

HR1

**Elections Law Changes at the Federal Level
(Superceding State Law)**

**Has passed the House of Representatives
(884 pages, double sided)**

117TH CONGRESS

1ST SESSION

H. R. 1

AN ACT

To expand Americans' access to the ballot box, reduce the influence of big money in politics, strengthen ethics rules for public servants, and implement other anti-corruption measures for the purpose of fortifying our democracy, and for other purposes.

Law has multiple areas of focus,
Voting impacts NH the most

Sec. 2. Organization of Act into divisions; table of contents

(a) Divisions.—

This Act is organized into divisions as follows:

(1) Division A—Voting.

(2) Division B—Campaign Finance.

(3) Division C—Ethics.

Stated Argument for Implementing Law

HR1 Section 3 (3)(C), page 20

- (C)As a result, Congress finds that it has the authority pursuant to section 5 of the Fourteenth Amendment to protect the right to vote. **Congress also finds that States and localities have eroded access to the right to vote through restrictions on the right to vote including excessively onerous voter identification requirements, burdensome voter registration procedures, voter purges, limited and unequal access to voting by mail, polling place closures, unequal distribution of election resources, and other impediments.**

Any Challenges to the (potential) Law

HR1 Section 4 (a), page 23

4. Standards for judicial review

- (a) In general
- For any action brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provision of this Act or any amendment made by this Act or any rule or regulation promulgated under this Act, the following rules shall apply:
- (1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit. These courts, and the Supreme Court of the United States on a writ of certiorari (if such a writ is issued), shall have exclusive jurisdiction to hear such actions.

Provisions of HR 1 – Voter Registration

HR1 Section 1012 (d), page 55

(d) Treatment of individuals under 18 years of age

- A State may not refuse to treat an individual as an eligible individual for purposes of this part on the grounds that the individual is less than 18 years of age at the time a contributing agency receives information with respect to the individual, so long as the individual is at least 16 years of age at such time. Nothing in the previous sentence may be construed to require a State to permit an individual who is under 18 years of age at the time of an election for Federal office to vote in the election.
- Therefore – registration of 16 year olds is allowed

Provisions of HR 1 – Universal Registration

Section 1013 (b), page 57

- (b) Requirements for contributing agencies
- (1) Instructions on automatic registration
- With each application for service or assistance, and with each related recertification, renewal, or change of address, or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study, each contributing agency that (in the normal course of its operations) requests individuals to affirm United States citizenship (either directly or as part of the overall application for service or assistance) shall inform each such individual who is a citizen of the United States of the following:
 - (A) Unless that individual declines to register to vote, or is found ineligible to vote, the individual will be registered to vote or, if applicable, the individual's registration will be updated.

Provisions of HR 1 – Contributing Agencies

Section 1013 (e)(2), page 62

- (2)Federal agencies
- In each State, each of the following agencies of the Federal Government shall be treated as a contributing agency with respect to individuals who are residents of that State (except as provided in subparagraph (C)):
 - (A)The Social Security Administration, the Department of Veterans Affairs, the Defense Manpower Data Center of the Department of Defense, the Employee and Training Administration of the Department of Labor, and the Center for Medicare & Medicaid Services of the Department of Health and Human Services.
 - (B)The Bureau of Citizenship and Immigration Services, but only with respect to individuals who have completed the naturalization process.
 - (C)In the case of an individual who is a resident of a State in which an individual disenfranchised by a criminal conviction under Federal law may become eligible to vote upon completion of a criminal sentence or any part thereof, or upon formal restoration of rights, the Federal agency responsible for administering that sentence or part thereof (without regard to whether the agency is located in the same State in which the individual is a resident), but only with respect to individuals who have completed the criminal sentence or any part thereof.
 - (D)Any other agency of the Federal Government which the State designates as a contributing agency, but only if the State and the head of the agency determine that the agency collects information sufficient to carry out the responsibilities of a contributing agency under this section.

Provisions of HR 1 – Payments/Grants

HR1 Section 1017, page 78

1017.Payments and grants

- (a)In general
- The Election Assistance Commission shall make grants to each eligible State to assist the State in implementing the requirements of this part (or, in the case of an exempt State, in implementing its existing automatic voter registration program).
- (b)Eligibility; application
- A State is eligible to receive a grant under this section if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—
- (1)a description of the activities the State will carry out with the grant;
- (2)an assurance that the State shall carry out such activities without partisan bias and without promoting any particular point of view regarding any issue; and
- (3)such other information and assurances as the Commission may require.

Provisions of HR 1 – Voter Caging

Section 1201 (b), page 132

- (b) Prohibition Against Voter Caging
- No State or local election official shall prevent an individual from registering or voting in any election for Federal office, or permit in connection with any election for Federal office a formal challenge under State law to an individual's registration status or eligibility to vote, if the basis for such decision is evidence consisting of—
 - (1) a voter caging document or voter caging list;
 - (2) an unverified match list;
 - (3) an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material to an individual's eligibility to vote under section 2004 of the Revised Statutes, as amended (52 U.S.C. 10101(a)(2)(B)); or
 - (4) any other evidence so designated for purposes of this section by the Election Assistance Commission,
- except that the election official may use such evidence if it is corroborated by independent evidence of the individual's ineligibility to register or vote.

Provisions of HR 1 - Challenged

Section 1201 (c)(2), page 132

- (2) Prohibition on challenges on or near date of election
- No person, other than a State or local election official, shall be permitted—
- (A) to challenge an individual's eligibility to vote in an election for Federal office on Election Day, or
- (B) to challenge an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office less than 10 days before the election unless the individual registered to vote less than 20 days before the election. **Amends HAVA Section 306 – Early Voting**

Provisions of HR 1 – Early Voting

Early voting

- (a) Requiring Voting Prior to Date of Election
 - (1) In general
 - Each State shall allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, in the same manner as voting is allowed on such date.
 - (2) Length of period
 - The early voting period required under this subsection with respect to an election shall consist of a period of consecutive days (including weekends) which begins on the **15th day before the date of the election** (or, at the option of the State, **on a day prior to the 15th day before the date of the election**) and ends on the date of the election.
- (b) Minimum early voting requirements
 - Each polling place which allows voting during an early voting period under subsection (a) shall—
 - (1) allow such voting for **no less than 10 hours on each day**;
 - (2) have uniform hours each day for which such voting occurs; and
 - (3) allow such voting to be held for some period of time prior to 9:00 a.m (local time) and **some period of time after 5:00 p.m. (local time)**.

Provisions of HR 1 – Voting Locations

Page 183

- (c) Location of polling places
- (1) Proximity to public transportation
- To the greatest extent practicable, a State shall ensure that each polling place which allows voting during an early voting period under subsection (a) is located within walking distance of a stop on a public transportation route.

Provisions of HR 1 – Voting locations

- (2)Availability in rural areas
- The State shall ensure that polling places which allow voting during an early voting period under subsection (a) will be located in rural areas of the State, and shall ensure that such polling places are located in communities which will provide the greatest opportunity for residents of rural areas to vote during the early voting period.
- (3)College campuses
- The State shall ensure that polling places which allow voting during an early voting period under subsection (a) **will be located on campuses of institutions of higher education** in the State.

Provisions of HR 1 – Machine Count Ballots

- (e) Ballot processing and scanning requirements
- (1) In general
- The State shall begin processing and scanning ballots cast during in-person early voting for tabulation **at least 14 days prior to the date of the election** involved.
- (2) Limitation
- Nothing in this subsection shall be construed to permit a State to tabulate ballots in an election before the closing of the polls on the date of the election.
- (f) Effective date
- This section shall apply with respect to the regularly scheduled general election for Federal office **held in November 2022 and each succeeding election for Federal office.**

Provisions of HR 1 – Absentee Voting

Page 186

307.Promoting ability of voters to vote by mail

- (a)Uniform availability of absentee voting to all voters
- (1)In general
- If an individual in a State is eligible to cast a vote in an election for Federal office, the State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote in such election by absentee ballot by mail.

Provisions of HR 1 – Absentee Voting

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- c)Transmission of applications, ballots, and balloting materials to voters
- (1)Automatic transmission of absentee ballot applications by mail
- (A)Transmission of applications
- Not later than 60 days before the date of an election for Federal office, the appropriate State or local election official shall transmit by mail an application for an absentee ballot for the election to each individual who is registered to vote in the election, or, in the case of any State that does not register voters, all individuals who are in the State's central voter file (or if the State does not keep a central voter file, all individuals who are eligible to vote in such election).

Provisions of HR 1 – Absentee Voting

Page 197

- (D) **Application for all future elections**
- At the option of an individual, a State shall treat the individual's application to vote by absentee ballot by mail in an election for Federal office as an application for an **absentee ballot by mail** in all subsequent Federal elections held in the State.

Provisions of HR 1 – Absentee Voting

- (e)Uniform deadline for acceptance of mailed ballots
- (1)In General
- A State may not refuse to accept or process a ballot submitted by an individual by mail with respect to an election for Federal office in the State on the grounds that the individual did not meet a deadline for returning the ballot to the appropriate State or local election official if—
- (A)the ballot is postmarked or otherwise indicated by the United States Postal Service to have been mailed on or before the date of the election, or has been signed by the voter on or before the date of the election; and
- (B)the ballot is received by the appropriate election official prior to the expiration of the 10-day period which begins on the date of the election.

Provisions of HR 1 – Absentee Voting

- f)Alternative methods of returning ballots
- (1)In general
- In addition to permitting an individual to whom a ballot in an election was provided under this section to return the ballot to an election official by mail, the State shall permit the individual to cast the ballot by delivering the ballot at such times and to such locations as the State may establish, including—
- (A)permitting the individual to deliver the ballot to a polling place on any date on which voting in the election is held at the polling place; and
- (B)permitting the individual to deliver the ballot to a designated ballot drop-off location, a tribally designated building, or the office of a State or local election official.

Provisions of HR 1 – Absentee Voting

Page 199

(2) Permitting voters to designate other person to return ballot

- The State (has no choice)—
- (A) shall permit a voter to designate any person to return a voted and sealed absentee ballot to the post office, a ballot drop-off location, tribally designated building, or election office so long as the person designated to return the ballot does not receive any form of compensation based on the number of ballots that the person has returned and no individual, group, or organization provides compensation on this basis; and
- (B) may not put any limit on how many voted and sealed absentee ballots any designated person can return to the post office, a ballot drop off location, tribally designated building, or election office.

Provisions of HR 1 – Postage and envelopes

Page 207

309.Prepayment of postage on return envelopes for voting materials

- (a) Provision of return envelopes
- The appropriate State or local election official shall provide a selfsealing return envelope with—
 - (1) any voter registration application form transmitted to a registrant by mail;
 - (2) any application for an absentee ballot transmitted to an applicant by mail; and
 - (3) any blank absentee ballot transmitted to a voter by mail.

Provisions of HR 1 – Polling Hours

- (c) Minimum hours of operation outside of typical working hours
- Each State shall establish hours of operation for all polling places in the State on the date of any election for Federal office held in the State such that no polling place is open for less than a total of **4 hours outside of the hours between 9:00 a.m. and 5:00 p.m.** in time zone in which the polling place is located.
- [We operate 7am to 7pm, however not all towns do. Dixville Notch, Mason, Greenville to name just a few that don't]

Provisions of HR 1 – Absentee Voting

Page 271

311. Use of secured drop boxes for voted absentee ballots

- (a) Requiring use of drop boxes
- In each county in the State, each State shall provide in-person, secured, and clearly labeled drop boxes at which individuals may, at any time during the period described in subsection (b), drop off voted absentee ballots in an election for Federal office.
- (b) Minimum period for availability of drop boxes
- The period described in this subsection is, with respect to an election, the period which begins 45 days before the date of the election and which ends at the time the polls close for the election in the county involved.

Provisions of HR 1 – Curbside Voting

Page 277

312. Prohibiting States from restricting curbside voting

- (a) Prohibition
- **A State may not—**
- (1) prohibit any jurisdiction administering an election for Federal office in the State from utilizing curbside voting as a method by which individuals may cast ballots in the election; or
- (2) impose any restrictions which would exclude any individual who is eligible to vote in such an election in a jurisdiction which utilizes curbside voting from casting a ballot in the election by the method of curbside voting.
- (b) Effective date
- This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office.

Provisions of HR 1 – Biennial Voting Holiday

Page 278

1909.Election Day as legal public holiday

- (a)In general
- Section 6103(a) of title 5, United States Code, is amended by inserting after the item relating to Columbus Day the following:
- Election Day, the Tuesday next after the first Monday in November of every even-numbered year.

(Maybe this should read the post office and election officials can take this day off in odd-numbered years).

Provisions of HR 1 - Implement Rank Choice Voting

Page 279

1910 A. Study on ranked-choice voting

- (a) Study(?)
- The Comptroller General shall conduct a study on the implementation and impact of ranked-choice voting in States and localities with a focus on how to best implement a model for Federal elections nationwide. The study shall include the impact on voter turnout, negative campaigning, and who decides to run for office.

[No mention of educating 200 million voters on how this works]

Provisions of HR 1 – Rank-choice Voting cont.

- (b)Report
- Not later than 1 year after the date of enactment of this section, the Comptroller General shall transmit to Congress a report on the study conducted under subsection (a), including any recommendations on how to best implement a ranked-choice voting for Federal elections nationwide.

Provisions of HR 1 – Maintaining Voter Rolls

Page 410

8A. Conditions for removal of voters from official list of registered voters

- (a) Verification on basis of objective and reliable evidence of ineligibility
- (1) Requiring verification
- Notwithstanding any other provision of this Act, a State may not remove the name of any registrant from the official list of voters eligible to vote in elections for Federal office in the State **unless the State verifies, on the basis of objective and reliable evidence**, that the registrant is ineligible to vote in such elections.
- (2) Factors not considered as objective and reliable evidence of ineligibility
- For purposes of paragraph (1), **the following factors, or any combination thereof, shall not be treated as objective and reliable evidence of a registrant's ineligibility to vote:**
 - (A) The failure of the registrant to vote in any election.
 - (B) **The failure of the registrant to respond to any notice sent under section 8(d), unless the notice has been returned as undeliverable.** (Currently used in NH)
 - (C) The failure of the registrant to take any other action with respect to voting in any election or with respect to the registrant's status as a registrant.

Provisions of HR 1 – Website Accessibility

Page 296

313. Requirements for websites of election officials

- (a) Accessibility
- Each State and local election official shall ensure that the official public website of the official is fully accessible for individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation as the website provides for other individuals.
- We should be working on this today

Impact to New Hampshire

- Will need to move Primary date from September to earlier in the year.
(Currently being discussed for late June)
- Would need to re-write significant portions of NH election in time for implementation prior to summer before November 2022 election
- Would need to change system processes in many state agencies
- Would need to observe another national holiday, (not sure this applies uniformly as post office is supposed to be postmarking ballots for late delivery and delivering ballots).
- Drop boxes are “ensured” at the county level and must be attended on election day, currently the county has no participation in elections

Impact to New Hampshire

- Would provide “competitive grants” to help states implement, as opposed to help all states fund these mandates
- Would require (certain) local election officials to commit exponentially more time to federal elections – likely many will retire

(~60 consecutive days every two years, just for Federal Elections)

- Will lead to a permanent increase in costs for elections
- Small college towns will be required to have polls on campus
- Way in which parties for primaries are currently indicated would change
- This law will override parts of the State Constitution.
- New Hampshire will likely be changing voting machines in the next year.

Impact to New Ipswich

- Ballot drop box for absentee voters available 45 days before election
 - Must be secure and available 7 days a week,
- Increase costs for postage and self-sealing envelopes
 - Mail a request for an absentee ballot to every registered voter - \$2300, return postage \$2300
 - Mail would need to be trackable, more expense, labor to track
- Will not be able to use the high school for 15 days of early voting
 - May have to take over a Town office conference room for two weeks
- Will need to place a drop box in the lobby of town office
 - Needs to be available for 6 ½ weeks prior to and including election day
- Voting machine will run from 14 days prior through election day and maybe longer.

Observations

- This law will override state laws for federal elections and likely some aspects will impact local elections
- This law is designed for states where elections are managed at the county level, not the town/city level like NH
- This law will send absentee ballots to people who plan to vote at the polls or no longer live at the registration address because they requested an absentee ballot one time
- There are some good practices included such as an absentee request for the primary also applies to the general election, use of e-poll books.

Observations

- The election results will not be final for 10 days after the “true” election day
- Not sure why 45 days of absentee voting and 15 days of early voting are required if election day is a holiday
- Maybe the rest of the country needs to reorganize their election system to the local level.
- Study appears to be set up to forcing rank-choice voting for federal offices

Provisions in
HR1 NH is
already
working
towards

- Electronic poll books
- On-line voter registration portals
- Increased accessible voting opportunities for individuals with disabilities
- Curbside voting is allowed

Contact your U.S. Sentators

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