

116TH CONGRESS  
2D SESSION

# S. 4895

To establish a Bipartisan Advisory Committee to analyze the integrity and the administration of the 2020 general election for Federal office.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2020

Mr. PERDUE (for himself and Mrs. LOEFFLER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish a Bipartisan Advisory Committee to analyze the integrity and the administration of the 2020 general election for Federal office.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing America’s  
5 Future Elections and Votes Act” or the “SAFE Votes  
6 Act”.

7 **SEC. 2. 2020 BIPARTISAN ADVISORY COMMITTEE.**

8 (a) ESTABLISHMENT.—There is established within  
9 the Election Assistance Commission the 2020 Bipartisan

1 Advisory Committee (referred to in this section as the  
2 “Advisory Committee”).

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The Advisory Committee  
5 shall be composed of 18 members of whom—

6 (A) nine shall be appointed by the majority  
7 leader of the Senate (in consultation with the  
8 minority leader of the House of Representa-  
9 tives), one of which shall be appointed as a Co-  
10 Chairperson of the Advisory Committee; and

11 (B) nine shall be appointed by the Speaker  
12 of the House of Representatives (in consultation  
13 with the minority leader of the Senate), one of  
14 which shall be appointed as a Co-Chairperson of  
15 the Advisory Committee.

16 (2) REPRESENTATION.—Individuals appointed  
17 to the Advisory Committee under paragraph (1)  
18 shall be geographically balanced and shall include  
19 representatives of Federal, State, and local govern-  
20 ments and of the legal, cybersecurity, and election  
21 administration and technology communities.

22 (3) DATE.—The appointments of the members  
23 of the Advisory Committee shall be made not later  
24 than 90 days after the date of enactment of this  
25 Act.

1 (c) PERIOD OF APPOINTMENT; VACANCIES.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), a member of the Advisory shall be ap-  
4 pointed for the duration of the Advisory Committee.

5 (2) REMOVAL.—A member may be removed  
6 from the Advisory Committee at any time at the  
7 upon concurrence of both of the Co-Chairpersons of  
8 the Advisory Committee.

9 (3) VACANCIES.—A vacancy in the Advisory  
10 Committee—

11 (A) shall not affect the powers of the Com-  
12 mission; and

13 (B) shall be filled in the same manner as  
14 the original appointment.

15 (d) DUTIES.—

16 (1) STUDY.—

17 (A) IN GENERAL.—The Advisory Com-  
18 mittee shall, consistent with applicable law,  
19 study the integrity and administration of the  
20 general election for Federal office held in No-  
21 vember 2020 and make recommendations to  
22 Congress to improve the security, integrity, and  
23 administration of Federal elections.

1 (B) MATTERS STUDIED.—The matters  
2 studied by the Advisory Committee shall in-  
3 clude—

4 (i) the effects of the COVID–19 pan-  
5 demic on the administration of the general  
6 election for Federal office held in Novem-  
7 ber 2020;

8 (ii) the election practices adopted by  
9 Federal, State, and local governments in  
10 response to the COVID–19 pandemic, in-  
11 cluding—

12 (I) practices that undermined the  
13 security and integrity of the election;  
14 and

15 (II) practices that strengthened  
16 the security and integrity of the elec-  
17 tion;

18 (iii) the laws, rules, policies, activities,  
19 strategies, and practices regarding mail-in  
20 ballots, absentee ballots, and vote-by-mail  
21 procedures, including—

22 (I) measures that undermined  
23 the security and integrity of the elec-  
24 tion; and

1 (II) measures that strengthened  
2 the security and integrity of the elec-  
3 tion;

4 (iv) any laws, rules, policies, activities,  
5 strategies, and practices that would have  
6 allowed improper or fraudulent votes to be  
7 cast in such election and the scope of any  
8 improper and fraudulent votes that were  
9 cast in the election; and

10 (v) any laws, rules, policies, activities,  
11 strategies, and practices that would have  
12 allowed improper or fraudulent voter reg-  
13 istration and the scope of any improper or  
14 fraudulent voter registration.

15 (2) REPORTS.—

16 (A) INITIAL REPORT.—Not later than 180  
17 days after the date of the enactment of this  
18 Act, the Advisory Committee shall submit to  
19 the Election Assistance Commission and the ap-  
20 propriate Congressional committees a report on  
21 the matter studied under paragraph (1). Such  
22 report shall include—

23 (i) precinct-by-precinct data high-  
24 lighting the number and incidence of any

1 improper and fraudulent votes that were  
2 cast in the election; and

3 (ii) precinct-by-precinct data high-  
4 lighting the number and incidence of any  
5 improper and fraudulent voter registra-  
6 tions.

7 (B) RECOMMENDATIONS.—

8 (i) IN GENERAL.—Not later than 360  
9 days after the date of the enactment of  
10 this Act, the Advisory Committee shall  
11 submit to the Election Assistance Commis-  
12 sion and the appropriate Congressional  
13 committees recommendations on the fol-  
14 lowing:

15 (I) The best practices that should  
16 be adopted by at each level of local,  
17 State, and Federal Government for  
18 administering elections for Federal of-  
19 fice—

20 (aa) during the COVID–19  
21 pandemic; and

22 (bb) during other national  
23 emergencies.

24 (II) The best practices that  
25 should be adopted at each level of

1 local, State, and Federal Government  
2 to mitigate fraud and increase the in-  
3 tegrity and security of mail-in ballots,  
4 absentee ballots, and vote-by-mail pro-  
5 cedures.

6 (III) The best practices that  
7 should be adopted at each level of  
8 local, State, and Federal Government  
9 to prevent improper or fraudulent  
10 votes from being cast.

11 (IV) The best practices that  
12 should be adopted at each level of  
13 local, State, and Federal Government  
14 to prevent improper voters from being  
15 registered.

16 (ii) MINORITY VIEWS.—In the case of  
17 any recommendation with respect to which  
18 one-third or more of the Committee does  
19 not concur, the report shall include a jus-  
20 tification for why such members do not  
21 concur.

22 (C) APPROPRIATE CONGRESSIONAL COM-  
23 MITTEES.—For purposes of this paragraph, the  
24 term “appropriate Congressional Committees”  
25 means—

1 (i) the Committee on Rules and Ad-  
2 ministration of the Senate;

3 (ii) the Committee on the Judiciary of  
4 the Senate;

5 (iii) the Committee on House Admin-  
6 istration of the House of Representatives;  
7 and

8 (iv) the Committee on the Judiciary of  
9 the House of Representatives.

10 (e) COMMISSION PERSONNEL MATTERS.—

11 (1) PROHIBITION ON COMPENSATION OF MEM-  
12 BERS.—The members of the Advisory Committee  
13 may not receive pay or benefits from the United  
14 States Government by reason of their service on the  
15 Advisory Committee.

16 (2) STAFF.—

17 (A) IN GENERAL.—Each Co-Chairperson  
18 of the Advisory Committee may appoint not  
19 more than 5 subject matter experts to serve as  
20 staff to the Advisory Committee.

21 (B) COMPENSATION.—The Co-Chair-  
22 persons of the Advisory Committee may fix the  
23 compensation of the staff of the Advisor Com-  
24 mittee without regard to chapter 51 and sub-  
25 chapter III of chapter 53 of title 5, United



1 States Code, relating to classification of posi-  
2 tions and General Schedule pay rates, except  
3 that the rate of pay for the staff may not ex-  
4 ceed the rate payable for level V of the Execu-  
5 tive Schedule under section 5316 of that title.

6 (f) TERMINATION.—The Advisory Committee shall  
7 terminate 90 days after the date on which the Advisory  
8 Committee submits the report required under subsection  
9 (d).

10 (g) NONAPPLICABILITY OF FACA.—The Federal Ad-  
11 visory Committee Act (5 U.S.C. App.) shall not apply to  
12 the Advisory Committee.

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