

**AMENDMENT TO S. 3969**  
**OFFERED BY MR. STEIL OF WISCONSIN**

Page 3, insert after line 19 the following (and redesignate the succeeding provisions accordingly):

1 **SEC. 3. CONFIRMING ACCESS FOR CONGRESSIONAL ELEC-**  
2 **TION OBSERVERS.**

3 (a) **SHORT TITLE.**—This section may be cited as the  
4 “Confirmation Of Congressional Observer Access Act of  
5 2022” or the “COCOA Act of 2022”.

6 (b) **FINDINGS RELATING TO CONGRESSIONAL ELEC-**  
7 **TION OBSERVERS.**—Congress finds the following:

8 (1) The Constitution delegates to each House of  
9 Congress the authority to “be the Judge of the Elec-  
10 tions, Returns and Qualifications of its own Mem-  
11 bers”.

12 (2) While, in general, Congress shall respect the  
13 determination of State authorities with respect to  
14 the election of members to each House, each House  
15 of Congress serves as the final arbiter over any con-  
16 test to the seating of any putative Member-elect or  
17 Senator-elect.

18 (3) These election contest procedures are con-  
19 tained in the precedents of each House of Congress.

1 Further, for the House of Representatives the proce-  
2 dures exist under the Federal Contested Elections  
3 Act.

4 (4) In the post-Civil War modern era, more  
5 than 100 election contests have been filed with the  
6 House of Representatives.

7 (5) For decades, Congress has appointed and  
8 sent out official congressional observers to watch the  
9 administration of congressional elections in the  
10 States and territories.

11 (6) These observers serve to permit Congress to  
12 develop its own factual record in preparation for  
13 eventual contests and for other reasons.

14 (7) This section and the amendments made by  
15 this section do not establish any new authorities or  
16 procedures but are provided simply to permit a con-  
17 venient statutory reference for existing congressional  
18 authority and activity.

19 (c) CONFIRMING ACCESS FOR CONGRESSIONAL  
20 ELECTION OBSERVERS.—

21 (1) CONFIRMING REQUIREMENT THAT STATES  
22 PROVIDE ACCESS.—Title III of the Help America  
23 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is  
24 amended—

1 (A) by redesignating sections 304 and 305  
2 as sections 305 and 306; and

3 (B) by inserting after section 303 the fol-  
4 lowing new section:

5 **“SEC. 304. CONFIRMING ACCESS FOR CONGRESSIONAL**  
6 **ELECTION OBSERVERS.**

7 “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—  
8 Congress finds that it has the authority to require that  
9 States allow access to designated congressional election  
10 observers to observe the election administration proce-  
11 dures in an election for Federal office because the author-  
12 ity granted to Congress under article I, section 5 of the  
13 Constitution of the United States gives each House of  
14 Congress the power to be the judge of the elections, re-  
15 turns and qualifications of its own Members.

16 “(b) REQUIRING STATES TO PROVIDE ACCESS.—A  
17 State shall provide each individual who is a designated  
18 congressional election observer for an election with full ac-  
19 cess to clearly observe all of the elements of the adminis-  
20 tration procedures with respect to such election, including  
21 but not limited to in all areas of polling places and other  
22 facilities where ballots in the election are processed, tab-  
23 ulated, cast, canvassed, and certified, in all areas where  
24 voter registration activities occur before such election, and  
25 in any other such place where election administration pro-

1 cedures to prepare for the election or carry out any post-  
2 election recounts take place. No designated congressional  
3 election observer may handle ballots, elections equipment  
4 (voting or non-voting), advocate for a position or can-  
5 didate, take any action to reduce ballot secrecy, or other-  
6 wise interfere with the elections administration process.

7       “(c) DESIGNATED CONGRESSIONAL ELECTION OB-  
8 SERVER DESCRIBED.—In this section, a ‘designated con-  
9 gressional election observer’ is an individual who is des-  
10 igned in writing by the chair or ranking minority mem-  
11 ber of the Committee on House Administration of the  
12 House of Representatives or the Committee on Rules and  
13 Administration of the Senate, or the successor committee  
14 in either House of Congress to gather information with  
15 respect to an election, including in the event that the elec-  
16 tion is contested in the House of Representatives or the  
17 Senate and for other purposes permitted by article 1, sec-  
18 tion 5 of the Constitution of the United States.”.

19       (2) CONFORMING AMENDMENT RELATING TO  
20 ENFORCEMENT.—Section 401 of such Act (52  
21 U.S.C. 21111) is amended by striking “and 303”  
22 and inserting “303, and 304”.

23       (3) CLERICAL AMENDMENT.—The table of con-  
24 tents of such Act is amended—

1 (A) by redesignating the items relating to  
2 sections 304 and 305 as relating to sections  
3 305 and 306; and

4 (B) by inserting after the item relating to  
5 section 303 the following:

“Sec. 304. Confirming access for congressional election observers.”.

