

20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(C) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under subparagraph (A) before bringing a civil action in such a court to obtain declaratory or injunctive relief with respect to the violation.

(f) RELATION TO OTHER LAWS.—

(1) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this section shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this section.

(2) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this section shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(g) NOTIFICATION OF RESTORATION OF VOTING RIGHTS.—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. 330. NOTIFICATION OF RESTORATION OF VOTING RIGHTS.

“(a) NOTIFICATION.—

“(1) IN GENERAL.—On the date determined under subsection (b), each State shall notify any qualified ex-offender who resides in the State that such qualified ex-offender has the right to vote in an election for Federal office pursuant to the Civic Participation Act of 2005 and may register to vote in any such election.

“(2) QUALIFIED EX-OFFENDER.—For the purpose of this section, the term ‘qualified ex-offender’ means any individual who resides in the State who has been convicted of a criminal offense and is not serving a felony sentence in a correctional institution or facility and who is not on parole or probation for a felony offense.

“(b) DATE OF NOTIFICATION.—The notification required under subsection (a) shall be given on the later of the date on which such individual is released from a correctional institution or facility for serving a felony sentence or the date on which such individual is released from parole for a felony offense.

“(c) DEFINITIONS.—Any term which is used in this section that is also used in the Civic Participation Act of 2005 shall have the meaning given to such term in that Act.

“(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after the date of the enactment of the Civic Participation Act of 2005.”

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply to citizens of the United States voting in any election for Federal office after the date of the enactment of this Act.

(2) AMENDMENTS.—The amendment made by subsection (g) shall take effect on the date of the enactment of this Act.

TITLE VIII—FEDERAL ELECTION DAY ACT
SEC. 801. SHORT TITLE.

This title may be cited as the “Federal Election Day Act of 2005”.

SEC. 802. FEDERAL ELECTION DAY AS A PUBLIC HOLIDAY.

(a) ELECTION DAY AS A FEDERAL HOLIDAY.—Section 6103(a) of title 5, United States Code,

is amended by inserting after the matter relating to Columbus Day, the following undesignated paragraph:

“Federal Election Day, the Tuesday next after the first Monday in November in each even numbered year.”

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (42 U.S.C. 15381(b)) is amended by striking paragraph (10) and by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

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

SEC. 803. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

(a) 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 250 as section 250A and by inserting after section 249 the following new section:

“SEC. 250. STUDY ON ENCOURAGING GOVERNMENT EMPLOYEES TO SERVE AS POLL WORKERS.

“(a) STUDY.—The Commission shall conduct a study on appropriate methods to encourage State and local government employees to serve as poll workers 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).

“(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2006, \$100,000 shall be authorized solely to carry out the purposes of this section.”

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

TITLE IX—TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS

SEC. 901. TRANSMISSION OF CERTIFICATE OF ASCERTAINMENT OF ELECTORS.

(a) IN GENERAL.—Section 6 of title 3, United States Code, is amended—

(1) by inserting “and before the date that is 6 days before the date on which the electors are to meet under section 7,” after “under and in pursuance of the laws of such State providing for such ascertainment;” and

(2) by striking “by registered mail” and inserting “by overnight courier”.

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

TITLE X—STRENGTHENING THE ELECTION ASSISTANCE COMMISSION

SEC. 1001. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) RULEMAKING AUTHORITY.—Part 1 of subtitle A of Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by striking section 209.

(b) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.), as amended by subsection (a), is amended by inserting after section 208 the following new section:

“SEC. 209. SUBMISSION OF BUDGET REQUESTS.

“Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.”

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) the Election Assistance Commission;”

(d) NIST AUTHORITY.—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. 299E. TECHNICAL SUPPORT.

“At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.”

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking “for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed \$10,000,000 for each such year)” and inserting “\$35,000,000 for fiscal year 2006 (of which \$4,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for the succeeding fiscal year”.

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

SEC. 1002. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of enactment of this Act.

SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

“(4) For fiscal year 2006, \$3,000,000,000.

“(5) For each fiscal year after 2006, such sums as are necessary.”

Mrs. BOXER. Mr. President, today I join Senator CLINTON in introducing the Count Every Vote Act of 2005.

The 2000 election exposed a number of serious problems with the accuracy and fairness of election procedures in this country, as well as the reliability of certain types of voting technology. As a result of those irregularities, many eligible voters were effectively disenfranchised and thus deprived of one of our most fundamental rights.

In the 2004 election, we again saw serious irregularities when voters across this country went to the polls to cast their votes. From untrustworthy electronic voting machines, to partisan secretaries of state, to outrageously long lines at the polls, the election system was far from what voters are entitled to have.

At Kenyon College in Ohio, for example, voters were made to wait in line until nearly 4 a.m. to vote because there were only two machines for 1,300 voters. In the Columbus area alone, an estimated 5,000 to 10,000 voters left