 (2) Federal, State, and local governments
5 should protect the right to vote and promote voter
6 participation across all demographics.

7 (3) The Voting Rights Act has empowered the
8 Department of Justice and Federal courts for nearly
9 a half a century to block discriminatory voting prac-
10 tices before their implementation in States and local-
11 ities with the most troubling histories, ongoing
12 records of racial discrimination, and demonstrations
13 of lower participation rates for protected classes.

14 (4) There continues to be an alarming move-
15 ment to erect barriers to make it more difficult for
16 Americans to participate in our Nation's democratic
17 process. The Nation has witnessed unprecedented ef-
18 forts to turn back the clock and enact suppressive
19 laws that block access to the franchise for commu-
20 nities of color which have faced historic and con-
21 tinuing discrimination, as well as disabled, young, el-
22 derly, and low-income Americans.

23 (5) The Supreme Court's decision in *Shelby*
24 *County v. Holder* (570 U.S. 529 (2013)), gutted
25 decades-long Federal protections for communities of

1 color and language-minority populations facing ongoing
2 discrimination, emboldening States and local jurisdictions
3 to pass voter suppression laws and implementation
4 procedures, like those requiring photo identification,
5 limiting early voting hours, eliminating same-day
6 registration, purging voters from the rolls, and
7 reducing the number of polling places.

8 (6) Racial discrimination in voting is a clear
9 and persistent problem. The actions of States and
10 localities around the country post-Shelby County, including
11 at least 10 findings by Federal courts of intentional
12 discrimination, underscored the need for Congress
13 to conduct investigatory and evidentiary hearings
14 to determine the legislation necessary to restore
15 the Voting Rights Act and combat continuing
16 efforts in America that suppress the free exercise of
17 the franchise in Black and other communities of
18 color.

19 (7) Evidence of discriminatory voting practice
20 spans from decades ago through to the past several
21 election cycles. The 2018 midterm elections, for example,
22 demonstrated ongoing discrimination in voting.
23

24 (8) During the 116th Congress, congressional
25 committees in the House of Representatives held nu-

1 merous hearings, collecting substantial testimony
2 and other evidence which underscored the need to
3 pass a restoration of the Voting Rights Act.

4 (9) On December 6, 2019, the House of Rep-
5 resentatives passed the John R. Lewis Voting Rights
6 Advancement Act, which would restore and mod-
7 ernize the Voting Rights Act, in accordance with
8 language from the *Shelby County* decision. Congress
9 reaffirms that the barriers faced by too many voters
10 across this Nation when trying to cast their ballot
11 necessitate reintroduction of many of the protections
12 once afforded by the Voting Rights Act.

13 (10) The 2020 primary and general elections
14 provide further evidence that systemic voter dis-
15 crimination and intimidation continues to occur in
16 communities of color across the country, making it
17 clear that full access to the franchise will not be
18 achieved until Congress restores key provisions of
19 the Voting Rights Act.

20 (11) As of late-February 2021, 43 States had
21 introduced, prefled, or carried over 253 bills to re-
22 strict voting access that, primarily, limit mail voting
23 access, impose stricter voter ID requirements, slash
24 voter registration opportunities, and/or enable more
25 aggressive voter roll purges.

1 (b) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 (1) To improve access to the ballot for all citi-
4 zens.

5 (2) To establish procedures by which States
6 and localities, in accordance with past actions, sub-
7 mit voting practice changes for preclearance by the
8 Federal Government.

9 (3) To enhance the integrity and security of our
10 voting systems.

11 (4) To ensure greater accountability for the ad-
12 ministration of elections by States and localities.

13 (5) To restore protections for voters against
14 practices in States and localities plagued by the per-
15 sistence of voter disenfranchisement.

16 (6) To ensure that Federal civil rights laws pro-
17 tect the rights of voters against discriminatory and
18 deceptive practices.

Page 285, line 7, strike “who not” and insert “who
are not”.

Page 447, line 9, strike “paid”.

Page 447, strike lines 19 through 23 and insert the
following:

1 “(ii) which promotes, supports, at-
2 tacks, or opposes the nomination or Senate
3 confirmation of an individual as a Federal
4 judge or justice.”.

Page 448, insert after line 6 the following (and re-designate the succeeding provision accordingly):

5 “(3) EXCEPTION.—The term ‘campaign-related
6 disbursement’ does not include any news story, com-
7 mentary, or editorial distributed through the facili-
8 ties of any broadcasting station or any print, online,
9 or digital newspaper, magazine, publication, or peri-
10 odical, unless such facilities are owned or controlled
11 by any political party, political committee, or can-
12 didate.”.

Page 457, line 11, insert “or lawfulness” after “constitutionality”.

Page 458, line 2, strike “the District of Columbia, the Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States” and insert “the District of Columbia and the Court of Appeals for the District of Columbia Circuit”.

Page 484, insert after line 16 the following:

1 **SEC. 4211. REQUIRING ONLINE PLATFORMS TO DISPLAY**
2 **NOTICES IDENTIFYING SPONSORS OF POLIT-**
3 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
4 **TICES CONTINUE TO BE PRESENT WHEN AD-**
5 **VERTISEMENTS ARE SHARED.**

6 (a) REQUIREMENT.—Section 304 of the Federal
7 Election Campaign Act of 1971 (52 U.S.C. 30104), as
8 amended by section 4002 and section 4208(a), is amended
9 by adding at the end the following new subsection:

10 “(1) ENSURING DISPLAY AND SHARING OF SPONSOR
11 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
12 MENTS.—

13 “(1) REQUIREMENT.— An online platform dis-
14 playing a qualified political advertisement shall—

15 “(A) display with the advertisement a visi-
16 ble notice identifying the sponsor of the adver-
17 tisement (or, if it is not practical for the plat-
18 form to display such a notice, a notice that the
19 advertisement is sponsored by a person other
20 than the platform); and

21 “(B) ensure that the notice will continue to
22 be displayed if a viewer of the advertisement
23 shares the advertisement with others on that
24 platform.

25 “(2) DEFINITIONS.—In this subsection,—

1 “(A) the term ‘online platform’ has the
2 meaning given such term in subsection (k)(3);
3 and

4 “(B) the term ‘qualified political advertise-
5 ment’ has the meaning given such term in sub-
6 section (k)(4).”.

7 (b) **EFFECTIVE DATE.**—The amendment made by
8 subsection (a) shall apply with respect to advertisements
9 displayed on or after the 120-day period which begins on
10 the date of the enactment of this Act.

Page 505, insert after line 15 the following:

11 **SEC. 4404. CLARIFICATION OF APPLICATION OF FOREIGN**
12 **MONEY BAN.**

13 (a) **CLARIFICATION OF TREATMENT OF PROVISION**
14 **OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-**
15 **TION OF A THING OF VALUE.**—Section 319 of the Federal
16 Election Campaign Act of 1971 (52 U.S.C. 30121), as
17 amended by section 4101(a), section 4101(b), section
18 4209, section 4401, and section 4403, is amended by add-
19 ing at the end the following new subsection:

20 “(h) **CLARIFICATION OF TREATMENT OF PROVISION**
21 **OF CERTAIN INFORMATION AS CONTRIBUTION OR DONA-**
22 **TION OF A THING OF VALUE.**—For purposes of this sec-
23 tion, a ‘contribution or donation of money or other thing
24 of value’ includes the provision of opposition research,

1 polling, or other non-public information relating to a can-
2 didate for election for a Federal, State, or local office for
3 the purpose of influencing the election, regardless of
4 whether such research, polling, or information has mone-
5 tary value, except that nothing in this subsection shall be
6 construed to treat the mere provision of an opinion about
7 a candidate as a thing of value for purposes of this sec-
8 tion.”.

9 (b) CLARIFICATION OF APPLICATION OF FOREIGN
10 MONEY BAN TO ALL CONTRIBUTIONS AND DONATIONS
11 OF THINGS OF VALUE AND TO ALL SOLICITATIONS OF
12 CONTRIBUTIONS AND DONATIONS OF THINGS OF
13 VALUE.—Section 319(a) of such Act (52 U.S.C.
14 30121(a)) is amended—

15 (1) in paragraph (1)(A), by striking “promise
16 to make a contribution or donation” and inserting
17 “promise to make such a contribution or donation”;

18 (2) in paragraph (1)(B), by striking “donation”
19 and inserting “donation of money or other thing of
20 value, or to make an express or implied promise to
21 make such a contribution or donation,”; and

22 (3) by amending paragraph (2) to read as fol-
23 lows:

24 “(2) a person to solicit, accept, or receive (di-
25 rectly or indirectly) a contribution, donation, or dis-

1 bursement described in paragraph (1), or to solicit,
2 accept, or receive (directly or indirectly) an express
3 or implied promise to make such a contribution or
4 donation, from a foreign national.”.

Strike part 2 of subtitle E of title IV (and redesignate the succeeding provisions accordingly).

Amend section 4502 to read as follows:

5 SEC. 4502. REPEAL OF REGULATIONS.

6 The final regulations of the Department of the Treas-
7 ury relating to guidance under section 6033 of the Inter-
8 nal Revenue Code of 1986 regarding the reporting require-
9 ments of exempt organizations (published at 85 Fed. Reg.
10 31959 (May 28, 2020)) shall have no force and effect.

Page 517, line 3, strike “shall not be considered to meet” and insert “shall not be subject to”.

Page 573, line 16, strike “shall elect, in accordance with section 304(b)(3)(A), to include” and insert “shall, in accordance with section 304(b)(3)(A), include”.

Page 646, line 25, strike “2024” and insert “2022”.

Page 651, line 12, strike “2024” and insert “2022”.

Page 651, line 19, strike “2024” and insert “2022”.

Page 660, line 5, strike “and”.

Page 664, line 11, strike “2020” and insert “2021”.

Page 666, line 6, strike “2024” and insert “2022”.

Page 666, line 12, strike “2023” and insert “2021”.

Page 666, line 18, strike “2023” and insert “2021”.

Page 667, line 25, strike “section 4431” and insert
“section 4421”.

