

116TH CONGRESS
1ST SESSION

S. 957

To amend the Help America Vote Act of 2002 to establish minimum requirements for early voting.

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2019

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to establish minimum requirements for early voting.

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 “Early Voting Act”.

5 **SEC. 2. ESTABLISHING MINIMUM REQUIREMENTS FOR**
6 **EARLY VOTING.**

7 (a) REQUIREMENTS FOR STATES.—

8 (1) IN GENERAL.—Subtitle A of title III of the
9 Help America Vote Act of 2002 (52 U.S.C. 21081
10 et seq.) is amended—

1 (A) by redesignating section 304 as section
2 307; and

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

5 **“SEC. 304. EARLY VOTING.**

6 “(a) IN GENERAL.—Each State and jurisdiction
7 which is responsible for administering elections for Fed-
8 eral office shall allow individuals to vote in an election for
9 Federal office on each day occurring during the 15-day
10 period which ends on the Friday immediately preceding
11 the date of the election, in the same manner as voting
12 is allowed on such date.

13 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

14 “(1) MINIMUM NUMBER OF EARLY VOTING LO-
15 CATIONS BASED ON VOTING POPULATION.—

16 “(A) IN GENERAL.—Each jurisdiction shall
17 have at least the applicable number of polling
18 places specified under subparagraph (B) open
19 for early voting pursuant to subsection (a) and
20 in accordance with the requirements under
21 paragraphs (2) and (3).

22 “(B) MINIMUM APPLICABLE NUMBER OF
23 VOTING SYSTEMS SPECIFIED.—For purposes of
24 subparagraph (A), the applicable number of

1 polling places specified in this subparagraph
2 is—

3 “(i) in the case of a jurisdiction that
4 has (as of the 60th day prior to an election
5 for Federal office, if available, or if not
6 available, as reported in the most recent
7 decennial census) a voting age population
8 greater than 100,000, 2; and

9 “(ii) in the case of a jurisdiction that
10 has (as of such date, if available, or if not
11 available, as reported in the most recent
12 decennial census) a voting age population
13 equal to or less than 100,000, 1.

14 “(2) MINIMUM NUMBER OF EARLY VOTING LO-
15 CATIONS PER COUNTY.—Each jurisdiction shall en-
16 sure that each county within the jurisdiction has
17 more than 1 polling location.

18 “(3) OTHER REQUIREMENTS.—Each polling
19 place which allows voting prior to the date of a Fed-
20 eral election pursuant to subsection (a) shall—

21 “(A) allow such voting for not less than 10
22 hours on each day; and

23 “(B) have uniform hours each day for
24 which such voting occurs.

1 “(c) LOCATION OF POLLING PLACES NEAR PUBLIC
2 TRANSPORTATION.—To the greatest extent practicable, a
3 State or jurisdiction shall ensure that each polling place
4 which allows voting prior to the date of a Federal election
5 pursuant to subsection (a) is located within reasonable
6 walking distance of no more than 1/2 mile of a stop on
7 a public transportation route.

8 “(d) STANDARDS.—

9 “(1) IN GENERAL.—Notwithstanding section
10 209, the Commission shall issue standards for the
11 administration of voting prior to the date scheduled
12 for a Federal election. Such standards shall include
13 the nondiscriminatory geographic placement of poll-
14 ing places at which such voting occurs.

15 “(2) DEVIATION.—The standards described in
16 paragraph (1) shall—

17 “(A) subject to subparagraph (B), permit
18 States and jurisdictions, upon providing ade-
19 quate public notice, to deviate from any require-
20 ment in the case of unforeseen circumstances
21 such as a natural disaster, terrorist attack, or
22 a change in voter turnout; and

23 “(B) include minimum standards for
24 States and jurisdictions with respect to polling

1 locations in case of such unforeseen cir-
2 cumstances.

3 “(e) EFFECTIVE DATE.—This section shall apply
4 with respect to elections held on or after the date that
5 is 180 days after the date of enactment of this section.”.

6 (2) ENFORCEMENT.—Section 401 of the Help
7 America Vote Act of 2002 (52 U.S.C. 21111) is
8 amended by striking “and 303” and inserting “303,
9 and 304”.

10 (3) CONFORMING AMENDMENT RELATING TO
11 RULEMAKING AUTHORITY.—Section 209 of such Act
12 (52 U.S.C. 20929) is amended by striking “The
13 Commission” and inserting “Except as provided in
14 section 304(d), the Commission”.

15 (4) CLERICAL AMENDMENTS.—The table of
16 contents of such Act is amended—

17 (A) by redesignating the items relating to
18 section 304 as relating to section 307; and

19 (B) by inserting after the item relating to
20 section 303 the following new item:

“Sec. 304. Early voting.”.

21 (5) AUTHORIZATION OF FUNDING.—Section
22 257(a) of the Help America Vote Act of 2002 (52
23 U.S.C. 21007(a)) is amended by adding at the end
24 the following new paragraph:

1 “(5) For fiscal year 2019 and subsequent fiscal
2 years, such sums as are necessary for purposes of
3 making requirements payments to States to carry
4 out the activities described in section 304.”.

5 (b) REPORT BY ELECTION ASSISTANCE COMMIS-
6 SION.—Not later than June 30 of each odd-numbered
7 year, the Election Assistance Commission shall submit to
8 Congress a report assessing the impact of section 304 of
9 the Help America Vote Act of 2002 (as added by sub-
10 section (a)) on the administration of elections for Federal
11 office during the preceding 2-year period, and shall include
12 in the report such recommendations as the Commission
13 considers appropriate.

14 (c) NO EFFECT ON AUTHORITY OF STATE TO PRO-
15 VIDE FOR LONGER PERIODS OF EARLY VOTING.—Noth-
16 ing in this section or in any amendment made by this sec-
17 tion may be construed to prohibit a State, with respect
18 to any election for Federal office from providing in an eq-
19 uitable and nondiscriminatory manner a longer period for
20 early voting than the minimum period required under sec-
21 tion 304 of the Help America Vote Act of 2002 (as added
22 by subsection (a)).

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