

SEC. 328. EARLY VOTING.

“(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

“(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

“(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

“(2) have minimum uniform hours each day for which such voting occurs.

“(c) APPLICATION OF ELECTION DAY REGISTRATION TO EARLY VOTING.—A State shall permit individuals to register to vote at each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) in the same manner as the State is required to permit individuals to register to vote and vote on the day of the election under section 327.

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

(b) STANDARDS FOR EARLY VOTING.—Subtitle E 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. 299B. STANDARDS FOR EARLY VOTING.

“(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs and the public listing of the date, time, and location of polling places no earlier than 10 days before the date on which such voting begins.

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

TITLE IV—VOTER REGISTRATION AND IDENTIFICATION**SEC. 401. VOTER REGISTRATION.**

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

“(C) EXCEPTION.—On and after the date of the enactment of this Act—

“(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

“(ii) subparagraph (B) shall not apply.”

(b) PROCESSING OF REGISTRATION APPLICATIONS.—

(1) IN GENERAL.—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. 329. PROCESSING OF REGISTRATION APPLICATIONS.

“(a) IN GENERAL.—Notwithstanding any other provision of law, each State and jurisdiction shall accept and process a voter registration application for an election for Federal office unless there is a material omission or information that specifically affects the eligibility of the voter.

“(b) PRESUMPTION TO REGISTER.—There shall be a presumption that persons who submit voter registration applications should be registered.

“(c) PRESUMPTION TO CURE MATERIAL OMISSION.—Each State and jurisdiction shall—

“(1) provide a process to permit voters an opportunity to cure any material omission within a reasonable period of time; and

“(2) accept any application which is so cured as having been filed on the date on which such application is originally received.

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

(2) MATERIAL OMISSION.—Subtitle E of title II 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. 299C. STANDARDS FOR MATERIAL OMISSION FROM REGISTRATION FORMS.

“(a) IN GENERAL.—The Election Assistance Commission shall establish guidelines as to what does and does not constitute a ‘material omission or information that specifically affects the eligibility of the voter’ for purposes of section 329.

“(b) CERTAIN INFORMATION NOT A MATERIAL OMISSION.—In establishing the guidelines under subsection (a), the Commission shall provide that the following shall not constitute a ‘material omission or information that specifically affects the eligibility of the voter’:

“(1) The failure to provide a social security number or driver’s license number.

“(2) The failure to provide information concerning citizenship or age in a manner other than the attestation required under section 9(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973-gg-7).”

(c) INTERNET REGISTRATION.—

(1) IN GENERAL.—Subtitle C of title II of the Help America Vote Act of 2002 (42 U.S.C. 15381), as added and amended by this Act, is amended by redesignating section 249 as section 250 and by inserting after section 248 the following new section:

SEC. 249. STUDY ON INTERNET REGISTRATION AND OTHER USES OF THE INTERNET IN FEDERAL ELECTIONS.

“(a) STUDY.—The Commission shall conduct a study on—

“(1) the feasibility of voter registration through the Internet for Federal elections; and

“(2) other uses of the Internet in Federal elections, including—

“(A) the use of the Internet to publicize information related to Federal elections; and

“(B) the use of the Internet to vote in Federal elections.

“(b) REPORT.—Not later than 6 months after the date of the enactment of the Count Every Vote Act of 2005, the Commission shall transmit to Congress a report on the results of the study conducted under subsection (a).”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 402. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking “or” at the end of subclause (I) and by adding at the end the following new subclause:

“(III) executes a written affidavit attesting to such individual’s identity; or”

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking “or” at the end of subclause (I), by striking the period at the end of subclause (II) and inserting “; or”, and by adding at the end the following new subclause:

“(III) a written affidavit, executed by such individual, attesting to such individual’s identity.”

(3) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the

amendments made by this subsection on and after November 1, 2006.

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E 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. 299D. VOTER IDENTIFICATION.

“The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.”

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.), as amended by this Act, is amended by adding at the end the following:

“PART 8—PHOTO IDENTIFICATION**SEC. 298A. PAYMENTS FOR FREE PHOTO IDENTIFICATION.**

“(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications.

“(b) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card and who cannot obtain an identification card without undue hardship.

“(c) ALLOCATION OF FUNDS.—

“(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

“(A) the total amount appropriated for payments under this part for the year under section 298B; and

“(B) an amount equal to—

“(i) the voting age population of the State (as reported in the most recent decennial census); divided by

“(ii) the total voting age of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated \$10,000,000 for fiscal year 2006 and such sums as are necessary for each subsequent fiscal year for the purpose of making payments under section 298A.

“(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.”

SEC. 403. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.

(a) IN GENERAL.—Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking “measures to prevent the” and inserting “measures, as certified by the Election Assistance Commission, to prevent”.

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

TITLE V—PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES**SEC. 501. PROHIBITION ON CERTAIN CAMPAIGN ACTIVITIES.**

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 319 the following new section:

“CAMPAIGN ACTIVITIES BY ELECTION OFFICIALS AND VOTING SYSTEM MANUFACTURERS

“SEC. 319A. (a) PROHIBITION.—

“(1) CHIEF STATE ELECTION OFFICIALS.—It shall be unlawful for any chief State election