

(1) IN GENERAL.—Paragraph (4) of section 302(a) of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)(4)) is amended by inserting at the end the following new sentence: “The determination of eligibility shall be made without regard to the location at which the voter cast the provisional ballot and without regard to any requirement to present identification to any election official.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to States and jurisdictions on and after November 1, 2006.

(b) TIMELY PROCESSING OF BALLOTS.—

(1) IN GENERAL.—Subsection (a) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(a)) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The appropriate State election official shall develop, according to guidelines established by the Election Assistance Commission, reasonable procedures to assure the timely processing and counting of provisional ballots, including—

“(A) standards for timely processing and counting to assure that, after the conclusion of the provisional vote count, parties and candidates may have full, timely, and effective recourse to the recount and contest procedures provided by State law; and

“(B) standards for the informed participation of candidates and parties such as are consistent with reasonable procedures to protect the security, confidentiality, and integrity of personal information collected in the course of the processing and counting of provisional ballots.”.

(2) EFFECTIVE DATE.—Subsection (d) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(d)) is amended—

(A) by striking “Each State” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”; and

(B) by inserting at the end the following new paragraph:

“(2) PROCESSING.—Each State shall be required to comply with the requirements of subsection (a)(6) on and after the date that is 6 months after the date of the enactment of the Count Every Vote Act of 2005.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE III—ADDITIONAL REQUIREMENTS UNDER THE HELP AMERICA VOTE ACT OF 2002

Subtitle A—Shortening Voter Wait Times

SEC. 301. MINIMUM REQUIRED VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.

(a) MINIMUM REQUIREMENTS.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle C—Additional Requirements

“SEC. 321. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

“(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299.

“(b) VOTING SITE.—For purposes of this section and section 299, the term ‘voting site’ means a polling location, except that in the case of any polling location which serves more than 1 precinct, such term shall mean a precinct.

“(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after October 1, 2006.”.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking “and 303” and inserting “303, and subtitle C”.

(b) STANDARDS.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle E—Guidance and Standards

“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

“(a) IN GENERAL.—Not later than January 1, 2006, the Commission shall issue standards regarding the minimum number of voting systems, poll workers, and other election resources (including all other physical resources) required under section 321 on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

“(b) DISTRIBUTION.—

“(1) IN GENERAL.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory distribution of such systems, workers, and other resources, and shall take into account, among other factors, the following with respect to any voting site:

“(A) The voting age population.

“(B) Voter turnout in past elections.

“(C) The number of voters registered.

“(D) The number of voters who have registered since the most recent Federal election.

“(E) Census data for the population served by such voting site.

“(F) The educational levels and socio-economic factors of the population served by such voting site.

“(G) The needs and numbers of disabled voters and voters with limited English proficiency.

“(H) The type of voting systems used.

“(2) NO FACTOR DISPOSITIVE.—The standards shall provide that any distribution of such systems shall take into account the totality of all relevant factors, and no single factor shall be dispositive under the standards.

“(3) PURPOSE.—To the extent possible, the standards shall provide for a distribution of voting systems, poll workers, and other election resources with the goals of—

“(A) ensuring an equal waiting time for all voters in the State; and

“(B) preventing a waiting time of over 1 hour at any polling place.

“(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon giving reasonable public notice, to deviate from any allocation requirements in the case of unforeseen circumstances such as a natural disaster or terrorist attack.”.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) carrying out the duties described under subtitle E;”.

SEC. 302. REQUIREMENTS FOR JURISDICTIONS WITH SUBSTANTIAL VOTER WAIT TIMES.

(a) IN GENERAL.—The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.) is amended by adding at the end the following new title:

“TITLE X—REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES

“SEC. 1001. REMEDIAL PLANS FOR STATES WITH EXCESSIVE VOTER WAIT TIMES.

“(a) IN GENERAL.—Each jurisdiction for which the Election Assistance Commission determines that a substantial number of vot-

ers waited more than 90 minutes to cast a vote in the election on November 2, 2004, shall comply with a State remedial plan established under this section.

“(b) STATE REMEDIAL PLANS.—For each State or jurisdiction which is required to comply with this section, the Election Assistance Commission shall establish a State remedial plan to minimize the waiting times of voters.

“(c) JURISDICTION.—For purposes of this section, the term ‘jurisdiction’ has the same meaning as the term ‘registrar’s jurisdiction’ under section 8 of the National Voter Registration Act of 1993.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—No-excuse Absentee Voting

SEC. 311. NO-EXCUSE ABSENTEE VOTING.

Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

“SEC. 322. NO-EXCUSE ABSENTEE VOTING.

“(a) IN GENERAL.—Each State and jurisdiction shall permit any person who is otherwise qualified to vote in an election for Federal office to vote in such election in a manner other than in person without regard to any restrictions on absentee voting under State law.

“(b) SUBMISSION AND PROCESSING.—

“(1) IN GENERAL.—Any ballot cast under subsection (a) shall be submitted and processed in the manner provided for absentee ballots under State law.

“(2) DEADLINE.—Any ballot cast under subsection (a) shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for the receipt of absentee ballots under State law, whichever is later.

“(c) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after October 1, 2006.”.

Subtitle C—Collection and Dissemination of Election Data

SEC. 321. DATA COLLECTION.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 323. PUBLIC REPORTS ON FEDERAL ELECTIONS.

“(a) IN GENERAL.—Not later than 6 months after a Federal election, each State and jurisdiction shall publicly report information on such election, including the following information with respect to the election:

“(1) The total number of individuals of voting age in the population.

“(2) The total number of individuals registered to vote.

“(3) The total number of registered voters who voted.

“(4) The number of absentee and overseas ballots requested, including the numbers of such ballots requested by military personnel and citizens living overseas.

“(5) The number of absentee and overseas ballots cast, including the numbers of such ballots cast by military personnel and citizens living overseas.

“(6) The total number of absentee and overseas ballots counted, including the number of such ballots which were cast by military personnel and citizens living overseas that were counted.

“(7) The total number of absentee and overseas ballots rejected, including the numbers of such ballots which were cast by military personnel and citizens living overseas