Subject: Sunshine Law Request (MO-SOS-22-0229)
Date: Tuesday, March 22, 2022 at 2:18:37 PM Eastern Daylight Time
From: Jung, Frank
To: AO Records

EXTERNAL SENDER

Dylan,

Here is a link to the documents you requested. Sorry for the delay.

https://mosecretaryofstate.sharefile.com/d-sf43cad973e914ff3bcdada44672ad753

Frank Jung
General Counsel
Missouri Secretary of State

From: AO Records <records@americanoversight.org>
Sent: Monday, March 7, 2022 2:10 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Sunshine Law Request (MO-SOS-22-0229)

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Dear Custodian of Records:

Please find attached a request for records under Missouri's Sunshine Law.

Sincerely,
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Sunshine Law Request: MO-SOS-22-0229

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From: Walker, Madison <Madison.Walker@sos.mo.gov>
To:
Date: 8/25/2021 8:11:47 AM
Subject: SOS Daily News- 8/25

Meltwater

Missouri Secretary of State

Back to top

News Tribune USA • Aug 25 • 12:25 am

Missouri lawmakers review election security as top goal

of staff for Missouri Secretary of State Jay Ashcroft, testified before the committee to discuss potential changes to legislation Ashcroft'…

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News Tribune USA • Aug 25 • 12:25 am

Millions spent under emergency COVID authority

Missouri Secretary of State Jay Ashcroft, center, loads a box of face shield kits onto a cart Thursday, May 28, 2020, while talking to Cole

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Springfield News-Leader USA • Aug 24 • 8:57 pm

Missouri elections committee hearing dominated by conspiracies, misinformation

, an Imperial Republican. County clerks around the state and Missouri Secretary of State Jay Ashcroft have said that the Show-Me State's

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FOX4 (1 other source) • USA • Aug 24 • 7:19 pm

Missouri lawmakers push for election changes to increase integrity, despite lack of voter fraud

internet across Missouri Vincent went on to tell members that the secretary of state wants to raise the filing fee for initiative petitions

Reach 931k

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From: Reynolds, Leslie <reynolds@sso.org>
To: Reynolds, Leslie <reynolds@sso.org>
Date: 7/30/2021 3:21:59 PM
Subject: NASS Elections Committee: Notes from 7/29, Calendar Invite 8/05, DOJ Task Force on Threats and Contact Info for Reporting, New For the People Act?
Attachments: NASS Weekly Elections Mtg - 8/5/21.msg
notes-elections-072921.docx
ECC List__2021.07.16.pdf
summary-manchin-proposal-071221.docx
June JM Voting Legislaiton text.pdf

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Dear NASS Elections Committee, Communications Directors and IT Directors:

NASS Notes from 7/29 Call
Attached are the notes from our Elections Committee call yesterday.

NASS Elections Committee call on 8/05/21 – Calendar Invite
We do not have any presenters scheduled for our call next week.

Press Release re DOJ Task Force on Threats to Election Officials and Election Crimes Coordinator Contact Info
As discussed on the call yesterday and on previous NASS Elections Committee calls, the DOJ has established a Task Force to address threats to election officials and workers. NASS and NASED staff met with the DOJ lead on this Task Force two weeks ago, and they outlined the process for reporting threats. We shared this information with you in previous emails and discussed on previous Thursday calls, so I apologize for the repetition, but just want to be sure everyone is aware.

The Task Force asks you to report all threats (and they mean all – emails, text messages, phone calls, voice mails, tweets, other social media posts) to your Election Crimes Coordinator. Attached you will find a list of these folks. It is suggested you meet with them first and discuss threats you have already received and the best way to move forward reporting new threats. The Election Crimes Coordinators have all been through training on this reporting, but meeting with and developing a good working relationship is probably the best way forward for you. I know some states have already begun these meetings, and found them to be very helpful.

Senators Discussing New Election-Related Legislation
Like you, we have been reading about a possible compromise elections bill being drafted by the Senate Majority to incorporate Sen. Machin's proposed language (and NASS summary) which we shared with you in emails earlier this month (attached again). I reached out to Senate Rules staff to see if there is a version of the new bill I could share. I was told that Senators Klobuchar, Merkley and others have been discussing the introduction of a voting rights bill and they will be able to share language with me once text is made public. I'll con nue to follow up.

Thanks.
Leslie

Leslie Reynolds
Executive Director
National Association of Secretaries of State
444 N Capitol Street, NW
Suite 401
Washington, DC 20001
202-624-3525

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NASS Elections Committee Virtual Meeting
July 29th, 2021

NASS Executive Director Leslie Reynolds announced that Kristin Clarke, Assistant Attorney General for Civil Rights at the DOJ, would be presenting to the Committee about DOJ election related efforts. Ms. Clarke was joined by Pam Karlan, Principal Deputy Assistant Attorney General; Chris Herren, Voting Section Chief; and Civil Rights Division Acting Chief of Staff Shaylyn Cochran.

Assistant Attorney General Clarke noted the following in her remarks to the Committee:

- DOJ appreciates the work of election officials and hopes to be considered a resource and partner in conducting elections.
- The DOJ recently launched a task force to address the rise in threats against election administrators. Representatives of the task force recently met with key stakeholders, including NASS and NASED, to discuss the formation and mission of the Task Force. DOJ also recently held a nationwide training session for FBI election crime coordinators and district election officers in U.S. attorneys' offices. DOJ encourages election officials to report any threats to their election crimes coordinators so it can investigate and address those threats under federal law.
- Census plans to release redistricting date in August and September this year. For redistricting, DOJ will be focused on compliance with Section 2 of the Voting Rights Act which prohibits racial discrimination in voting practices. DOJ will monitor the redistricting process and related litigation around the country, and will be issuing guidance on Section 2 and redistricting later this summer.
- Census data released later this year will determine the latest coverage areas under the language minority provisions in Section 203 of the Voting Rights Act, which require covered jurisdictions to provide materials and assistance in languages other than English. Once the Census data is released DOJ plans to reach out and provide guidance to state and local election officials in areas that fall under Section 203 coverage for the first time.
- DOJ is monitoring issues surrounding post-election ballot examinations that are occurring around the country. This includes compliance with the Civil Rights Act requirement to retain and preserve federal election records for 22 months, as well as efforts to contact voters to ask about voting in past elections, since that may implicate voter intimidation provisions under the Voting Rights Act and other federal laws. The DOJ recently issued guidance covering federal constraints on post-election audits, which includes information on federal requirements for retention of election records and federal prohibitions on intimidation of voters.
- DOJ continues to monitor state and local compliance with UOCAVA requirements, including timely transmission of ballots to UOCAVCA voters.
- DOJ also issued guidance recently on federal statutes affecting methods of voting, which provides information about UOCAVA and other federal laws pertaining to methods of casting ballots, including vote-by-mail, early voting, and voting in person. The guidance also includes

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information on voting methods impacted by federal protections against racial discrimination, as well as protections for voters with disabilities and UOCAVA voters.

- DOJ continues to monitor and investigation compliance with HAVA and NVRA. DOJ will continue working with states to resolve compliance issues when they occur. DOJ is also monitoring legislation around the country pertaining to rules for conducting elections. DOJ has concerns related to protections against racial discrimination under Section 2 of the Voting Rights Act and is committed to ensuring equal access to elections.
- The Disability Rights Section produces guidance on polling places access, handles complaints under the ADA, and works to investigate and resolve polling place access issues.
- DOJ monitors litigation in federal courts related to civil rights laws and elections. DOJ welcomes input on how amicus briefs from DOJ can help clarify issues under federal law.

Secretary Condos noted that the post-election audit guidance issued by DOJ says that election audits are "exceedingly rare." He noted that many states actually do conduct post-election audits under state law. DOJ indicated that that language is referring to the types of audits taking place in Arizona, and not audits conducted on a regular basis under state law. Secretary Condos suggested that DOJ clarify that language.

Secretary Toulouse Oliver said she appreciated the DOJ's efforts on election issues, including threats against election officials and post-election audits. She echoed Secretary Condos' concerns about the language in the election audit guidance document, and suggested that DOJ reach out to NASS as a resource for input on those types of materials in the future. She added that some election officials have indicated that they were caught off guard by the release of the guidance and it would have been helpful to have some advance notice.

Assistant Attorney General Clarke indicated that she appreciated the suggestion about having key stakeholders provide input on guidance and other materials and would take that into consideration.

Secretary Griswold noted that threats are occurring against election officials of both parties at every level across the country, and encouraged DOJ to pursue cases involving threats that cross state lines. Assistant Attorney General Clarke said she was interested in getting more information about those threats and offered assistance from DOJ on where to direct those reports.

Secretary Way indicated that it would be helpful for New Jersey to get more information on who to contact for reporting election threats and other election issues. She also noted that her office is required to reallocate data on incarcerated individuals as part of the redistricting process, and asked if there was any difference in the Census data that will be released in August and September in terms of one being more official than the other. DOJ indicated that based on their understanding from the Census redistricting office, both of those datasets are official, and the main difference is with the formatting.

Assistant Attorney General Clarke said DOJ would follow up with states to make sure they have direct lines of communication with DOJ for assistance, including reporting election related threats. Reynolds noted that a representative from the new Task Force will also be speaking at the Elections Committee about the election threat task force.

Reynolds provided an update on other election related activities, noting the following:

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- A number of member offices have reported receiving invitations for a cybersecurity summit being held by Mike Lindell in South Dakota prior to the summer conference.
- The Elections Committee agenda for the summer conference is mostly finalized. The agenda is not posted online for security reasons but NASS will follow up with details. The agenda will include presentations from FVAP on UOCAVA efforts; DOJ Task Force on election threats; CISA on polling place physical security; and the State and Local Legal Center on election related Supreme Court cases, as well as a roundtable discussion on the funding of elections as requested by committee members on an earlier call.
- The conference will also include workshops covering civic education and engagement; voting options for first responders; implementation of the VVSG 2.0; and post-election audits.

Secretary Wyman noted that her office received the invitation for Mike Lindell's cybersecurity summit, and added there appears to be a national effort to pressure members to attend. Other states also noted receiving a message about the cybersecurity summit as well.

Secretary Toulouse Oliver asked about the security planning for the summer conference. Reynolds noted that NASS and Secretary Pate's office have been working closely with local, state and federal law enforcement. Secretary Pate encouraged members to reach out to NASS or his office if they have any security related concerns.

Several members indicated that it would be helpful to know if any members or their staff are planning to attend Mike Lindell's cybersecurity summit.

Secretary Simon asked about the health precautions for the summer conference. Secretary Pate noted that his office is consistently monitoring the COVID-19 situation and working with health officials. He added that they are taking all the precautions that they can, and noted that most of the social events are outside, masks and hand sanitizer will be available, and surfaces will be cleaned regularly. He also noted that over 70% of Iowans have received at least a first dose of the vaccine, and Des Moines is currently not in the high-risk category. He added that if anything changes, they will make sure members are aware.

The call ended at 3:30PM ET.

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NASS Summary: Senator Manchin's Proposed Alternative Language for S.2093 (For the People Act) Legislative Draft as of 7/12/21

Automatic Voter Registration by State Motor Vehicle Authority

Requirement to Establish Automatic Voter Registration System

- Requires each chief state election official to establish an automatic voter registration system. Defines "automatic registration" as a system that registers an eligible individual to vote by electronically transferring registration information from the motor vehicle authority to state election officials, unless the individual declines registration.
- Defines an "applicable transaction" as an application for a driver's license, or any other service or assistance provided by the motor vehicle authority (including change of address).

Exempt States

- A state is exempt from the automatic registration requirements if it has an automatic registration system in effect at the motor vehicle authority (or permanent dividend fund) which provides individual with an opportunity to decline registration.

Information to Applicants Where Affirmation of Citizenship Is Requested

- For any transaction where the motor vehicle authority request individuals to affirm U.S. citizenship in the normal course of operations, the agency must inform each U.S. citizens of the following:
    - the individual will be registered to vote unless they decline or are found to be ineligible
    - the voter registration qualifications in the state based on the mail voter registration form
    - any applicable political party affiliation requirements for primary elections
    - that voter registration is voluntary
- The motor vehicle authority must not provide an opportunity to register to vote for any individual who did not affirm U.S. citizenship, or for whom the agency has documentation (through normal course of operations) that the individual is not a U.S. citizen
- If an individual is part of a group considered limited English proficient (according to the US Census), the information must be provided in the language understood by the individual.
- The motor vehicle authority must ensure that a transaction with eligible individual is not complete until the individual is given an opportunity to decline voter registration.

Information to Applicants Where Affirmation of Citizenship Is Not Requested

- If the motor vehicle authority does not request individuals to affirm U.S. citizenship in the normal course of operations, the agency must:
    - complete the requirement of NVRA section 7(a)(6), which includes providing a copy of the mail voter registration form that includes a statement of eligibility requirements (including citizenship) and an attestation that must be signed under penalty of perjury.
    - ensure the transaction cannot be completed until the applicant indicates whether they want to register to vote or decline registration

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- if the individual wants to register to vote, transmit the information to the state election official, unless the agency has documentation (through normal course of operations) that the individual is not a U.S. citizen

Information Transmittal

- No later than 10 days after an applicable transaction with an eligible individual (who does not decline registration), the motor vehicle authority must transmit the following information to the state election official:
  - the individual's name, date of birth, and address
  - information showing that the individual is a U.S. citizen
  - the date the information was collected or updated
  - the individual's signature in electronic form (if available)
  - any addition information listed in the mail voter registration form

Registration Timeframe

- Any individual that completes an applicable transaction, and does not decline voter registration, must be registered to vote in the next federal election if the motor vehicle authority transmits the information to state election officials by the "applicable date," which is defined as no later than 28 days before the election, or by the state registration deadline (whichever is later). If the information is transmitted later than the applicable date, the individual must be registered for subsequent federal elections.

Notice of Registration Status

- No later than 60 days after receiving the information from the motor vehicle authority, state election officials must send a voter registration status notice to the individual. The notice may be sent by email if the individual has provided an email and consented to email communications.

Individuals Under 18

- States may not treat an individual as ineligible on the grounds that the individual is less than 18 years old at the time the information was provided to the motor vehicle authority, as long as the individual is at least 16 years old. States are not required to permit anyone under 18 to vote in a federal election.

Protection of Information by Motor Vehicle Authority

- The bill does not authorize the motor vehicle authority to collect, retain, transmit, or publicly disclose any of the following information:
  - an individual's decision to decline to register or not to affirm citizenship
  - any informaiton the agency transmits to state election officials, except in the ordinary course of business

Protection of Information by Election Officials

- Election officials are prohibited from publicly disclosing the following information with respect to information transmitted by the motor vehicle authority:
  - any informaiton not necessary to voter registration
  - any voter information otherwise shielded from disclosure
  - any portion of the individual's social security or driver's license number
  - the individual's signature
  - the individuals telephone number or email address (unless the individual is registered to vote).

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- States must maintain information on changes to voter records, including removal, for at least 2 years, and must make the information available for public inspection.

Transmission of Information Through Secured Third Party

- The bill does not prohibit the motor vehicle authority from contracting with a 3rd party to assist in transmitting information to the state election official as long the services are nonpartisan and nondiscriminatory and consistent with provisions in NVRA.

Voter Protection and Security

- An individual may not be subject to legal action (including related to immigration/citizenship status) on the grounds that the individual notified an election office of the individual's automatic registration; the individual is not eligible but was registered due to error; the individual was automatically registered at an incorrect address; or the individual declined to register or make affirmation of citizenship.
- Legal action is not prohibited or restricted against an individual who knowingly and willfully makes a false statement to automatically register, or knowingly and willfully casts a ballot in violation of state or federal law.

NIST Database Management Standards

- No later than 1 year after the date of enactment, NIST (in consultation with state and local election officials) must establish and publish standards governing comparison of data for voter registration and list maintenance purposes, including specific data elements, matching rules, and use of data to determine ineligibility or determine a record to be a duplicate or outdated.
- The standards must be published not later than 45 days after the deadline for public notice and comment, and NIST must ensure that the standards are maintained and updated in a manner that reflects innovations and best practices in the security of database management.

NIST Privacy and Security Standards

- No later than 1 year after enactment, NIST must develop and publish privacy and security standards that require the chief state election official to adopt a policy that specifies each class of users with access to the statewide voter registration list and associated permissions and levels of access, sets forth safeguards to protect the privacy, security and accuracy of the list, and specifies safeguards to protect personal information transmitted through the automatic registration procedures.
- The standards must be published not later than 45 days after the deadline for public notice and comment. NIST must ensure that the standards are maintained and updated in a manner that reflects innovations and best practices in the privacy and security of voter registration information.
- The chief state election official of each state must annually file a certification with NIST that the state is in compliance with the privacy and security standards for voter registration. No state may receive payments pertaining to automatic voter registration if the certification is not timely filed. If a state requires changes in state law to implement the NIST standards the state may make the certification for no more than 2 years and must submit an addition certification once legislation is enacted.
- Each state election official must publish the privacy and security standards online and make available in written form.

Restrictions on Use of Information

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- Prohibits discriminating against an individual under color of law individual based on voter registration records, declination to register or affirm citizenship under automatic registration procedures, or voter registration status.

Prohibition on Use of Information for Commercial Purposes

- Prohibits use of voter registration information collected under the automatic voter registration provisions for commercial purposes. Does not prohibit transmission, exchange, or dissemination for political purposes.

Effective Data

- The automatic voter registration provisions take effect January 1, 2023.
- A state may seek a waiver to have until January 1, 2025 to implement the requirements if it certifies to the EAC no later than January 1, 2023 that that it will not meet the deadline because it would be impracticable to do so and includes the reasons for failing to meet the deadline.

Funding

- Authorizes a total of $3 billion for FY 2021 and such sums as necessary for succeeding years for the EAC to make grants to states to assist in implementing the automatic voter registration system requirements, or, for exempt states, for updating/expanding existing automatic registration systems to comply with the requirements.
- The EAC must determine the grant amounts made to an eligible state, giving priority to funds for activities most likely to accelerate compliance with the requirements, including investments supporting the electronic transfer of information, implementing or updating online voter registration systems, and public education on new methods of voter registration and updating or correcting voter registration.

Election Day as Public Holiday

- Establishes Election Day (Tuesday after first Monday in November in even-numbered years) as a public holiday.
- Takes effect with the with the November 2022 elections.

Early Voting

Early Voting Requirement

- Each state must allow individuals to vote early in an election in a manner that allows the individual to receive, complete, and cast their ballot in-person.

Early Voting Timeframe/Hours

- The early voting timeframe must consist of a period of consecutive days (including weekends) beginning on the 15th day before the election (or earlier at the option of the state) and ending no earlier than the second day before the day of the election.
- Each polling place for early voting must allow voting no less than 10 hours on each day, have uniform hours for each day of voting, and allow early voting to be held for some time period of time prior to 9 AM (local time) and some period of time after 5 PM (local time).

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- For jurisdictions that send every registered voter a ballot by mail, the above timeframes and hours do not apply. The jurisdiction must allow eligible individual to vote during an early voting period that ensures voters are provided the greatest opportunity to cast ballots ahead of election day and includes at least one consecutive Saturday and Sunday. Each polling place which allows early voting under this provision must allow voting during the election office's regular business hours, and for a period of at least 8 hours on Saturdays and Sundays included in the early voting period.
- For small jurisdictions, the provisions regarding early voting hours do not apply. Each polling place must allow early voting during the election office's regular business hours, and for a period of at least 8 hours on Saturdays and Sundays during the early voting period, or, at one or more polling places in the county that allows voting during early voting. A small jurisdiction is one that had less than 3,000 registered voters at the time of the most recent federal eleciton, and consists of a geographic area smaller than the jurisdiction of the county in which the jurisdiction is located.

Early Voting Locations

- To the greatest extent practicable, each state and jurisdiction must ensure that each polling place which allows early voting is located within walking distance of a stop on a public transportation route.
- In the case of a jurisdiction that includes a rural area, the state or jurisdiction must ensure that polling places which allow voting during an early voting period will be located in rural areas and ensure the polling places are located in communities which will provide the greatest opportunity for residents of rural areas to vote during the early voting period.
- States must ensure that an appropriate number of polling places which allow early voting during an early voting period will be located on campuses of institutions of higher education in the state.

EAC Early Voting Standards

- No later than June 30, 2022, the EAC must issue voluntary standards for the administration of early voting, including the nondiscriminatory geographic placement of polling places.
- The above early voting requirements apply beginning with the November 2022 election.

Voting By Mail

Vote by Mail Availability

- Subject to the identification requirements, states must provide an absentee ballot to eligible individuals who attest that they meet one or more of the following circumstances:
    - an individual with a disability
    - the individual is 60 or older
    - the individual is sick, otherwise confided, or expects to be hospitalized on the day of the election
    - the individual's occupation or work hours make it difficult to cast a ballot on the day of the election
    - the individual resides in a rural area
    - the individual is a student
    - the individual resides on Tribal land
    - the individual is affected by an emergency (including natural disaster or public health)
    - the individual would otherwise be burdened by voting at a polling place during early voting or on election day
- States must consider an attestation as valid and must not require any other information in order for the individual to cast an absentee ballot.

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- The above requirements do not apply to a state that requires election officials to automatically mail ballots to all registered voters.

Identification Requirement

- In order to obtain a mail ballot, states must require that the individual provide either:
    - identifying information as part of a voter registraiton application (including date of birth or last four SSN)
    - a signature of the individual or similar affirmation
- States may not require an individual to provide any other form of identification.

Delivery of Absentee Ballots

- Election officials must ensure that an absentee ballot is promptly mailed to an individual who submits an absentee ballot request that is received no later than 5 days before the "applicable date". If an individual submits an absentee ballot application that is received by election officials later than 5 days before the applicable date, but not later than the applicable date, eleciton officials must, to the greatest extend practical, ensure the ballot is mailed to the individual within 1 business day of receipt of the application.
- The "applicable date" is the day that is 7 days (not including Saturday, Sundays, and legal holidays) before Election Day.

Accessibility for Individuals with Disabilities

- States must ensure that all absentee ballot applications, absentee ballots and related materials are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

Deadline for Acceptance of Mailed Ballots

- Prohibits state or local election officials from refusing to accept a ballot submitted by mail on the grounds that it did not meet a state return deadline if:
    - the ballot is postmarked or otherwise indicated by USPS that it was mailed on or before Election Day, or has been signed by the voter on or before Election Day; and
    - the ballot is received by election officials prior to expiration of the 7-day period beginning on the date of the election.

Alternate Methods of Returning Ballots

- In addition to allowing voters to whom a mail ballot was provided to return the ballot by mail, states must permit individuals to deliver the ballot to designated locations, including: a polling place withing the jurisdiction in which the individual is registered or otherwise eligible to vote on any date on which voting takes place at the polling place; designated ballot drop off locations; a tribally-designated building; or the office of a state or local election official.

- States must permit voters to designate another person to return a voted and sealed absentee ballot to the post office, drop off location, tribally designated building, or election office provided the person does not receive compensation based on the number of ballots returned. States may not put any limits on how many absentee ballots may be returned by a designated person.

Effective Date of Mail Voting Requirements

- The mail voting provisions take effect beginning with the November 2022 election.

Ballot Tracking Program

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- Requires each state to develop a program to track and confirm the receipt of mail-in and absentee ballots and make information on the receipt of the ballots available to the individual who cast the ballot.
- A state may meet the requirements through either:
    - a program established by the state to track and confirm the receipt of mail and absentee ballots which meets the requirements of a ballot tracking program under the bill
    - through the Ballot Materials Tracking Service established under the bill
- A state ballot tracking program must meet the following requirements:
    - information on whether the ballot was accepted or rejected must be available within 1 business day of accepting or rejecting the ballot (including information on why a ballot was rejected).
    - the information must be available online through the state or local election official website (if the official does not have a website, the information must be provided through a toll-free telephone number)
- The EAC must make payments to reimburse states for the cost of establishing the absentee ballot tracking program. The amount of payment may not exceed $3,000 for each jurisdiction in the state responsible for operating the program.
- Authorizes such sums as necessary in FY 2022 and each succeeding fiscal year for payments to states.

Effective Date of Ballot Tracking Program

- The ballot tracking program requirements apply beginning with the November 2024 election.

Ballot Materials Tracking Service

- No later than January 1, 2024, DHS, in consultation with the EAC, USPS, GSA, DOD, and state election officials, must establish a ballot material tracking service to be used by state and local jurisdiction to inform voters on the status of voter registraiton applications, absentee ballot applications, absentee ballots, and mail-in ballots.
- The Director may not charge any fee to a state or jurisdiction for use of the balloting materials tracking service.

Requiring States to Provide Drop Boxes

- Each jurisdiction must provide in-person, secured, and clearly labeled drop boxes beginning on the first day on which the jurisdiction sends mail-in or absentee ballots (other than UOCAVA) through the close of polls for the election in the jurisdiction involved.
- Each drop box must be accessible to voters for a reasonable number of hours each day. Of the number of drop boxes provided in any jurisdiction, no less than the required number must be accessible for 24-hours per day during. The required number is the greater of 25% of the drop boxes required, or 1 drop box.
- Drop boxes must be accessible for use by individuals with disabilities; individuals with limited English proficiency; and homeless individuals.
- For any federal election prior to the regularly scheduled general election held in November 2024, no less than 1 drop box must be provided for every 45,000 voters in the jurisdiction.
- For any regularly scheduled federal general election held in November 2024, and each subsequent federal election, the number of drop boxes provided must be no less than the greater of 1 drop box for every 45,000 registered voters in the jurisdiction, or 1 drop box for every 15,0000 votes that were cast in the jurisdiction in the most recent general election that includes an election for the office of President.
- A jurisdiction must have no less than 1 drop box for any election for federal office.

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- The location of drop boxes must be based on criteria ensuring that the drop boxes are available to all voters on a non-discriminatory basis; accessible to voters with disabilities; accessible by public transportation to the greatest extent possible; available during all hours of the day; sufficiently available in all communities in the election jurisdiction; and geographically distributed to provide a reasonable opportunity to submit a voted ballot in a timely manner.
- In determining the number of drop boxes on Tribal lands, state and local election officials must consult with Tribal leaders and take into account the availability of direct-to-door residential mail delivery, the distance and time necessary to travel to the drop box locations (including in inclement weather), modes of transportation available, conditions of roads, and the availability of public transportation.
- Information about the requirements for absentee ballots to be counted must be included on or near each drop box.
- Nothing in the above provision prohibits a state from providing for the security of drop boxes through remote or electronic surveillance.
- The above provisions apply beginning with the November 2022 election.

Same Day Registration

Same Day Registration Availability

- Each state must permit eligible voters to register to vote (or update registration) at the polling place on Election Day, including early voting, using a form that meets the requirements of NVRA.
- The requirement does not apply to a state in which there is no voter registration requirement with respect to elections for federal office.
- The state must ensure that each polling place has copies of any form an individual may be required to complete in order to register to vote or revise the individual's voter registration information.

November 2022 Compliance

- States must comply with the requirement beginning with the November 2022 general election. A state is deemed compliant for the November 2022 election, and subsequent elections prior to the November 2024 election, if at least one location for each 15,000 registered voters in each jurisdiction meets the requirements.

November 2024 Compliance

- If a state certifies to the EAC no later than November 5, 2024, that it will not be in compliance with the requirements for the November 2024 election because it would be impracticable to do so, and includes the reasons for failing to meet the deadline, the state will be deemed in compliance for that election if at least one location for each 15,000 registered voters in each jurisdiction meets the requirements.

Identification Requirement for In-Person Voting

Identifying Document

- Requires that an individual voting in-person provide election officials with an identifying document that conforms with the name in the individual's voter registration record in order to receive a ballot, with the following exceptions:
    - the individual presents a sworn written statement signed in the presence of election officials by an adult who has known the individual for at least 6 months

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  - the election official has known the individual for at least 6 months
  - for residents in a state-licensed care facility, an employee of the facility confirms the individual's identity

- The term "identifying document" means a document issued to an individual containing the individual's name, including a copy of the document or the document in electronic format. Documents that qualify as an identifying document include: a driver's license, state ID, passport, government employee ID card, student ID, military ID, gun license/permit, Medicare or social security card, birth certificate, voter registraiton card, hunting/fishing license, SNAP ID, TANF ID; Medicaid ID, bank/debit card, utility bill, least or mortgage, bank statement, health insurance ID, and any other document issued by a state, federal, local, or tribal government.

Provisional Ballots

- If an individual does not provide the required identifying document or qualify for an exception, the individual must be permitted to cast a provisional ballot if the individual signs a sworn written statement. Election officials may not make a determination on the provisional ballot unless they determine that the signature on the statement matches the signature in the voter registration list or other official record used to verify signatures, or, the individual presents the required identifying document no later than 10 days after casting the provisional ballot.
- If election officials determine that there is a discrepancy between the signature on the provisional ballot and the signature in the record used to verify signatures, election officials must, as soon as practical, but no later than the next business day after the determination is made, make a good faith effort to immediately notify the individual by mail, phone, and if available, text message and email, that the discrepancy must be cured no later than the 3rd day following the deadline for receiving mail-in or absentee ballots in order for the ballot to be counted.

Pre-Printed Statement

- Requires the EAC must develop a pre-printed version of the statements referenced in the above provisions.
- State and local jurisdiction must make copies of the pre-printed statements available at polling places.

Effective Date

- The above identification requirements take effect January 1, 2026

Providing Identifying Documents

- Requires each state and jurisdiction to provide a government issued identification without charge to each individual registered to vote registered after December 31, 2021. For individuals registered prior to January 1, 2022 who do not possess an identifying document, state and jurisdictions must provide the individual with a government-issued identification, including assistance in obtaining the identification, without charge.
- The above provision takes effect January 1, 2022.

Payments to States

- Authorizes $5,000,000 for FY 2022 and each the 4 succeeding fiscal years for the EAC to make payments to states to cover the costs of providing identification.
- The amount of payment to each state is based on the amount of fees that would have been collected by the state during the year to provide the identification if the state had charged the usual and customary rate.

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Poll Worker Recruitment and Training Grants

Eligibility Requirements

- Requires the EAC grants available to each state (subject to the availability of appropriations) for recruiting and training individuals to serve as poll workers. In carrying out activities with a grant, the recipient must use the manual prepared by the EAC on successful practices for poll worker recruiting, training, and retention and must develop training programs with experts in adult learning.
- The EAC must ensure that the manual provides training in methods that will enable poll workers to provide access and delivery of services in a culturally competent manner to all voters who use their services, including those with limited English proficiency, diverse cultural and ethnic backgrounds, disabilities, and regardless of gender, sexual orientation, or gender identity.
- States seeking a grant must submit an application to the EAC describing the activities to be carried out providing on the use of the funds, provide assurances that the state will provide the EAC with relevant recruitment and training data, and provide assurances that the state will dedicate poll worker recruitment efforts with respect to youth and minors and diversity

Grant Amount

- The amount of a grant to a state must be equal to the product of the aggregate amount made available for grants to states and the voting age population percentage for the state.

Reporting

- No later than 6 months after a grant is made, each recipient must submit a report to the EAC on the activities conducted with the grant funds.
- No later than 1 year after a grant is made, the EAC must submit a report to Congress on the grant activities carried out by recipients, and any recommendations.

Access to Voting for Individuals with Disabilities

Absentee Voting Availability for Individuals with Disabilities

- Each state must ensure that:
    - absentee registration forms, absentee ballot applications, and absentee ballots that are available electronically are accessible
    - permit individuals with disabilities to use absentee registration procedures and vote by absentee ballot in federal elections
    - accept and process any otherwise valid voter registration application and absentee ballot application received by the appropriate state election official within the applicable deadline

Procedures for Absentee Ballot Requests by Mail or Electronically

- States must establish procedures that allow individuals with disabilities to request voter registration applications and absentee ballot applications by mail or electronically, and designate whether they want to receive the applications by mail or electronically.
- States must develop procedures to transmit the applications based on the preference selected by the individual. If the individual does not indicate a preference, the application must be delivered in

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accordance with state law. In the absence of any relevant state law, the application must be delivered by mail.

Procedures for Blank Ballot Delivery by Mail or Electronically

- States must establish procedures for security transmitting blank absentee ballots by mail and electronically to individuals with disabilities.
- The procedures must include a means for the individual to designate whether they want to receive the blank ballot by mail or electronically. The state must transmit the ballot based on the preference selected by the individual. If the voter does not indicate a preference, the ballot must be delivered in accordance with state law. In the absence of any relevant state law, the ballot must be delivered by mail.

Tracking Measures for Absentee Ballots

- States must use methods it considers appropriate, such as assigning a unique identifier to the ballot envelope, to ensure that if an individual with a disability requests the state to transmit a blank absentee ballot to the individual, the voted absentee ballot that is returned is the same blank absentee ballot which the state transmitted to the individual.

Designation of Single Office for Absentee Voting Information

- Each state must designate a single office that is responsible for providing information regarding voter registration procedures, absentee ballot procedures, and in-person voting procedures to be used by individuals with disabilities with respect to federal elections.
- Through the designated single office, each state must:
    - provide information to election officials on how to set up and operate accessible voting systems, including guidance on compatibility with assistive technologies such as screen readers and ballot marking devices.
    - integrate information on accessibility, accommodations, disability, and older individuals into regular training materials for poll workers and election administration officials
    - train poll workers on how to make polling places accessible for individuals with disabilities and older individuals
    - promote the hiring of individuals with disabilities and older individuals as poll workers and election staff
    - publicly post the results of any audits to determine the accessibility of polling places no later than 6 months after the completion of the audit

Designation of Electronic Communication Methods

- Each state must designate at least 1 means of electronic communication for the following purposes: for use by individuals with disabilities to request voter registration applications and absentee ballot applications; for use by the states to send voter registration and absentee ballot applications to individuals with disabilities; and for providing individuals with disabilities with election and voting information.
- The state must include the designated means of electronic communication on all information and instructional materials that accompany balloting materials sent by the state to individuals with disabilities voters.

Effective Date

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- The above provisions regarding absentee voting by individuals with disabilities apply with respect to elections held on or after January 1, 2022.

Establishment and Maintenance of State Accessible Election Websites

- Requires each state to establish a single website that is accessible and meets the following requirements:
    - provides local election officials, poll workers, and volunteers with guidance to ensure that polling places are accessible for individuals with disabilities and older individuals
    - provides online training and resources on:
        - how best to promote the access and participation of individuals with disabilities and older individuals in elections,
        - the voting rights and protections for individuals with disabilities and older individuals under state and federal law
    - provides information about voting, including:
        - the accessibility of all polling places within the state, including outreach programs to inform individuals about the availability of accessible polling places
        - how to register to vote and confirm voter registration in the state
        - the location and operating hours of all polling places in the state;
        - the availability of aid or assistance for individuals with disabilities and older individuals to cast their vote
        - the availability of transportation aid or assistance to the polling place for individuals with disabilities or older individuals
        - the rights and protections under state and federal law for individuals with disabilities and older individuals to participate in elections
        - how to contact state, local, and federal officials with complaints or grievances if individuals with disabilities, older individuals, Native Americans, Alaska Natives, and individuals with limited proficiency in the English language feel their ability to register to vote or vote has been blocked or delayed

- Requires the chief state election official, working through a committee of appropriate individuals (see below), to:
    - partner with an outside technical organization with experience in establishing accessible election websites to develop an accessible election website that complies with the bill or update an existing election website to comply with the bill
    - develop a state plan to describe how state and local government will meet the provisions in the bill regarding the state accessible election website
    - partner with at least two of the following organizations to monitor and verify the accessibility, completeness, and accuracy of the election website:
        - University Centers for Excellence in Developmental Disabilities Education, Research, and Services
        - Centers for Independent Living
        - A State Council on Developmental Disabilities
        - State protection and advocacy systems as
        - Statewide Independent Living
        - State Assistive Technology Act Programs.
        - A visual access advocacy organization.
        - An organization for the deaf
        - A mental health organization.

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- The Committee of appropriate individuals must include chief election officials from jurisdiction within the state, representatives from disability advocacy groups, representatives from older individual advocacy groups; representatives from organizations with expertise in accessible websites; representatives from voting rights organizations; and representatives from state protection and advocacy systems
- The above provisions apply beginning January 1, 2023

Protections for In-Person Voting for Individuals with Disabilities and Older Individuals

- Requires each state to ensure all polling places within the state are accessible; consider procedures to address long wait times at polling places that allow individuals with disabilities and older individuals alternate options to cast a ballot in person; and consider options to establish 'mobile polling sites' to allow election officials or volunteers to travel to long-term care facilities and assist residents who request assistance in casting a ballot
- The above provision takes effect beginning with elections after January 1, 2024

Protections for Individuals Subject to Guardianship

- States are prohibited from determining that an individual lacks the capacity to vote in an election for on the ground that the individual is subject to guardianship, unless a court of competent jurisdiction issues a court order finding by clear and convincing evidence that the individual cannot communicate, with or without accommodations, a desire to participate in the voting process.
- The above provision applies beginning with elections after January 1, 2022

Expansion and Reauthorization of HHS Grant Program

- Reauthorizes the HHS grant program under HAVA for assuring access to individuals with disabilities is reauthorized for FY2022, and each succeeding year, with such sums as may be necessary to carry out the program.
- The HHS grants may be used for making absentee voting and voting at home accessible to individuals with disabilities; make polling places more accessible to individuals with disabilities; and providing solutions to problems of access to voting and elections for individuals with disabilities.
- Any amounts appropriated for the HHS grant program for FY 2022 or succeeding years which have not been obligated or expended by the state or local government prior to the 4-year expiration period must be transferred to the EAC. The EAC must reallocate the funds to state or local governments that expended all funds previously received.

Appointments to EAC Board of Advisors

- Expands the membership of the Board of Advisors to include:
    - 2 members appointed by the National Council on Disability
    - 2 members appointed by the Assistant Secretary of Health and Human Services for Aging
    - 4 members from organizations, whose executive leadership team consists of fifty-one percent of individuals with disabilities, representing the interests of voters with disabilities, of whom:
        - 2 must be appointed by the House Administration Committee, with 1 appointed by the chair and 1 appointed by the ranking minority member; and
        - 2 members appointed by the Senate Rules and Administration Committee, with 1 appointed by the chair and 1 appointed by the ranking minority member
    - 4 members from organizations representing the interests of older voters, of whom:
        - 2 must be appointed by the House Administration Committee, with 1 appointed by the chair and 1 appointed by the ranking minority member; and

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        - 2 members appointed by the Senate Rules and Administration Committee, with 1 appointed by the chair and 1 appointed by the ranking minority member
    - 12 members who are nationally recognized subject matter experts regarding election integrity, with specializations to include election cybersecurity, authentication, accessibility, transparency, verification, and auditing, and who are not full-time election officials, of whom:
        - 2 members must be appointed by the Cybersecurity and Infrastructure Security Agency
        - 2 members must be appointed by the National Science Foundation
        - 2 members must be appointed by the Institute for Defense Analyses
        - 2 members must be appointed by the Association for Computing Machinery
        - 2 members must be appointed by the National Association of State Chief Information Officers
        - 1 member must be appointed by the Center for Internet Security
        - 1 member must be the Director of the Elections Infrastructure Information Sharing and Analysis Center, or the Director's designee
- The above provision takes effect January 1, 2022

<u>Protection and Advocacy System Funding for the American Indian Consortium</u>

- Authorizes payments of no less than $70,000 to protection and advocacy systems serving the American Indian Consortium.

<u>Pilot Program for Individuals with Disabilities to Register to Vote at Residences.</u>

- Requires the EAC (subject to the availability of appropriations) to make grants to states to conduct pilot programs to allow individuals with disabilities to use electronic means (including the internet and telephones utilizing assistive devices) to register to vote and to request and receive absentee ballots in a manner which permits the individuals to do so privately and independently at their own residences.
- States must apply to the EAC to receive a pilot program grant. States receiving a grant must submit a report to the EAC on the pilot programs carried out with the grant with respect to elections during that year.
- The EAC must make the first grants available for pilot programs in effect for the 2022 election.

<u>GAO Report on Voting Access for Individuals with Disabilities</u>

- Requires GAO to conduct an analysis after each election that covers the following topics:
    - polling places located in houses of worship or other facilities that may be exempt from accessibility requirements under the ADA, including efforts to overcome accessibility challenges posed by the facilities and the extent to which the facilities are used as polling places;
    - assistance provided by the EAC, DOJ, and other federal agencies to help election officials improve voting access for individuals with disabilities;
    - the extent to which accessible voting machines at a polling place are located in places that are difficult to access; malfunction; or fail to provide sufficient privacy to ensure that the ballot of the individual cannot be seen by another individual.
    - the process by which federal, state, and local governments track compliance with accessibility requirements related to voting access;
    - the extent to which poll workers receive training on how to assist individuals with disabilities;

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- the extent and effectiveness of training provided to poll workers on the operation of accessible voting machines;
- the to which individuals with a developmental or psychiatric disability experience greater barriers to voting, and whether poll worker training adequately addresses the needs of such individuals;
- the extent to which state or local governments employ, or attempt to employ, individuals with disabilities to work at polling sites.

- GAO must submit report a report to Congress no later than 9 months after each general election that contains the above analysis and recommendations to promote the use of best practices used by state and local officials to address barriers to accessibility and privacy concerns for individuals with disabilities in elections.

Accessible Voting Systems

- Requires that a voting system (under section 301 of HAVA) be accessible for individual with disabilities, including nonvisual accessibility, in a manner that provides the same opportunity for access and participation as for other voters. The voting system must ensure that individuals with disabilities are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter verifiable paper ballot.
- The voting system must satisfy the requirement through the use at in-person polling location of a sufficient number (not less than one) of voting systems equipped to serve individuals with disabilities including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired. The sufficient number of voting systems for any in-person polling location must be determined based on guidance from the Attorney General, in consultation with the Architectural and Transportation Barriers Compliance Board.
- If purchased with funds made available under Title II of HAVA on or after January 1, 2007, the voting system must meet the voting system standards for disability access (as outlined below).
- A voting system may meet the accessibility requirements by:
  - allowing the voter to privately and independently verify the paper ballot through the accessible presentation of the same printed or marked vote selections that will be used for vote tabulation or auditing
  - allowing the voter to privately and independently verify and cast the paper ballot without requiring the voter to manually handle the paper ballot
  - marking ballots that are identical in size, ink, and paper stock to ballots that would either be marked by hand or be marked by a ballot marking device made generally available to voters
  - combining ballots produced by any ballot marking devices reserved for individuals with disabilities with ballots that have either been marked by voters by hand or marked by ballot marking devices made generally available to voters, in a way that prevents identification of the ballots that were cast using any ballot marking device that was reserved for individuals with disabilities.

<u>Implementation Deadlines</u>

- The accessible voting system requirements apply beginning with elections held in 2022.

<u>Study and Report on Accessible Voting Options</u>

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- The EAC, in coordination with the Access Board and CISA, must make grants to at least 2 eligible entities to study, test, and develop: accessible and secure remote voting systems; voting, verification, and casting devices to enhance the accessibility of voting and verification for individuals with disabilities; or both.
- An entity is eligible to receive a grant if it submits to the EAC an application that certifies that it will complete the activities by January 1, 2024.
- Any technology developed with the grants must be considered non-proprietary and be made publicly available.
- $10 million is authorized to be appropriated.

Durability, Readability, and Printing Requirements for Paper Ballots

- All paper ballots must be printed on durable paper. Paper is durable if it can withstand multiple counts and recounts and still retain the information printed on them for a 22-month retention period.
- All paper ballots completed through a ballot marking device must be clearly readable by the voter without assistance and by ballot tabulation device or other device equipped for individuals with disabilities.
- To the extent practicable, all paper ballots must be printed in the United States on paper manufactured in the United States.

Study and Report on Optimal Ballot Design

- The EAC must conduct a study of the best ways to design ballots, including paper ballots and electronic or digital ballots, to minimize confusion and user errors. The EAC must report to Congress on the study no later than January 1, 2022.

Prohibiting Deceptive Practices and Preventing Voter Intimidation

False Election Statements

- Prohibits any person within 60 days of an election from communicating, by any means, or producing with the intent to communicate, certain election related information that the person knows to be materially false and with the intent to impede or prevent another person from voting. Information prohibited by this provision includes false information regarding:
    - the time, place, or manner of an election;
    - the qualifications for or restrictions on voter eligibility for an election, including any criminal, civil, or other legal penalties associated with voting, or information regarding a voter's registration status or eligibility.

False Statements Regarding Public Endorsements

- Prohibits any person within 60 days of an election from communicating, by any means, information about an endorsement that the person knows to be materially false and with the intent to impede or person from voting. Information is materially false if it falsely claims that person, political party, or organization has endorsed a specific candidate.

Hindering, Interfering With, or Preventing Registration and Voting

- Prohibits any person from intentionally hindering, interfering with, or preventing another person from voting, registering to vote, or aiding another person to vote or register in an election, including by operating a polling place or ballot box that falsely purports to be an official location established for the election by a unit of government

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- A violation of the above provision is punishable by a fine of up to $100,000, 5 years imprisonment, or both.

Private Right of Action

- Authorizes a person aggrieved by a violation of the above provisions to institute a civil action for preventive relief.

Voter Intimidation Penalty

- The penalty for voter intimidation in Title 18 of the U.S. Code (crimes and criminal procedure) is amended to provide for a penalty of up to 5 years imprisonment or a fine of up to $100,000.

Sentencing Guidelines

- No later than 180 days after enactment of the Act, the US Sentencing Commission must review and if appropriate amend the federal sentencing guidelines applicable to persons convicted of any offense under the above provisions.

Corrective Action

- If the Attorney General receives a credible report that materially false information has been or is being communicated in violation of the above prohibitions against false statements, and the Attorney General determines that state and local election officials have not taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General communicate to the public, by any means, accurate information designed to correct the materially false information. The communication must be accurate and objective and consist of only the information necessary to correct the false information.
- No later than 180 after the date of enactment of this Act, the Attorney General must publish written procedures and standards for determining when and how corrective action will be taken. The procedures and standards must include appropriate deadlines. The Attorney General must consult with the EAC, state and local election officials, civil right organization, and other stakeholder groups in developing the procedures and standards.

Authorization of Appropriations

- Authorizes to be appropriated to the Attorney General such sums as may be necessary to carry out the above provision.

Reports to Congress

- No later than 180 days after each general election the Attorney General must submit to Congress a report compiling all allegations received by the Attorney General of deceptive practices. Each report must address several criteria, including a description of the allegations, the status of each investigation, and the corrective action taken.
- The report must be made public on the day it is submitted.

Provisional Ballots

Counting of Provisional Ballots

- If a provisional ballot is cast within the same county in which the voter is registered or otherwise eligible to vote, the appropriate election official of the jurisdiction in which the individual is registered must count each vote on the provisional ballot, regardless of the precinct or polling place at which the provisional ballot was cast within the county.

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- Each state must establish uniform and nondiscriminatory standards for the issuance, handling, and counting of provisional ballots.
- The above provisions apply with respect to elections held on or after January 1, 2022.

Prohibiting Voter Caging

Prohibition Against Voter Caging

- The term "Voter Caging Document" means a non-forwardable document, sent to a registered voter or applicant and returned to the sender or a third party as undeliverable, or, any document, sent to a registered voter or applicant, with instructions to return to the sender but not returned, despite an attempt to deliver the document to a registered voter or applicant, unless at least two federal election cycles have passed.
- The term "voter caging list" means a list of individuals compiled from voter caging documents.
- No state or local election official may prevent an individual from registering or voting, or permit a challenge to an individual's eligibility, based on a voter caging document or list, an immaterial error or omission on voting materials, or any other evidence designate by the EAC, unless the official has other independent evidence of the individual's ineligibility to vote.

Civil Enforcement

- Authorizes DOJ to bring a civil action for declaratory or injunctive relief.

Private Right of Action

- Authorizes a person aggrieved by a violation to provide written notice of the violation to the chief state election official (for violations involving election officials) or the DOJ. If the violation is not corrected within the specified timeframes, the person may bring a civil action for declaratory or injunctive relief.

Penalties

- Anyone who knowingly challenges the eligibility of an individual to register to vote or causes the individual to be challenged in violation of the above provisions with the intent that the voter be disqualified will be fined, imprisoned for up to 1 year, or both.

Conditions for Removing Voters from Voter Registration List

Conditions for Removal of Voters from List of Registered Voters

- A state may not remove 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.
- The following factors, or any combination, must not be treated as objective and reliable evidence of a registrant's ineligibility to vote:
    - the failure of the registrant to vote in any election;
    - 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.
- States are not prohibited from removing a registration from the official registration list if the state or local eleciton official knows that the registrant has died, or permanently moved out of the state.

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- States must provide a vote removed from the registration list with an opportunity to demonstrate the registrant is eligible to vote and be reinstated.
- No later than 48 hours after a state removes the name of a registrant from the official list of eligible voters the state must send notice of the removal to the former registrant, and must include in the notice the grounds for the removal and information on how the former registrant may contest the removal or be reinstated, including a telephone number for the appropriate election official.
- The above paragraph does not apply in the case of a registrant who sends written confirmation to the state that the registrant is no longer eligible to vote in the registrar's jurisdiction in which the registrant was registered or who is removed from the official list of eligible voters by reason of the death of the registrant.
- No later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters the state must disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation or posting the notice on the websites of the appropriate election official) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The state must ensure that the public notice is in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.
- A state may not transmit a removal notice to a registrant unless the state obtains objective and reliable evidence (in accordance with the above standards for such evidence) that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered.
- The above requirements are effective on the date of enactment.

Increased Protections for Election Workers

Harassment of Election Workers

- Makes it unlawful for any person to intimidate, threaten, coerce, harass, or attempt to intimidate, threaten, coerce or harass an election worker described with intent to impede, intimidate, or interfere with the official while engaged in the performance of official duties, or with intent to retaliate against the official on account of the performance of official duties. An election official is any individual who is an election official, poll worker, or an election volunteer in connection with an election for a federal office.
- Any person who violates the provision shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

Protection of Election Workers

- Amends existing federal law (18 U.S. Code § 119) – which prohibits making restricted personal information (address, phone number, SSN, etc.) publicly available to threaten or intimidate certain officials – to include any election official, poll worker, or election volunteer in connection with an election for federal office.

Restrictions on Removal of Local Election Administrators

- Prohibits a statewide election administrator from suspending, removing, or relieving a local election administrator from their duties related to administration of a federal election, unless it is based on inefficiency, neglect of duty, or malfeasance in office.

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- Provides a private right of action for any local election administrator suspended, removed, or relieved of duties in violation of the above provision to seek declaratory or injunctive relief by a U.S. district court. Requires the state election administrator to be named as the defendant in the action.
- Authorizes a local election administrator subject to proceedings for suspension, removal, or relief from duty by a state election administrator to remove the proceedings from the state to a U.S. district court.
- If a state election administrator initiates proceedings to suspend, remove, or relieve the duties of a local election administrator, the state election administrator must provide a copy of the pleadings to the Department of Justice Civil Rights Division. Authorizes the Department of Justice to intervene in the proceedings.

Polling Place Notification Requirements

- If an "applicable individual" is assigned to a new polling place, the appropriate election must notify the individual of the location of the new polling place no later than 2 days before the beginning of early voting, and post a general notice on the website of the state or jurisdiction, on social platforms (if available), and on signs at the previous polling place. If the assignment is made after the date that is 2 days before the beginning of early voting, and the individual appears at the previous polling place, the state must make every effort to enable the individual to vote on the day of the election. The appropriate election officials must notify an individual by mail, telephone, and (if available) text message and email.
- An "applicable individual" is someone who is registered to vote in a jurisdiction for the election and was registered to vote for the most recent election, and whose voter registraiton address has not changed since the most recent election.
- In the case of a jurisdiction in which individuals are not assigned to specific polling places, no later than 2 days before the beginning of early voting the appropriate election official must notify each eligible voter in the jurisdiction of the location of all polling places at which the individual may vote.
- If a location which served as a polling place in an election in a state does not serve as a polling place in the next election, the state must ensure that signs are posted at such location on the date of the election and during any early voting period for the election containing the following information; a statement that the location is not serving as a polling place in the election; the locations serving as polling places in the jurisdiction involved; the name and address of any substitute polling place service the same precinct and directions from the former polling place to the new polling place, and contact information for the appropriate state or local election official through which an individual may find their polling location.
- Each state which is required to post signs under the above provision must also provide the information through a website and social media (if applicable).
- This above requirement applies with respect to elections held on or after January 1, 2022.

Election Mail

<u>Postmark Required for Ballots</u>

- Any absentee ballot carried by USPS must indicate on the ballot envelope, using a postmark or otherwise, the fact that the ballot was carried by USPS, and the date on which it was mailed.
- The above provision takes effect January 1, 2022

<u>Greater Visibility for Ballots</u>

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- Each state or local election official must:
    - affix Tag 191, Domestic and International Mail-In Ballots (or any successor tag designated by the USPS), to any tray or sack of official ballots relating to an election for federal office that is destined for a domestic or international address
    - use the Official Election Mail logo to designate official ballots relating to an election for federal office that is destined for a domestic or international address
    - if an intelligent mail barcode is utilized for any official ballot relating to an election for federal office that is destined for a domestic or international address, ensure the specific ballot service type identifier for that mail is visible
- The above provision takes effect January 1, 2022

Treatment as First-Class Mail

- Requires that any voter registration application form, voter registration card, blank or completed absentee and other mail-in ballot application form, blank or completed absentee and other mail-in ballot, or other materials relating to a federal election mailed by a state election official to a registered voter, must be carried in accordance with the service standards established for first-class mail.
- Completed absentee or other mail-in ballots must be carried free of postage.
- The above provision takes effect January 1, 2022

Restrictions on USPS Changes

- During the 120-day period prior to an election for federal office, USPS may not carry out any new operation change that would restrict the prompt and reliable delivery of voting materials with respect to the election. This includes operational changes involving the removal or elimination of any mail collection box without immediate replacement, and removing, decommissioning, or any other form of stopping the operation of mail sorting machines other than routine maintenance.
- The above provision takes effect January 1, 2022

Election Mail Coordinator

- USPS must appoint an Election Mail Coordinator in every postal area and district to facilitate relevant information sharing with state and local election officials with regard to the mailing of voter registration and absentee ballot applications, and absentee ballots.
- The above provision takes effect January 1, 2022

Election Administration Funding

- Authorizes $1.5 billion for FY 2021 thorough FY 2028 for the EAC to make payments to states to carry out election administration activities pursuant to the provisions of the bill (other than provisions that already authorize funding).
- The amount of a payment to a state must be equal to the product of the total amount appropriated for the year and the state allocation percentage. The state allocation percentage is the amount equal to the quotient of the voting age population of the state and the total voting age population of all states.

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- The minimum payment amount for any state and Washington D.C. is 1/2 of 1 percent of the total amount appropriated for payments for the year. For territories, the amount is 1/10 of 1 percent of the total amount.

Voting System Security Improvement Grants

Grant Activities

- EAC must make grants to states for the following activities:
    - to carry out voting system security improvements (described below)
    - to implement and model best practices for ballot design, ballot instructions, and the testing of ballots.
    - purchase or acquire accessible voting systems that meet the relevant requirements under the Act

Funding Amounts

- Authorizes $2.4 billion for FY 2021 and $175 million for FY2022, 2024, 2026 and 2028.
- The amount of payment to an eligible state must be the minimum payment amount, plus the voting age population proportion amount.
    - The minimum payment amount for any state or the District of Columbia is ½ of 1 percent of the aggregate amount available for payments, and for Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands, 1/10th of 1 percent of the aggregate amount.
    - The voting age population proportion amount is the product of the aggregate amount made available for payments minus the total of all of the minimum payment amounts, and the voting age population proportion for the state.
    - The term 'voting age population proportion' means, with respect to a state, the amount equal to the quotient of the voting age population of the state (as reported in the most recent decennial census), and the total voting age population of all states.
- An eligible state must use no less than 10% of funds received by the state to purchase accessible voting systems.
- A state is eligible to receive a grant if it submits to the EAC an application describing how it will use the grant to carry out the activities and a certification not later than 5 years after receiving the grant the state will carry out voting system security improvements.

EAC Report on Grant Activities

- Not later than 90 days after the end of each fiscal year, the EAC must submit a report to the appropriate congressional committees on the activities carried out with the grant funds.

Voting System Security Improvements

- Voting system security improvements for purposes of the grant funds are any of the following:
    - the acquisition of goods and services from qualified election infrastructure vendors;
    - cyber and risk mitigation training;
    - a security risk and vulnerability assessment of the state's election infrastructure carried out by a provider of cybersecurity services under a contract entered into between the chief state election official and the provider;

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- the maintenance of election infrastructure, including addressing risks and vulnerabilities;
- providing increased technical support for any information technology infrastructure that the chief state election official deems to be part of the state's election infrastructure or designates as critical to the operation of the state's election infrastructure;
- enhancing the cybersecurity and operations of the information technology infrastructure;
- enhancing the cybersecurity of voter registration systems

Qualified Election Infrastructure Vendor

- For the purposes of voting system security improvements, a "qualified election infrastructure vendor" is any person who provides, supports, or maintains infrastructure on behalf of a state, local government, or election agency that meets the criteria established by DHS, in consultation with the EAC, which must include the following:
  - the vendor must be owned and controlled by a citizen or permanent resident of the US or a member of the Five Eyes intelligence sharing alliance, and, in the case of a votign machine, must ensure that the machine is assembled in the US;
  - the vendor must disclose to the DHS and the EAC, and the chief state election official of any state to which the vendor provides goods and services, any sourcing outside the US for parts of the election infrastructure;
  - the vendor must disclose to the DHS and the EAC, and relevant chief state election official the identification of any entity or individual with a more than five percent ownership interest in the vendor.
  - the vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner consistent with cybersecurity best practices issued by CISA;
  - the vendor agrees to maintain its information technology infrastructure in a manner consistent with the cybersecurity best practices issued by CISA;
  - the vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the supply chain best practices issued by CISA;
  - the vendor agrees to ensure that it has personnel policies and practices in place that are consistent with personnel best practices, including cybersecurity training and back- ground checks, issued by CISA;
  - the vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with data integrity best practices, including requirements for encrypted transfers and validation, testing and checking printed materials for accuracy, and disclosure of quality control incidents, issued by CISA;
  - the vendor agrees to meet the requirements for reporting any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor;
  - the vendor agrees to permit independent testing by the EAC and DHS of the goods and services provided.
- A vendor meets the relevant reporting requirements if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided pursuant to the grant:

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  - the vendor promptly assesses whether or not such an incident occurred and submits the required notification to the EAC and DHS of the assessment as soon as practicable, but no later than 3 days after the vendor first becomes aware of the possibility that the incident occurred;
  - if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the applicable requirements to the agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and
  - the vendor provides all necessary updates to any notification submitted as required;
- Each required notification from a vendor must contain the following information with respect to any election cybersecurity incident covered by the notification:
  - the date, time, and time zone when the election cybersecurity incident began, if known;
  - the date, time, and time zone when the election cybersecurity incident was detected;
  - the date, time, and duration of the election cybersecurity incident;
  - the circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any;
  - any planned and implemented technical measures to respond to and recover from the incident;
  - in the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.
- No later than 1 year after the date of enactment, the Director of CISA, in consultation with the Election Infrastructure Sector Coordinating Council, must develop criteria for incidents which are required to be reported in accordance with the above provisions.

<u>DHS Membership on EAC Board of Advisors and TGDC</u>

- Expands the Board of Advisors and TGDC membership to include a representative from DHS.

<u>EAC Studies</u>

- Requires the EAC to consult with DHS on periodic studies, as appropriate.
- Requires that the goal of EAC studies include promoting election methods that are secure against attempts to undermine the integrity of election systems by cyber or other means.

<u>Use of Requirements Payments</u>

- Allows states to use a requirements payment to carry out any of the following activities:
  - cyber and risk mitigation training;
  - providing increased technical support for any information technology infrastructure that the chief state election official deems to be part of the state's election infrastructure or designates as critical to the operation of the state's election infrastructure;
  - enhancing the cybersecurity and operations of the information technology infrastructure;
  - enhancing the security of voter registration databases
- Requires that the state plan include a description of how the state will use requirements payments to improve the administration of elections include the protection of election infrastructure.

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- Updates the composition of the committee responsible for developing the state plan to require the membership be a representative group of individuals from the state's counties, cities, towns, and Indian tribes, and represent the needs of rural as well as urban areas of the state.

Protection of Voter Registration List

Requires that the technology measures for securing the voter registration list include measures to prevent and deter cybersecurity incidents, as identified by the EAC, DHS, and the TGDC

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AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2093

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.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MANCHIN

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. 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.

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(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Organization of Act into divisions; table of contents.
Sec. 2. Findings of general constitutional authority.

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

Sec. 1000. Short title; statement of policy.

Subtitle A—Voter Modernization

PART 1—AUTOMATIC VOTER REGISTRATION

Sec. 1001. Short title; findings and purpose.
Sec. 1002. Automatic registration of eligible individuals.
Sec. 1003. Voter protection and security in automatic registration.
Sec. 1004. Payments and grants.
Sec. 1005. Miscellaneous provisions.
Sec. 1006. Definitions.
Sec. 1007. Effective date.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

Sec. 1011. Election day as legal public holiday.

PART 3—EARLY VOTING

Sec. 1021. Early voting.

PART 4—VOTING BY MAIL

Sec. 1031. Voting by mail.
Sec. 1032. Balloting materials tracking program.
Sec. 1033. Requiring States to provide secured drop boxes for voted ballots in elections for Federal office.

PART 5—SAME DAY VOTER REGISTRATION

Sec. 1041. Same day registration.

PART 6—VOTER IDENTIFICATION AND ALLOWABLE ALTERNATIVES

Sec. 1051. Requiring voters to provide identification.

PART 7—GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING

Sec. 1061. Grants to States for poll worker recruitment and training.
Sec. 1062. State defined.

Subtitle B—Access to Voting for Individuals With Disabilities

Sec. 1101. Requirements for States to promote access to voter registration and voting for individuals with disabilities.
Sec. 1102. Establishment and maintenance of State accessible election websites.

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Sec. 1103. Protections for in-person voting for individuals with disabilities and older individuals.
Sec. 1104. Protections for individuals subject to guardianship.
Sec. 1105. Expansion and reauthorization of grant program to assure voting access for individuals with disabilities.
Sec. 1106. Appointments to EAC Board of Advisors.
Sec. 1107. Funding for protection and advocacy systems.
Sec. 1108. Pilot programs for enabling individuals with disabilities to register to vote privately and independently at residences.
Sec. 1109. GAO analysis and report on voting access for individuals with disabilities.
Sec. 1110. Accessibility and ballot verification for individuals with disabilities.

Subtitle C—Prohibiting Deceptive Practices and Preventing Voter Intimidation

Sec. 1201. Short title.
Sec. 1202. Prohibition on deceptive practices in Federal elections.
Sec. 1203. Corrective action.
Sec. 1204. Reports to Congress.

Subtitle D—Provisional Ballots

Sec. 1301. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Subtitle E—Voter List Maintenance Procedures

PART 1—Voter Caging Prohibited

Sec. 1401. Voter caging prohibited.

PART 2—Saving Eligible Voters From Voter Purging

Sec. 1411. Short title.
Sec. 1412. Conditions for removal of voters from list of registered voters.

Subtitle F—Increased Protections for Election Workers

Sec. 1501. Harassment of election workers prohibited.
Sec. 1502. Protection of election workers.
Sec. 1503. Restrictions on removal of local election administrators in administration of elections for Federal office.
Sec. 1504. Minimum notification requirements for voters affected by polling place changes.
Sec. 1505. Election mail and delivery improvements.
Sec. 1506. Carriage of election mail.

Subtitle G—Miscellaneous

Sec. 1601. Application of HAVA to territories of the United States.

Subtitle H—Election Administration Funding

Sec. 1701. Election administration funding.

Subtitle I—Severability

Sec. 1801. Severability.

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TITLE II—ELECTION INTEGRITY

Sec. 2001. Finding of constitutional authority.
Sec. 2002. Ban on mid-decade redistricting.
Sec. 2003. Criteria for redistricting.
Sec. 2004. Public notice and input.
Sec. 2005. Enactment of plan developed by 3-judge court.
Sec. 2006. Special rule for redistricting conducted under order of Federal court.
Sec. 2007. Payments to States for carrying out redistricting.
Sec. 2008. Civil enforcement.
Sec. 2009. State apportionment notice defined.
Sec. 2010. No effect on elections for State and local office.
Sec. 2011. Effective date.

TITLE III—ELECTION SECURITY

Sec. 3001. Short title; sense of Congress.
Sec. 3002. Grants for carrying out voting system security improvements.
Sec. 3003. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
Sec. 3004. Severability.

DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Establishing Duty to Report Foreign Election Interference

Sec. 4001. Findings relating to illicit money undermining our democracy.
Sec. 4002. Federal campaign reporting of foreign contacts.
Sec. 4003. Federal campaign foreign contact reporting compliance system.
Sec. 4004. Criminal penalties.
Sec. 4005. Report to congressional intelligence committees.
Sec. 4006. Rule of construction.

Subtitle B—DISCLOSE Act

Sec. 4100. Short title.

PART 1—Closing Loopholes Allowing Spending by Foreign Nationals in Elections

Sec. 4101. Clarification of prohibition on participation by foreign nationals in election-related activities.
Sec. 4102. Clarification of application of foreign money ban to certain disbursements and activities.
Sec. 4103. Audit and report on illicit foreign money in Federal elections.
Sec. 4104. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.
Sec. 4105. Disbursements and activities subject to foreign money ban.
Sec. 4106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

PART 2—Reporting of Campaign-Related Disbursements

Sec. 4111. Reporting of campaign-related disbursements.

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Sec. 4112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
Sec. 4113. Effective date.

PART 3—Other Administrative Reforms

Sec. 4121. Petition for certiorari.
Sec. 4122. Judicial review of actions related to campaign finance laws.

Subtitle C—Honest Ads

Sec. 4201. Short title.
Sec. 4202. Purpose.
Sec. 4203. Findings.
Sec. 4204. Sense of Congress.
Sec. 4205. Expansion of definition of public communication.
Sec. 4206. Expansion of definition of electioneering communication.
Sec. 4207. Application of disclaimer statements to online communications.
Sec. 4208. Political record requirements for online platforms.
Sec. 4209. Preventing contributions, expenditures, independent expenditures, and disbursements for electioneering communications by foreign nationals in the form of online advertising.
Sec. 4210. Requiring online platforms to display notices identifying sponsors of political advertisements and to ensure notices continue to be present when advertisements are shared.

Subtitle D—Severability

Sec. 4301. Severability.

TITLE V—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Stopping Super PAC–Candidate Coordination

Sec. 5001. Short title.
Sec. 5002. Clarification of treatment of coordinated expenditures as contributions to candidates.
Sec. 5003. Clarification of ban on fundraising for super PACs by Federal candidates and officeholders.

Subtitle B—Disposal of Contributions or Donations

Sec. 5101. Timeframe for and prioritization of disposal of contributions or donations.
Sec. 5102. 1-year transition period for certain individuals.

Subtitle C—Recommendations to Ensure Filing of Reports Before Date of Election

Sec. 5201. Recommendations to ensure filing of reports before date of election.

Subtitle D—Severability

Sec. 5301. Severability.

DIVISION C—ETHICS

TITLE VI—ETHICAL STANDARDS

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Subtitle A—Foreign Agents Registration

Sec. 6001. Disclosure of transactions involving items of financial value conferred on officeholders.
Sec. 6002. Ensuring online access to registration statements.
Sec. 6003. Authority to impose civil money penalties.
Sec. 6004. Establishment of FARA investigation and enforcement unit within Department of Justice.

Subtitle B—Recusal of Presidential Appointees

Sec. 6101. Recusal of appointees.

Subtitle C—Foreign Lobbying

Sec. 6201. Prohibition on foreign lobbying.

Subtitle D—Presidential Conflicts of Interest

Sec. 6301. Divestiture of personal financial interests of President and Vice President that pose potential conflicts of interest.
Sec. 6302. Initial financial disclosure.
Sec. 6303. Contracts by the President or Vice President.
Sec. 6304. Legal defense funds.

Subtitle E—Severability

Sec. 6401. Severability.

TITLE VII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

Sec. 7001. Presidential and vice presidential tax transparency.

SEC. 2. FINDINGS OF GENERAL CONSTITUTIONAL AUTHORITY.

Congress finds that the Constitution of the United States grants explicit and broad authority to protect the right to vote, to regulate elections for Federal office, to prevent and remedy discrimination in voting, and to defend the Nation's democratic process. Congress enacts this Act pursuant to this broad authority, including but not limited to the following:

(1) Congress finds that it has broad authority to regulate the time, place, and manner of congres-

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sional elections under the Elections Clause of the Constitution, article I, section 4, clause 1. The Supreme Court has affirmed that the ''substantive scope'' of the Elections Clause is ''broad''; that ''Times, Places, and Manner'' are ''comprehensive words which embrace authority to provide for a complete code for congressional elections''; and ''[t]he power of Congress over the Times, Places and Manner of congressional elections is paramount, and may be exercised at any time, and to any extent which it deems expedient; and so far as it is exercised, and no farther, the regulations effected supersede those of the State which are inconsistent therewith''. Arizona v. Inter Tribal Council of Arizona, 570 U.S. 1, 8–9 (2013) (internal quotation marks and citations omitted). Indeed, ''Congress has plenary and paramount jurisdiction over the whole subject'' of congressional elections, Ex parte Siebold, 100 U.S. (10 Otto) 371, 388 (1879), and this power ''may be exercised as and when Congress sees fit'', and ''so far as it extends and conflicts with the regulations of the State, necessarily supersedes them''. Id. At 384. Among other things, Congress finds that the Elections Clause was intended to ''vindicate the people's right to equality of representation in the House''.

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Wesberry v. Sanders, 376 U.S. 1, 16 (1964), and to address partisan gerrymandering, Rucho v. Common Cause, 139 S. Ct. 2484 (2019).

(2) Congress also finds that it has both the authority and responsibility, as the legislative body for the United States, to fulfill the promise of article IV, section 4, of the Constitution, which states: ''The United States shall guarantee to every State in this Union a Republican Form of Government[.]''. Congress finds that its authority and responsibility to enforce the Guarantee Clause is particularly strong given that Federal courts have not enforced this clause because they understood that its enforcement is committed to Congress by the Constitution.

(3)(A) Congress also finds that it has broad authority pursuant to section 5 of the Fourteenth Amendment to legislate to enforce the provisions of the Fourteenth Amendment, including its protections of the right to vote and the democratic process.

(B) Section 1 of the Fourteenth Amendment protects the fundamental right to vote, which is ''of the most fundamental significance under our constitutional structure''. Ill. Bd. of Election v. Socialist Workers Party, 440 U.S. 173, 184 (1979); see United States v. Classic, 313 U.S. 299 (1941) (''Ob-

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viously included within the right to choose, secured by the Constitution, is the right of qualified voters within a state to cast their ballots and have them counted . . .''). As the Supreme Court has repeatedly affirmed, the right to vote is ''preservative of all rights'', Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886). Section 2 of the Fourteenth Amendment also protects the right to vote, granting Congress additional authority to reduce a State's representation in Congress when the right to vote is abridged or denied.

(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.

(D) Congress also finds that ''the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by

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wholly prohibiting the free exercise of the franchise''. Reynolds v. Sims, 377 U.S. 533, 555 (1964). Congress finds that the right of suffrage has been so diluted and debased by means of gerrymandering of districts. Congress finds that it has authority pursuant to section 5 of the Fourteenth Amendment to remedy this debasement.

(4)(A) Congress also finds that it has authority to legislate to eliminate racial discrimination in voting and the democratic process pursuant to both section 5 of the Fourteenth Amendment, which grants equal protection of the laws, and section 2 of the Fifteenth Amendment, which explicitly bars denial or abridgment of the right to vote on account of race, color, or previous condition of servitude.

(B) Congress finds that racial discrimination in access to voting and the political process persists. Voting restrictions, redistricting, and other electoral practices and processes continue to disproportionately impact communities of color in the United States and do so as a result of both intentional racial discrimination, structural racism, and the ongoing structural socioeconomic effects of historical racial discrimination.

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(C) Recent elections and studies have shown that minority communities wait longer in lines to vote, are more likely to have their mail ballots rejected, continue to face intimidation at the polls, are more likely to be disenfranchised by voter purges, and are disproportionately burdened by voter identification and other voter restrictions. Research shows that communities of color are more likely to face nearly every barrier to voting than their white counterparts.

(D) Congress finds that racial disparities in disenfranchisement due to past felony convictions is particularly stark. In 2020, according to the Sentencing Project, an estimated 5,200,000 Americans could not vote due to a felony conviction. One in 16 African Americans of voting age is disenfranchised, a rate 3.7 times greater than that of non-African Americans. In seven States—Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and Wyoming—more than one in seven African Americans is disenfranchised, twice the national average for African Americans. Congress finds that felony disenfranchisement was one of the tools of intentional racial discrimination during the Jim Crow era. Congress further finds that current racial disparities in

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felony disenfranchisement are linked to this history of voter suppression, structural racism in the criminal justice system, and ongoing effects of historical discrimination.

(5)(A) Congress finds that it further has the power to protect the right to vote from denial or abridgment on account of sex, age, or ability to pay a poll tax or other tax pursuant to the Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments.

(B) Congress finds that electoral practices including voting rights restoration conditions for people with convictions, voter identification requirements, and other restrictions to the franchise burden voters on account of their ability to pay.

(C) Congress further finds that electoral practices including voting restrictions related to college campuses, age restrictions on mail voting, and similar practices burden the right to vote on account of age.

DIVISION A—VOTING

TITLE I—ELECTION ACCESS

SEC. 1000. SHORT TITLE; STATEMENT OF POLICY.

(a) SHORT TITLE.—This title may be cited as the ''Voter Empowerment Act of 2021''.

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MO-SOS-22-0229-A-000043

(b) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the ability of all eligible citizens of the United States to access and exercise their constitutional right to vote in a free, fair, and timely manner must be vigilantly enhanced, protected, and maintained; and

(2) the integrity, security, and accountability of the voting process must be vigilantly protected, maintained, and enhanced in order to protect and preserve electoral and participatory democracy in the United States.

Subtitle A—Voter Modernization

PART 1—AUTOMATIC VOTER REGISTRATION

SEC. 1001. SHORT TITLE; FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This part may be cited as the ''Automatic Voter Registration Act of 2021''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the right to vote is a fundamental right of citizens of the United States;

(B) it is the responsibility of the State and Federal Governments to ensure that every eligible citizen is registered to vote;

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(C) existing voter registration systems can be inaccurate, costly, inaccessible and confusing, with damaging effects on voter participation in elections for Federal office and disproportionate impacts on young people, persons with disabilities, and racial and ethnic minorities; and

(D) voter registration systems must be updated with 21st Century technologies and procedures to maintain their security.

(2) PURPOSE.—It is the purpose of this part—

(A) to establish that it is the responsibility of government to ensure that all eligible citizens are registered to vote in elections for Federal office;

(B) to enable the State Governments to register all eligible citizens to vote with accurate, cost-efficient, and up-to-date procedures;

(C) to modernize voter registration and list maintenance procedures with electronic and internet capabilities; and

(D) to protect and enhance the integrity, accuracy, efficiency, and accessibility of the electoral process for all eligible citizens.

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SEC. 1002. AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—The National Voter Registration Act of 1993 (52 U.S.C. 20504) is amended by inserting after section 5 the following new section:

"SEC. 5A. AUTOMATIC REGISTRATION BY STATE MOTOR VEHICLE AUTHORITY.

''(a) DEFINITIONS.—In this section—

''(1) APPLICABLE AGENCY.—The term 'applicable agency' means, with respect to a State, the State motor vehicle authority responsible for motor vehicle driver's licenses under State law.

''(2) APPLICABLE TRANSACTION.—The term 'applicable transaction' means—

''(A) an application to an applicable agency for a motor vehicle driver's license; and

''(B) any other service or assistance (including for a change of address) provided by an applicable agency.

''(3) AUTOMATIC REGISTRATION.—The term 'automatic registration' means a system that registers an individual to vote in elections for Federal office in a State, if eligible, by electronically transferring the information necessary for registration from the applicable agency to election officials of the State so that, unless the individual affirmatively de-

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clines to be registered, the individual will be registered to vote in such elections.

"(4) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means, with respect to an election for Federal office, an individual who is otherwise qualified to vote in that election.

"(5) STATE.—The term 'State' includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The chief State election official of each State shall establish and operate a system of automatic registration for the registration of eligible individuals to vote for elections for Federal office in the State, in accordance with the provisions of this section.

"(2) REGISTRATION OF VOTERS BASED ON NEW AGENCY RECORDS.—

"(A) IN GENERAL.—The chief State election official shall—

"(i) subject to subparagraph (B), ensure that each eligible individual who completes an applicable transaction and does

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not decline to register to vote is registered to vote—

"(I) in the next upcoming election for Federal office (and subsequent elections for Federal office), if an applicable agency transmits information under subsection (c)(1)(E) with respect to the individual not later than the applicable date; and

"(II) in subsequent elections for Federal office, if an applicable agency transmits such information with respect to such individual after the applicable date; and

"(ii) not later than 60 days after the receipt of such information with respect to an individual, send written notice to the individual, in addition to other means of notice established by this part, of the individual's voter registration status.

"(B) APPLICABLE DATE.—For purposes of this subsection, the term "applicable date" means, with respect to any election for Federal office, the later of—

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"(i) the date that is 28 days before the date of the election; or

"(ii) the last day of the period provided by State law for registration with respect to such election.

"(C) CLARIFICATION.—Nothing in this subsection shall prevent the chief State election official from registering an eligible individual to vote for the next upcoming election for Federal office in the State even if an applicable agency transmits information under subsection (c)(1)(E) with respect to the individual after the applicable date.

"(3) 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 section on the grounds that the individual is less than 18 years of age at the time an applicable 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.

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"(c) APPLICABLE AGENCY RESPONSIBILITIES.—

"(1) INSTRUCTIONS ON AUTOMATIC REGISTRATION FOR AGENCIES COLLECTING CITIZENSHIP INFORMATION.—

"(A) IN GENERAL.—Except as otherwise provided in this section, in the case of any applicable transaction for which applicable agency (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 or enrollment), the applicable agency shall inform each such individual who is a citizen of the United States of the following:

"(i) 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.

"(ii) The substantive qualifications of an elector in the State as listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9, the consequences of false registration, and the individual should de-

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cline to register if the individual does not meet all those qualifications.

"(iii) In the case of a State in which affiliation or enrollment with a political party is required in order to participate in an election to select the party's candidate in an election for Federal office, the requirement that the individual must affiliate or enroll with a political party in order to participate in such an election.

"(iv) Voter registration is voluntary, and neither registering nor declining to register to vote will in any way affect the availability of services or benefits, nor be used for other purposes.

"(B) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case where the individual is a member of a group that constitutes 3 percent or more of the overall population within the State served by the applicable agency as measured by the United States Census and are limited English proficient, the information described in clauses (i) through (iv) of subparagraph (A) shall be provided in a language understood by the individual.

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"(C) CLARIFICATION ON PROCEDURES FOR INELIGIBLE VOTERS.—An applicable agency shall not provide an individual who did not affirm United States citizenship, or for whom the agency has conclusive documentary evidence obtained through its normal course of operations that the individual is not a United State citizen, the opportunity to register to vote under subparagraph (A).

"(D) OPPORTUNITY TO DECLINE REGISTRATION REQUIRED.—Except as otherwise provided in this section, each applicable agency shall ensure that each applicable transaction described in subparagraph (A) with an eligible individual cannot be completed until the individual is given the opportunity to decline to be registered to vote. In the case where the individual is a member of a group that constitutes 3 percent or more of the overall population within the State served by the applicable agency as measured by the United States Census and are limited English proficient, such opportunity shall be given in a language understood by the individual.

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"(E) INFORMATION TRANSMITTAL.—Not later than 10 days after an applicable transaction with an eligible individual, if the individual did not decline to be registered to vote, the applicable agency shall electronically transmit to the appropriate State election official the following information with respect to the individual:

"(i) The individual's given name(s) and surname(s).

"(ii) The individual's date of birth.

"(iii) The individual's residential address.

"(iv) Information showing that the individual is a citizen of the United States.

"(v) The date on which information pertaining to that individual was collected or last updated.

"(vi) If available, the individual's signature in electronic form.

"(vii) Any additional information listed in the mail voter registration application form for elections for Federal office prescribed pursuant to section 9 of the National Voter Registration Act of 1993, in-

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cluding any valid driver's license number or the last 4 digits of the individual's social security number, if the individual provided such information.

"(F) CLARIFICATION.—Nothing in this section shall be read to require an applicable agency to transmit to an election official the information described in subparagraph (E) for an individual who is ineligible to vote in elections for Federal office in the State, except to the extent required to pre-register citizens between 16 and 18 years of age.

"(2) ALTERNATE PROCEDURE FOR CERTAIN OTHER APPLICABLE AGENCIES.—With each applicable transaction for which an applicable agency in the normal course of its operations does not request individuals to affirm United States citizenship (either directly or as part of the overall application for service or assistance), the applicable agency shall—

"(A) complete the requirements of section 7(a)(6);

"(B) ensure that each applicant's transaction with the agency cannot be completed until the applicant has indicated whether the applicant wishes to register to vote or declines

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to register to vote in elections for Federal office held in the State; and

"(C) for each individual who wishes to register to vote, transmit that individual's information in accordance with subsection (c)(1)(E), unless the agency has conclusive documentary evidence obtained through its normal course of operations that the individual is not a United States citizen.

"(3) REQUIRED AVAILABILITY OF AUTOMATIC REGISTRATION OPPORTUNITY WITH EACH APPLICATION FOR SERVICE OR ASSISTANCE.—Each applicable agency shall offer each eligible individual, with each applicable transaction, the opportunity to register to vote as prescribed by this section without regard to whether the individual previously declined a registration opportunity.

"(d) VOTER PROTECTION.—

"(1) APPLICABLE AGENCIES' PROTECTION OF INFORMATION.—Nothing in this section authorizes an applicable agency to collect, retain, transmit, or publicly disclose any of the following, except as necessary to comply with title III of the Civil Rights Act of 1960 (52 U.S.C. 20701 et seq.):

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"(A) An individual's decision to decline to register to vote or not to register to vote.

"(B) An individual's decision not to affirm his or her citizenship.

"(C) Any information that an applicable agency transmits pursuant to subsection (c)(1)(E), except in pursuing the agency's ordinary course of business.

"(2) ELECTION OFFICIALS' PROTECTION OF INFORMATION.—

"(A) PUBLIC DISCLOSURE PROHIBITED.—

"(i) IN GENERAL.—Subject to clause (ii), with respect to any individual for whom any State election official receives information from an applicable agency, the State election officials shall not publicly disclose any of the following:

"(I) Any information not necessary to voter registration.

"(II) Any voter information otherwise shielded from disclosure under State law or section 8(a).

"(III) Any portion of the individual's social security number.

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"(IV) Any portion of the individual's motor vehicle driver's license number.

"(V) The individual's signature.

"(VI) The individual's telephone number.

"(VII) The individual's email address.

"(ii) SPECIAL RULE FOR INDIVIDUALS REGISTERED TO VOTE.—The prohibition on public disclosure in clause (i) shall not apply with respect to the telephone number or email address of any individual for whom any State election official receives information from the applicable agency and who, on the basis of such information, is registered to vote in the State under this section.

"(e) MISCELLANEOUS PROVISIONS.—

"(1) ACCESSIBILITY OF REGISTRATION SERVICES.—Each applicable agency shall ensure that the services it provides under this section are made available to individuals with disabilities to the same extent as services are made available to all other individuals.

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"(2) TRANSMISSION THROUGH SECURE THIRD PARTY PERMITTED.—Nothing in this section or in the Automatic Voter Registration Act of 2021 shall be construed to prevent an applicable agency from contracting with a third party to assist the agency in meeting the information transmittal requirements of this section, so long as the data transmittal complies with the applicable requirements of this section and such Act, including provisions relating privacy and security.

"(3) NONPARTISAN, NONDISCRIMINATORY PROVISION OF SERVICES.—The services made available by an applicable agencies under this section shall be made in a manner consistent with paragraphs (4), (5), and (6)(C) of section 7(a).

"(4) NOTICES.—Each State may send notices under this section via electronic mail if the individual has provided an electronic mail address and consented to electronic mail communications for election-related materials. All notices sent pursuant to this section that require a response must offer the individual notified the opportunity to respond at no cost to the individual.

"(f) APPLICABILITY.—

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"(1) IN GENERAL.—This section shall not apply to an exempt State.

"(2) EXEMPT STATE DEFINED.—The term 'exempt State' means a State which, under law which is in effect continuously on and after the date of the enactment of this Act, operates a system of automatic registration (as defined in section 1002(a)(2)) at the motor vehicle authority of the State or a Permanent Dividend Fund of the State under which an individual is provided the opportunity to decline registration during the transaction or by way of a notice sent by mail or electronically after the transaction.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4(a) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(a)(1)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5A;.".

(2) Section 4(b) of the National Voter Registration Act of 1993 (52 U.S.C. 20503(b)) is amended

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by inserting "(other than section 5A)" after "This Act".

(3) Section 8(a)(1) of such Act (52 U.S.C. 20507(a)(1)) 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) in the case of registration under section 5A, within the period provided in section 5A(b)(2);".

SEC. 1003. VOTER PROTECTION AND SECURITY IN AUTOMATIC REGISTRATION.

(a) PROTECTIONS FOR ERRORS IN REGISTRATION.—An individual shall not be prosecuted under any Federal or State law, adversely affected in any civil adjudication concerning immigration status or naturalization, or subject to an allegation in any legal proceeding that the individual is not a citizen of the United States on any of the following grounds:

(1) The individual notified an election office of the individual's automatic registration to vote.

(2) The individual is not eligible to vote in elections for Federal office but was registered to vote due to individual or agency error.

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(3) The individual was automatically registered to vote at an incorrect address.

(4) The individual declined the opportunity to register to vote or did not make an affirmation of citizenship, including through automatic registration.

(b) LIMITS ON USE OF AUTOMATIC REGISTRATION.—The automatic registration (within the meaning of section 5A of the National Voter Registration Act of 1993) of any individual or the fact that an individual declined the opportunity to register to vote or did not make an affirmation of citizenship (including through automatic registration) may not be used as evidence against that individual in any State or Federal law enforcement proceeding or any civil adjudication concerning immigration status or naturalization, and an individual's lack of knowledge or willfulness of such registration may be demonstrated by the individual's testimony alone.

(c) PROTECTION OF ELECTION INTEGRITY.—Nothing in subsections (a) or (b) may be construed to prohibit or restrict any action under color of law against an individual who—

(1) knowingly and willfully makes a false statement to effectuate or perpetuate automatic voter registration by any individual; or

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(2) casts a ballot knowingly and willfully in violation of State law or the laws of the United States.

(d) ELECTION OFFICIALS' PROTECTION OF INFORMATION.—

(1) VOTER RECORD CHANGES.—Each State shall maintain for at least 2 years and shall make available for public inspection (and, where available, photocopying at a reasonable cost), including in electronic form and through electronic methods, all records of changes to voter records, including removals, the reasons for removals, and updates.

(2) DATABASE MANAGEMENT STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology, in consultation with State and local election officials, shall, after providing the public with notice and the opportunity to comment—

(A) establish standards governing the comparison of data for voter registration list maintenance purposes, identifying as part of such standards the specific data elements, the matching rules used, and how a State may use the data to determine and deem that an individual is ineligible under State law to vote in an

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election, or to deem a record to be a duplicate or outdated;

(B) ensure that the standards developed pursuant to this paragraph are uniform and nondiscriminatory and are applied in a uniform and nondiscriminatory manner;

(C) not later than 45 days after the deadline for public notice and comment, publish the standards developed pursuant to this paragraph on the Director's website and make those standards available in written form upon request; and

(D) ensure that the standards developed pursuant to this paragraph are maintained and updated in a manner that reflects innovations and best practices in the security of database management.

(3) SECURITY POLICY.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, after providing the public with notice and the opportunity to comment, publish privacy and security standards for voter registration information not later than 45 days

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after the deadline for public notice and comment. The standards shall require the chief State election official of each State to adopt a policy that shall specify—

(i) each class of users who shall have authorized access to the computerized statewide voter registration list, specifying for each class the permission and levels of access to be granted, and setting forth other safeguards to protect the privacy, security, and accuracy of the information on the list; and

(ii) security safeguards to protect personal information transmitted through the information transmittal processes of section 5A(b) of the National Voter Registration Act of 1993, any telephone interface, the maintenance of the voter registration database, and any audit procedure to track access to the system.

(B) MAINTENANCE AND UPDATING.—The Director shall ensure that the standards developed pursuant to this paragraph are maintained and updated in a manner that reflects innova-

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tions and best practices in the privacy and security of voter registration information.

(4) STATE COMPLIANCE WITH NATIONAL STANDARDS.—

(A) CERTIFICATION.—The chief State election official of the State shall annually file with the Election Assistance Commission a statement certifying to the Director of the National Institute of Standards and Technology that the State is in compliance with the standards referred to in paragraphs (2) and (3). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows: "_____ hereby certifies that it is in compliance with the standards referred to in paragraphs (2) and (3) of section 1003(d) of the Automatic Voter Registration Act of 2021." (with the blank to be filled in with the name of the State involved).

(B) PUBLICATION OF POLICIES AND PROCEDURES.—The chief State election official of a State shall publish on the official's website the policies and procedures established under this section, and shall make those policies and pro-

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cedures available in written form upon public request.

(C) FUNDING DEPENDENT ON CERTIFICATION.—If a State does not timely file the certification required under this paragraph, it shall not receive any payment under this part for the upcoming fiscal year.

(D) COMPLIANCE OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this paragraph, for a period of not more than 2 years the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted, and such State shall submit an additional certification once such legislation is enacted.

(e) RESTRICTIONS ON USE OF INFORMATION.—No person acting under color of law may discriminate against any individual based on, or use for any purpose other than voter registration, election administration, juror selection, or enforcement relating to election crimes, any of the following:

(1) Voter registration records.

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(2) An individual's declination to register to vote or complete an affirmation of citizenship under section 5A of the National Voter Registration Ac of 1993.

(3) An individual's voter registration status.

(f) PROHIBITION ON THE USE OF VOTER REGISTRATION INFORMATION FOR COMMERCIAL PURPOSES.—Information collected under this part or the amendments made by this part shall not be used for commercial purposes. Nothing in this subsection may be construed to prohibit the transmission, exchange, or dissemination of information for political purposes, including the support of campaigns for election for Federal, State, or local public office or the activities of political committees (including committees of political parties) under the Federal Election Campaign Act of 1971.

SEC. 1004. 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 and the amendments made by this part (or, in the case of an exempt State , in implementing its existing automatic voter registration program or expanding its automatic voter registration program in a manner consistent with the requirements of this part).

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(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.

(c) AMOUNT OF GRANT; PRIORITIES.—The Commission shall determine the amount of a grant made to an eligible State under this section. In determining the amounts of the grants, the Commission shall give priority to providing funds for those activities which are most likely to accelerate compliance with the requirements of this part (or, in the case of an exempt State, which are most likely to enhance the ability of the State to automatically register individuals to vote through its existing automatic voter registration program), including—

(1) investments supporting electronic information transfer, including electronic collection and transfer of signatures, between applicable agencies

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(as defined in section 5A of the National Voter Registration Act of 1993) and the appropriate State election officials;

(2) updates to online or electronic voter registration systems already operating as of the date of the enactment of this Act;

(3) introduction of online voter registration systems in jurisdictions in which those systems did not previously exist; and

(4) public education on the availability of new methods of registering to vote, updating registration, and correcting registration.

(d) EXEMPT STATE.—For purposes of this section, the term ''exempt State'' has the meaning given such term under section 5A of the National Voter Registration Act of 1993.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this section—

(A) $3,000,000,000 for fiscal year 2021; and

(B) such sums as may be necessary for each succeeding fiscal year.

(2) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authority

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of this subsection shall remain available without fiscal year limitation until expended.

SEC. 1005. MISCELLANEOUS PROVISIONS.

(a) ENFORCEMENT.—Section 11 of the National Voter Registration Act of 1993 (52 U.S.C. 20510), relating to civil enforcement and the availability of private rights of action, shall apply with respect to this part in the same manner as such section applies to such Act.

(b) RELATION TO OTHER LAWS.—Except as provided, nothing in this part or the amendments made by this part may be construed to authorize or require conduct prohibited under, or to supersede, restrict, or limit the application of any of the following:

(1) The Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) The Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

(3) The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) (other than section 5A thereof).

(4) The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

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SEC. 1006. DEFINITIONS.

In this part, the following definitions apply:

(1) The term ''chief State election official'' means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act.

(2) The term ''Commission'' means the Election Assistance Commission.

(3) The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 1007. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall apply on and after January 1, 2023.

(b) WAIVER.—If a State certifies to the Commission not later than January 1, 2023, that the State will not meet the deadline described in subsection (a) because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such deadline, subsection (a) shall apply to the State as if the reference

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in such subsection to ''January 1, 2023'' were a reference to ''January 1, 2025''.

PART 2—ELECTION DAY AS LEGAL PUBLIC HOLIDAY

SEC. 1011. 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 in each even-numbered year.''.

(b) CONFORMING AMENDMENT.—Section 241(b) of the Help America Vote Act of 2002 (52 U.S.C. 20981(b)) is amended—

(1) by striking paragraph (10); and

(2) by redesignating paragraphs (11) through (19) as paragraphs (10) through (18), respectively.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the regularly scheduled general elections for Federal office held in November 2022 or any succeeding year.

PART 3—EARLY VOTING

SEC. 1021. EARLY VOTING.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

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(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following new section:

"SEC. 304. EARLY VOTING.

"(a) REQUIRING VOTING PRIOR TO DATE OF ELECTION.—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 a manner that allows the individual to receive, complete, and cast their ballot in-person.

"(b) MINIMUM EARLY VOTING REQUIREMENTS.—

"(1) IN GENERAL.—

"(A) 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 no earlier than the second day before the date of the election.

"(B) HOURS FOR EARLY VOTING.—Each polling place which allows voting during an

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early voting period under subparagraph (A) shall—

"(i) allow such voting for no less than 10 hours on each day during the period;

"(ii) have uniform hours each day for which such voting occurs; and

"(iii) 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).

"(2) REQUIREMENTS FOR VOTE-BY-MAIL JURISDICTIONS.—In the case of a jurisdiction that sends every registered voter a ballot by mail—

"(A) paragraph (1) shall not apply;

"(B) such jurisdiction shall allow eligible individuals to vote during an early voting period that ensures voters are provided the greatest opportunity to cast ballots ahead of election day and which includes at least one consecutive Saturday and Sunday; and

"(C) each polling place which allows voting during an early voting period under subparagraph (B) shall allow such voting—

"(i) during the election office's regular business hours; and

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"(ii) for a period of not less than 8 hours on Saturdays and Sundays included in the early voting period.

"(3) REQUIREMENTS FOR SMALL JURISDICTIONS.—

"(A) IN GENERAL.—In the case of a jurisdiction described in subparagraph (B), paragraph (1)(B) shall not apply so long as all eligible individuals in the jurisdiction have the opportunity to vote—

"(i) at each polling place which allows voting during the early voting period described in paragraph (1)(A)—

"(I) during the election office's regular business hours; and

"(II) for a period of not less than 8 hours on at least one Saturday and at least one Sunday included in the early voting period; or

"(ii) at one or more polling places in the county in which such jurisdiction is located that allows voting during the early voting period described in paragraph (1)(A) in accordance with the requirements under paragraph (1)(B).

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"(B) JURISDICTION DESCRIBED.—A jurisdiction is described in this subparagraph if such jurisdiction—

"(i) had less than 3,000 registered voters at the time of the most recent prior election for Federal office; and

"(ii) consists of a geographic area that is smaller than the jurisdiction of the county in which such jurisdiction is located.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

"(A) to limit the availability of additional temporary voting sites which provide voters more opportunities to cast their ballots but which do not meet the requirements of this subsection;

"(B) to limit a polling place from being open for additional hours outside of the uniform hours set for the polling location on any day of the early voting period; or

"(C) to limit a State or jurisdiction from offering early voting on the Monday before election day.

"(c) LOCATION OF POLLING PLACES.—

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"(1) PROXIMITY TO PUBLIC TRANSPORTATION.—To the greatest extent practicable, each State and jurisdiction shall ensure that each polling place which allows voting during an early voting period under subsection (b) is located within walking distance of a stop on a public transportation route.

"(2) AVAILABILITY IN RURAL AREAS.—In the case of a jurisdiction that includes a rural area, the State or jurisdiction shall—

"(A) ensure that polling places which allow voting during an early voting period under subsection (b) will be located in such rural areas; and

"(B) 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.—In the case of a jurisdiction that includes an institution of higher education, the State or jurisdiction shall—

"(A) ensure that an appropriate number (not less than one) of polling places which allow voting during the early voting period under subsection (b) will be located on the campus of the institution of higher education; and

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"(B) ensure that such polling places provide the greatest opportunity for residents of the jurisdiction to vote.

"(d) STANDARDS.—Not later than June 30, 2022, the Commission shall issue voluntary standards for the administration of voting during voting periods which occur prior to the date of a Federal election. Subject to subsection (c), such voluntary standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(e) 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.".

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (52 U.S.C. 21111) is amended by striking "sections 301, 302, and 303" and inserting "subtitle A of title III".

(c) CONFORMING AMENDMENTS RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—Section 311(b) of such Act (52 U.S.C. 21101(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

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(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) except as otherwise provided, in the case of the recommendations with respect to any section added by the Voter Empowerment Act of 2021, June 30, 2022.''.

(d) CLERICAL AMENDMENTS.—The table of contents of such Act is amended—

(1) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(2) by inserting after the item relating to section 303 the following new item:

''Sec. 304. Early voting.''.

PART 4—VOTING BY MAIL

SEC. 1031. VOTING BY MAIL.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, is amended—

(1) by redesignating sections 305 and 306 as sections 306 and 307, respectively; and

(2) by inserting after section 304 the following new section:

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"SEC. 305. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL.

"(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING.—

"(1) ELIGIBILITY OF INDIVIDUALS REQUESTING ABSENTEE BALLOTS.—

"(A) IN GENERAL.—Subject to the identification requirement under paragraph (2)(A), a State shall provide an absentee ballot in an election for Federal office to an individual who is eligible to vote in such election in the State if such individual attests to the State that they meet one or more of the following circumstances:

"(i) The individual is an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(ii) The individual is an individual age 60 or older.

"(iii) The individual is an individual who is sick, otherwise confined, or expects to be hospitalized on the date of the election.

"(iv) The individual is an individual whose occupation or hours of work make it

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difficult or otherwise affect their ability to cast a ballot on the date of the election.

"(v) The individual is an individual who resides in a rural area, as determined by the Bureau of the Census.

"(vi) The individual is an individual who is a student.

"(vii) The individual is an individual who resides on Tribal land.

"(viii) The individual is an individual affected by an emergency, including but not limited to a natural disaster or public health emergency.

"(ix) The individual is an individual who would be otherwise burdened by going to a polling place to cast their vote during the early voting period or on the date of the election.

"(B) REQUIREMENT.—A State shall consider an individual's attestation that they meet a circumstance described in subparagraph (A) as valid and shall not require any other information from the individual in order to request an absentee ballot in an election for Federal office.

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"(C) NONAPPLICABILITY TO CERTAIN STATES.—This paragraph shall not apply to a State that, under a law enacted prior to the date of the enactment of this section, requires election officials to automatically mail out ballots to all registered voters, so long as that law remains in effect.

"(2) ADMINISTRATION OF VOTING BY MAIL.—

"(A) IDENTIFICATION REQUIREMENT AS CONDITION OF OBTAINING BALLOT.—A State shall require either of the following from an individual as a condition of obtaining an absentee ballot in an election for Federal office:

"(i) Identifying information as part of a voter registration application (including the voter's date of birth or the last four digits of the voter's social security number).

"(ii) A signature of the individual or similar affirmation.

"(B) NO ADDITIONAL IDENTIFICATION REQUIRED.—A State may not require an individual to provide any other form of identification as a condition of obtaining an absentee bal-

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lot other than those described in subparagraph (A).

"(3) NO EFFECT ON IDENTIFICATION REQUIREMENTS FOR IN PERSON VOTING.—Nothing in this subsection may be construed to exempt any individual described in paragraph (1) of section 303(b) from meeting the requirements of paragraph (2) of such section.

"(b) ENSURING DELIVERY PRIOR TO ELECTION.—

"(1) IN GENERAL.—If an individual who is eligible to vote in an election for Federal office submits an application for an absentee ballot in the election and such application is received by the appropriate State or local election official not later than the date that is 5 days before the applicable date, the election official shall ensure that the ballot and related voting materials are promptly mailed to the individual.

"(2) APPLICATIONS RECEIVED CLOSE TO ELECTION DAY.—If an individual who is eligible to vote in an election for Federal office submits an application for an absentee ballot in the election and such application is received by the appropriate State or local election official after the date described in paragraph (1) but not later than the applicable date, the election official shall, to the greatest extent prac-

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tical, ensure that the ballot and related voting materials are mailed to the individual within 1 business day of the receipt of the application.

''(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means, with respect to any election for Federal office, the date that is 7 days (excluding Saturdays, Sundays, and legal public holidays) before the date of the election.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall preclude a State or local jurisdiction from allowing for the acceptance and processing of absentee ballot applications submitted or received after the applicable date.

''(c) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—Each State shall ensure that all absentee ballot applications, absentee ballots, and related voting materials in elections for Federal office are accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation (including with privacy and independence) as for other voters.

''(d) UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED BALLOTS.—

''(1) IN GENERAL.—A State or local election official may not refuse to accept or process a ballot submitted by an individual by mail with respect to

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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 7-day period which begins on the date of the election.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a State from having a law that allows for counting of ballots in an election for Federal office that are received through the mail after the date that is 7 days after the date of the election.

"(e) ALTERNATIVE METHODS OF RETURNING BALLOTS.—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, each State shall permit the individual to cast the ballot by delivering

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the ballot at such times and to such locations as the State may establish, including—

"(1) permitting the individual to deliver the ballot to a polling place within the jurisdiction in which the individual is registered or otherwise eligible to vote on any date on which voting in the election is held at the polling place; and

"(2) 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.

"(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of States to conduct elections for Federal office through the use of polling places at which individuals cast ballots.

"(g) NO EFFECT ON BALLOTS SUBMITTED BY ABSENT MILITARY AND OVERSEAS VOTERS.—Nothing in this section shall affect the treatment of any ballot submitted by an individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

"(h) 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.".

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(3) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, is amended—

(A) by redesignating the items relating to sections 305 and 306 as relating to sections 306 and 307, respectively; and

(B) by inserting after the item relating to section 304 the following new item:

"Sec. 305. Promoting ability of voters to vote by mail.".

SEC. 1032. BALLOTING MATERIALS TRACKING PROGRAM.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021 and section 1031, is amended—

(A) by redesignating sections 306 and 307 as sections 307 and 308, respectively; and

(B) by inserting after section 305 the following new section:

"SEC. 306. BALLOT MATERIALS TRACKING PROGRAM.

"(a) REQUIREMENT.—Each State shall carry out a program to track and confirm the receipt of mail-in ballots and absentee ballots in an election for Federal office under which the State or local election official responsible for the receipt of such voted ballots in the election carries out procedures to track and confirm the receipt of such ballots,

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and makes information on the receipt of such ballots available to the individual who cast the ballot.

"(b) MEANS OF CARRYING OUT PROGRAM.—A State may meet the requirements of subsection (a)—

"(1) through a program—

"(A) which is established by the State;

"(B) under which the State or local election official responsible for the receipt of voted mail-in ballots and voted absentee ballots in the election—

"(i) carries out procedures to track and confirm the receipt of such ballots; and

"(ii) makes information on the receipt of such ballots available to the individual who cast the ballot; and

"(C) which meets the requirements of subsection (c); or

"(2) through the ballot materials tracking service established under section 1032(b) of the Voter Empowerment Act of 2021.

"(c) STATE PROGRAM REQUIREMENTS.—The requirements of this subsection are as follows:

"(1) INFORMATION ON WHETHER VOTE WAS ACCEPTED.—The information referred to under sub-

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section (b)(1)(B)(ii) with respect to the receipt of mail-in ballot or an absentee ballot shall include information regarding whether the vote cast on the ballot was accepted, and, in the case of a vote which was rejected, the reasons therefor.

"(2) AVAILABILITY OF INFORMATION.—Information on whether a ballot was accepted or rejected shall be available within 1 business day of the State accepting or rejecting the ballot.

"(3) ACCESSIBILITY OF INFORMATION.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), the information provided under the program shall be available by means of online access using the internet site of the State or local election office.

"(B) USE OF TOLL-FREE TELEPHONE NUMBER BY OFFICIALS WITHOUT INTERNET SITE.—In the case of a State or local election official whose office does not have an internet site, the program shall require the official to establish a toll-free telephone number that may be used by an individual who cast an absentee ballot to obtain the information required under subsection (b)(1)(B).

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"(d) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2024 and each succeeding election for Federal office.".

(2) CONFORMING AMENDMENTS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20302(a)) is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(b) BALLOTING MATERIALS TRACKING SERVICE.—

(1) IN GENERAL.—Not later than January 1, 2024, the Secretary of Homeland Security, in consultation with the Chair of the Election Assistance Commission, the Postmaster General, the Director of the General Services Administration, the Presidential designee, and State election officials, shall establish a balloting materials tracking service to be used by State and local jurisdictions to inform voters on the status of voter registration applications, absentee ballot applications, absentee ballots, and mail-in ballots.

(2) INFORMATION TRACKED.—The balloting materials tracking service established under paragraph (1) shall provide to a voter the following information with respect to that voter:

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(A) In the case of balloting materials sent by mail, tracking information from the United States Postal Service and the Presidential designee on balloting materials sent to the voter and, to the extent feasible, returned by the voter.

(B) The date on which any request by the voter for an application for voter registration or an absentee ballot was received.

(C) The date on which any such requested application was sent to the voter.

(D) The date on which any such completed application was received from the voter and the status of such application.

(E) The date on which any mail-in ballot or absentee ballot was sent to the voter.

(F) The date on which any mail-in ballot or absentee ballot was received by the voter.

(G) The date on which the post office processes the ballot.

(H) The date on which post office delivered the ballot to the election office.

(I) Whether such ballot was accepted and counted, and in the case of any ballot not

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counted, the reason why the ballot was not counted.

The information described in subparagraph (I) shall be available not later than 1 day after a determination is made on whether or not to accept and count the ballot.

(3) METHOD OF PROVIDING INFORMATION.—The balloting materials tracking service established under paragraph (1) shall allow voters the option to receive the information described in paragraph (2) through email (or other electronic means) or through the mail.

(4) PROHIBITION ON FEES.—The Director may not charge any fee to a State or jurisdiction for use of the balloting materials tracking service in connection with any Federal, State, or local election.

(5) PRESIDENTIAL DESIGNEE.—For purposes of this subsection, the term ''Presidential designee'' means the Presidential designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 30201).

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director such sums as are necessary for purposes of carrying out this subsection.

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(c) REIMBURSEMENT FOR COSTS INCURRED BY STATES IN ESTABLISHING PROGRAM.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"SEC. 297. PAYMENTS TO STATES.

"(a) PAYMENTS FOR COSTS OF PROGRAM.—In accordance with this section, the Commission shall make a payment to a State to reimburse the State for the costs incurred in establishing the absentee ballot tracking program under section 306(b)(1) (including costs incurred prior to the date of the enactment of this part).

"(b) CERTIFICATION OF COMPLIANCE AND COSTS.—

"(1) CERTIFICATION REQUIRED.—In order to receive a payment under this section, a State shall submit to the Commission a statement containing—

"(A) a certification that the State has established an absentee ballot tracking program with respect to elections for Federal office held in the State; and

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"(B) a statement of the costs incurred by the State in establishing the program.

"(2) AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section shall be equal to the costs incurred by the State in establishing the absentee ballot tracking program, as set forth in the statement submitted under paragraph (1), except that such amount may not exceed the product of—

"(A) the number of jurisdictions in the State which are responsible for operating the program; and

"(B) $3,000.

"(3) LIMIT ON NUMBER OF PAYMENTS RECEIVED.—A State may not receive more than one payment under this part.

"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There are authorized to be appropriated to the Commission for fiscal year 2022 and each succeeding fiscal year such sums as may be necessary for payments under this part.

"(b) CONTINUING AVAILABILITY OF FUNDS.—Any amounts appropriated pursuant to the authorization under this section shall remain available until expended.".

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(d) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021 and section 1031, is amended—

(1) by adding at the end of the items relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO REIMBURSE STATES FOR COSTS INCURRED IN ESTABLISHING PROGRAM TO TRACK AND CONFIRM RECEIPT OF ABSENTEE BALLOTS

"Sec. 297. Payments to states.
"Sec. 297A. Authorization of appropriations.";

(2) by redesignating the items relating to sections 306 and 307 as relating to sections 307 and 308, respectively; and

(3) by inserting after the item relating to section 305 the following new item:

"Sec. 306. Absentee ballot tracking program.".

SEC. 1033. REQUIRING STATES TO PROVIDE SECURED DROP BOXES FOR VOTED BALLOTS IN ELECTIONS FOR FEDERAL OFFICE.

(a) REQUIREMENT.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031, and section 1032, is amended—

(1) by redesignating sections 307 and 308 as sections 308 and 309, respectively; and

(2) by inserting after section 306 the following new section:

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"SEC. 307. USE OF SECURED DROP BOXES FOR VOTED BALLOTS.

"(a) REQUIRING USE OF DROP BOXES.—Each jurisdiction 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 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 on the first day on which the jurisdiction sends mail-in ballots or absentee ballots (other than ballots for absent uniformed overseas voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20310(1))) or overseas voters (as defined in section 107(5) of such Act (52 U.S.C. 20310(5)))) to voters for such election and which ends at the time the polls close for the election in the jurisdiction involved.

"(c) ACCESSIBILITY.—

"(1) HOURS OF ACCESS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each drop box provided under this section shall be accessible to voters for a reasonable number of hours each day.

"(B) 24-HOUR DROP BOXES.—

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"(i) IN GENERAL.—Of the number of drop boxes provided in any jurisdiction, not less the required number shall be accessible for 24-hours per day during the period described in subsection (b).

"(ii) REQUIRED NUMBER.—The required number is the greater of—

"(I) 25 percent of the drop boxes required under subsection (d); or

"(II) 1 drop box.

"(2) POPULATION.—

"(A) IN GENERAL.—Drop boxes provided under this section shall be accessible for use—

"(i) by individuals with disabilities, as determined in consultation with the protection and advocacy systems (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of the State;

"(ii) by individuals with limited proficiency in the English language; and

"(iii) by homeless individuals (as defined in section 103 of the McKinney–Vento Homeless Assistance Act(42 U.S.C. 11302)) within the State.

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"(B) DETERMINATION OF ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—For purposes of this paragraph, drop boxes shall be considered to be accessible for use by individuals with disabilities if the drop boxes meet such criteria as the Attorney General may establish for such purposes.

"(C) RULE OF CONSTRUCTION.—If a drop box provided under this section is on the grounds of or inside a building or facility which serves as a polling place for an election during the period described in subsection (b), nothing in this subsection may be construed to waive any requirements regarding the accessibility of such polling place for the use of individuals with disabilities, individuals with limited proficiency in the English language, or homeless individuals.

"(d) NUMBER OF DROP BOXES.—Each jurisdiction shall have—

"(1) in the case of any election for Federal office prior to the regularly scheduled general election for Federal office held in November 2024, not less than 1 drop box for every 45,000 registered voters located in the jurisdiction; and

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"(2) in the case of the regularly scheduled general election for Federal office held in November 2024 and each election for Federal office occurring thereafter, not less than the greater of—

"(A) 1 drop box for every 45,000 registered voters located in the jurisdiction; or

"(B) 1 drop box for every 15,000 votes that were cast by mail in the jurisdiction in the most recent general election that includes an election for the office of President.

In no case shall a jurisdiction have less than 1 drop box for any election for Federal office.

"(e) LOCATION OF DROP BOXES.—The State shall determine the location of drop boxes provided under this section in a jurisdiction on the basis of criteria which ensure that the drop boxes are—

"(1) available to all voters on a non-discriminatory basis;

"(2) accessible to voters with disabilities (in accordance with subsection (c));

"(3) accessible by public transportation to the greatest extent possible;

"(4) available during all hours of the day;

"(5) sufficiently available in all communities in the jurisdiction, including rural communities and on

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Tribal lands within the jurisdiction (subject to subsection (f)); and

"(6) geographically distributed to provide a reasonable opportunity for voters to submit their voted ballot in a timely manner.

"(f) RULES FOR DROP BOXES ON TRIBAL LANDS.—In making a determination of the number and location of drop boxes provided under this section on Tribal lands in a jurisdiction, the appropriate State and local election officials shall—

"(1) consult with Tribal leaders prior to making the determination; and

"(2) take into account criteria such as the availability of direct-to-door residential mail delivery, the distance and time necessary to travel to the drop box locations (including in inclement weather), modes of transportation available, conditions of roads, and the availability (if any) of public transportation.

"(g) POSTING OF INFORMATION.—On or adjacent to each drop box provided under this section, the State shall post information on the requirements that voted absentee ballots must meet in order to be counted and tabulated in the election.

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"(h) REMOTE SURVEILLANCE.—Nothing in this section shall prohibit a State from providing for the security of drop boxes through remote or electronic surveillance.

"(i) 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.".

(b) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, and section 1032, is amended—

(1) by redesignating the items relating to sections 307 and 308 as relating to sections 308 and 309, respectively; and

(2) by inserting after the item relating to section 306 the following new item:

"Sec. 307. Use of secured drop boxes for voted absentee ballots.".

PART 5—SAME DAY VOTER REGISTRATION

SEC. 1041. SAME DAY REGISTRATION.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031, section 1032, and section 1033, is amended—

(1) by redesignating sections 308 and 309 as sections 309 and 310, respectively; and

(2) by inserting after section 307 the following new section:

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"SEC. 308. SAME DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993 (or, if the individual is already registered to vote, to revise any of the individual's voter registration information); and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

"(c) ENSURING AVAILABILITY OF FORMS.—The State shall ensure that each polling place has copies of

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any forms an individual may be required to complete in order to register to vote or revise the individual's voter registration information under this section.

"(d) EFFECTIVE DATE.—

"(1) IN GENERAL.—Subject to paragraph (2), each State shall be required to comply with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2022 and for any subsequent election for Federal office.

"(2) SPECIAL RULES FOR ELECTIONS BEFORE NOVEMBER 2026.—

"(A) ELECTIONS PRIOR TO NOVEMBER 2024 GENERAL ELECTION.—A State shall be deemed to be in compliance with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2022 and subsequent elections for Federal office occurring before the regularly scheduled general election for Federal office in November 2024 if at least one location for each 15,000 registered voters in each jurisdiction in the State meets such requirements.

"(B) NOVEMBER 2024 GENERAL ELECTION.—If a State certifies to the Commission

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not later than November 5, 2024, that the State will not be in compliance with the requirements of this section for the regularly scheduled general election for Federal office occurring in November 2024 because it would be impracticable to do so and includes in the certification the reasons for the failure to meet such requirements, the State shall be deemed to be in compliance with the requirements of this section for such election if at least one location for each 15,000 registered voters in each jurisdiction in the State meets such requirements.''.

(b) CLERICAL AMENDMENTS.—The table of contents of such Act is amended—

(1) by redesignating the items relating to sections 308 and 309 as relating to sections 309 and 310, respectively; and

(2) by inserting after the item relating to section 307 the following new item:

''Sec. 308. Same day registration.''.

PART 6—VOTER IDENTIFICATION AND ALLOWABLE ALTERNATIVES

SEC. 1051. REQUIRING VOTERS TO PROVIDE IDENTIFICATION.

(a) REQUIREMENT TO PROVIDE IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.—Section 303 of the

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Help America Vote Act of 2002 (52 U.S.C. 21083) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) IDENTIFICATION REQUIREMENTS FOR VOTERS WHO VOTE IN PERSON.—

"(1) IN GENERAL.—A State or local jurisdiction may not require any form of identification as a requirement to vote in an election for Federal office except as provided in this subsection.

"(2) IDENTIFICATION REQUIREMENT.—

"(A) IN GENERAL.—

"(i) IDENTIFYING DOCUMENT REQUIRED.—Notwithstanding any other provision of law and except as provided in clause (ii) or subparagraph (B), the appropriate State or local election official shall not provide a ballot for an election for Federal office to an individual who desires to vote in person unless—

"(I) the individual presents to the official an identifying document; and

"(II) the official confirms that the name on the identifying document

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conforms to the name in the individual's voter registration record.

"(ii) EXCEPTIONS.—Notwithstanding subparagraph (A), the appropriate State or local election official shall provide a ballot for an election for Federal office to an individual who desires to vote in person if—

"(I) the individual presents the appropriate State or local election official with a sworn written statement, signed in the presence of the official by an adult who has known the individual for at least six months under penalty of perjury, attesting to the individual's identity;

"(II) the official has known the individual for at least six months; or

"(III) in the case of a residents of a State-licensed care facility, an employee of the facility confirms the individual's identity.

"(B) AVAILABILITY OF PROVISIONAL BALLOT.—

"(i) IN GENERAL.—In the case of an individual who does not present the identi-

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fying document required under subparagraph (A)(i) or qualify for an exception under subparagraph (A)(ii), such individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a) so long as the individual presents the appropriate State or local election official with a sworn written statement, signed by the individual under penalty of perjury, attesting to the individual's identity.

"(ii) PROHIBITION ON OTHER REQUIREMENTS.—Except as otherwise provided this subparagraph, a State or local jurisdiction may not impose any other additional requirement or condition with respect to the casting of a provisional ballot by an individuals described in clause (i).

"(iii) COUNTING OF PROVISIONAL BALLOT.—In the case of a provision ballot cast pursuant to clause (i), the appropriate State or local election official shall not make a determination under section 302(a)(4) that the individual is eligible

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under State law to vote in the election unless—

"(I) the official determines that the signature on such statement matches the signature of such individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters; or

"(II) not later than 10 days after casting the provisional ballot, the individual presents the identifying document required under subparagraph (A)(i) to the official and official confirms that the name on the identifying document conforms to the name in the individual's voter registration record.

"(C) NOTICE AND OPPORTUNITY TO CURE DISCREPANCY IN SIGNATURES ON PROVISIONAL BALLOTS.—If an individual casts a provisional ballot under subparagraph (B) and the appropriate State or local election official determines that a discrepancy exists between the signature on such ballot and the signature of such indi-

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vidual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters, such election official, prior to making a final determination as to the validity of such ballot, shall—

"(i) as soon as practical, but no later than the next business day after such determination is made, make a good faith effort to notify the individual by mail, telephone, and (if available) text message and electronic mail that—

"(I) a discrepancy exists between the signature on such ballot and the signature of the individual on the official list of registered voters in the State or other official record or document used by the State to verify the signatures of voters; and

"(II) if such discrepancy is not cured prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, such ballot will not be counted; and

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"(ii) cure such discrepancy and count the ballot if, prior to the expiration of the third day following the State's deadline for receiving mail-in ballots or absentee ballots, the individual provides the official with information to cure such discrepancy, either in person, by telephone, or by electronic methods.

"(3) DEVELOPMENT AND USE OF PRE-PRINTED VERSION OF STATEMENT BY COMMISSION.—

"(A) IN GENERAL.—The Commission shall develop pre-printed versions of the statements described in subparagraphs (A)(ii)(I) and (B) of paragraph (2) which include appropriate blank spaces for the provision of names and signatures.

"(B) PROVIDING PRE-PRINTED COPY OF STATEMENT.—Each State and jurisdiction shall make copies of the pre-printed version of the statement developed under subparagraph (A) available at polling places for use by individuals voting in person.

"(4) REQUIRED PROVISION OF IDENTIFYING DOCUMENTS.—Each State and jurisdiction shall—

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"(A) for each individual who, after December 31, 2021, is registered to vote in such State or jurisdiction in elections for Federal office, provide the individual with a government-issued identification that meets the requirements of this subsection without charge;

"(B) for each individual who, before January 1, 2022, was registered to vote in such State or jurisdiction in elections for Federal office but does not otherwise possess an identifying document, at such time and in accordance with such procedures as the State may require, provide the individual with a government-issued identification that meets the requirements of this subsection without charge, so long as the State provides the individual with reasonable opportunities to obtain such identification prior to the date of the election; and

"(C) for each individual who is provided with an identification under subparagraph (A) or subparagraph (B), shall provide the individual with such assistance without charge upon request as may be necessary to enable the individual to obtain and process any documentation necessary to obtain the identification.

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"(5) DEFINITIONS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'identifying document' means a document issued to an individual containing the individual's name.

"(B) INCLUDED DOCUMENTS.—The term 'identifying document' shall include any of the following (so long as such document is not expired as indicated by an expiration date included on the document):

"(i) A valid driver's license or an identification card issued by a State, the Federal Government, or a State or federally recognized Tribal government.

"(ii) A State-issued identification described in paragraph (4).

"(iii) A valid United States passport or passport card.

"(iv) A valid employee identification card issued by—

"(I) any branch, department, agency, or entity of the United States Government or of any State,

"(II) any State or federally recognized Tribal government, or

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"(III) any county, municipality, board, authority, or other political subdivision of a State.

"(v) A valid student identification card issued by an institution of higher education, or a valid high school identification card issued by a State-accredited high school.

"(vi) A valid military identification card issued by the United States.

"(vii) A valid gun license or concealed carry permit.

"(viii) A valid Medicare card or Social Security card.

"(ix) A valid birth certificate.

"(x) A valid voter registration card.

"(xi) A valid hunting or fishing license issued by a State.

"(xii) A valid identification card issued to the individual by the Supplemental Nutrition Assistance (SNAP) program.

"(xiii) A valid identification card issued to the individual by the Temporary

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Assistance for Needy Families (TANF) program.

"(xiv) A valid identification card issued to the individual by Medicaid.

"(xv) A valid bank card or valid debit card.

"(xvi) A valid utility bill issued within six months of the date of the election.

"(xvii) A valid lease or mortgage document issued within six months of the date of the election.

"(xviii) A valid bank statement issued within six months of the date of the election.

"(xix) A valid health insurance card issued to the voter.

"(xx) Any other document containing the individual's name issued by—

"(I) any branch, department, agency, or entity of the United States Government or of any State;

"(II) any State or federally recognized tribal government; or

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"(III) any county, municipality, board, authority, or other political subdivision of a State.

"(C) COPIES AND ELECTRONIC DOCUMENTS ACCEPTED.—The term 'identifying document' includes—

"(i) any copy of a document described in subparagraph (A) or (B); and

"(ii) any document described in subparagraph (A) or (B) which is presented in electronic format.".

(b) PAYMENTS TO STATES TO COVER COSTS OF REQUIRED IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—The Election Assistance Commission shall make payments to States to cover the costs incurred in providing identifications under section 303(c)(4) of the Help America Vote Act of 2002, as amended by this section.

(2) AMOUNT OF PAYMENT.—The amount of the payment made to a State under this subsection for any year shall be equal to the amount of fees which would have been collected by the State during the year in providing the identifications required under section 303(c)(4) of such Act if the State had charged the usual and customary rates for such

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identifications, as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for payments under this subsection an aggregate amount of $5,000,000 for fiscal year 2022 and each of the 4 succeeding fiscal years.

(c) CONFORMING AMENDMENTS.—Section 303(b) of the Help America Vote Act of 2002 (52 U.S.C. 21083) is amended—

(1) in the heading, by inserting ''AND VOTE'' after ''WHO REGISTER''; and

(2) by striking paragraph (2) and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

''(i) votes by mail; and

''(ii) submits with the ballot—

''(I) a copy of a current and valid photo identification; or

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"(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

"(B) FAIL-SAFE VOTING.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).".

(d) EFFECTIVE DATE.—Section 303(e) of such Act (52 U.S.C. 21083(d)(2)), as redesignated by subsection (a), is amended by adding at the end the following new paragraph:

"(2) IDENTIFICATION REQUIREMENTS FOR VOTERS WHO VOTE IN PERSON.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (c) with respect to elections for Federal office held on or after January 1, 2026.

"(B) PROVISION OF IDENTIFYING DOCUMENTS .—Each State and jurisdiction shall be

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required to comply with the requirements of subsection (c)(4) on and after January 1, 2022.''.

PART 7—GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING

SEC. 1061. GRANTS TO STATES FOR POLL WORKER RECRUITMENT AND TRAINING.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—

(1) IN GENERAL.—The Election Assistance Commission (hereafter referred to as the ''Commission'') shall, subject to the availability of appropriations provided to carry out this section, make a grant to each eligible State for recruiting and training individuals to serve as poll workers on dates of elections for public office.

(2) USE OF COMMISSION MATERIALS.—In carrying out activities with a grant provided under this section, the recipient of the grant shall use the manual prepared by the Commission on successful practices for poll worker recruiting, training, and retention as an interactive training tool, and shall develop training programs with the participation and input of experts in adult learning.

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(3) ACCESS AND CULTURAL CONSIDERATIONS.—The Commission shall ensure that the manual described in paragraph (2) provides training in methods that will enable poll workers to provide access and delivery of services in a culturally competent manner to all voters who use their services, including those with limited English proficiency, diverse cultural and ethnic backgrounds, disabilities, and regardless of gender, sexual orientation, or gender identity. These methods must ensure that each voter will have access to poll worker services that are delivered in a manner that meets the unique needs of the voter.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—Each State that desires to receive a payment under this section shall submit an application for the payment to the Commission at such time and in such manner and containing such information as the Commission shall require.

(2) CONTENTS OF APPLICATION.—Each application submitted under paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that the funds provided under this section will be used to supple-

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ment and not supplant other funds used to carry out the activities;

(C) provide assurances that the State will furnish the Commission with information on the number of individuals who served as poll workers after recruitment and training with the funds provided under this section;

(D) provide assurances that the State will dedicate poll worker recruitment efforts with respect to—

(i) youth and minors, including by recruiting at institutions of higher education and secondary education; and

(ii) diversity, including with respect to race, ethnicity, and disability; and

(E) provide such additional information and certifications as the Commission determines to be essential to ensure compliance with the requirements of this section.

(c) AMOUNT OF GRANT.—

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

(A) the aggregate amount made available for grants to States under this section; and

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(B) the voting age population percentage for the State.

(2) VOTING AGE POPULATION PERCENTAGE DEFINED.—In paragraph (1), the ''voting age population percentage'' for a State is the quotient of—

(A) the voting age population of the State (as determined on the basis of the most recent information available from the Bureau of the Census); and

(B) the total voting age population of all States (as determined on the basis of the most recent information available from the Bureau of the Census).

(d) REPORTS TO CONGRESS.—

(1) REPORTS BY RECIPIENTS OF GRANTS.—Not later than 6 months after the date on which the final grant is made under this section, each recipient of a grant shall submit a report to the Commission on the activities conducted with the funds provided by the grant.

(2) REPORTS BY COMMISSION.—Not later than 1 year after the date on which the final grant is made under this section, the Commission shall submit a report to Congress on the grants made under this section and the activities carried out by recipi-

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ents with the grants, and shall include in the report such recommendations as the Commission considers appropriate.

(e) FUNDING.—

(1) CONTINUING AVAILABILITY OF AMOUNT APPROPRIATED.—Any amount appropriated to carry out this section shall remain available without fiscal year limitation until expended.

(2) ADMINISTRATIVE EXPENSES.—Of the amount appropriated for any fiscal year to carry out this section, not more than 3 percent shall be available for administrative expenses of the Commission.

SEC. 1062. STATE DEFINED.

In this part, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Subtitle B—Access to Voting for Individuals With Disabilities

SEC. 1101. REQUIREMENTS FOR STATES TO PROMOTE ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

(a) REQUIREMENTS.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.),

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as amended by section 1021, section 1031, section 1032, section 1033, and section 1041, is amended—

(1) by redesignating sections 309 and 310 as sections 310 and 311, respectively; and

(2) by inserting after section 308 the following new section:

"SEC. 309. ACCESS TO VOTER REGISTRATION AND VOTING FOR INDIVIDUALS WITH DISABILITIES.

"(a) TREATMENT OF APPLICATIONS AND BALLOTS.—Each State shall—

"(1) ensure that absentee registration forms, absentee ballot applications, and absentee ballots that are available electronically are accessible (as defined in section 310);

"(2) permit individuals with disabilities to use absentee registration procedures and to vote by absentee ballot in elections for Federal office;

"(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an individual with a disability if the application is received by the appropriate State election official within the deadline for the election which is applicable under Federal law;

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"(4) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

"(A) for individuals with disabilities to request by mail and electronically voter registration applications and absentee ballot applications with respect to elections for Federal office in accordance with subsection (c);

"(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the individual under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (c)); and

"(C) by which such an individual can designate whether the individual prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

"(5) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to individuals with dis-

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abilities with respect to elections for Federal office in accordance with subsection (d); and

''(6) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to individuals with disabilities in a manner that gives them sufficient time to vote in the runoff election.

''(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR VOTERS WITH DISABILITIES IN STATE.—

''(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures, absentee ballot procedures, and in-person voting procedures to be used by individuals with disabilities with respect to elections for Federal office to all individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State.

''(2) RESPONSIBILITIES.—Each State shall, through the office designated in paragraph (1)—

''(A) provide information to election officials—

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"(i) on how to set up and operate accessible voting systems; and

"(ii) regarding the accessibility of voting procedures, including guidance on compatibility with assistive technologies such as screen readers and ballot marking devices;

"(B) integrate information on accessibility, accommodations, disability, and older individuals into regular training materials for poll workers and election administration officials;

"(C) train poll workers on how to make polling places accessible for individuals with disabilities and older individuals;

"(D) promote the hiring of individuals with disabilities and older individuals as poll workers and election staff; and

"(E) publicly post the results of any audits to determine the accessibility of polling places no later than 6 months after the completion of the audit.

"(c) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR INDIVIDUALS WITH DISABILITIES TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICA-

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TIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

"(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of accessible electronic communication—

"(A) for use by individuals with disabilities who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(4);

"(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

"(C) for the purpose of providing related voting, balloting, and election information to individuals with disabilities.

"(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to individuals with disabilities, including a means of electronic communication for the appropriate jurisdiction of the State.

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"(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to individuals with disabilities.

"(4) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under subsection (a)(4)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(d) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

"(1) IN GENERAL.—Each State shall establish procedures—

"(A) to securely transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the individual with a disability under

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subparagraph (B)) to individuals with disabilities for an election for Federal office; and

"(B) by which the individual with a disability can designate whether the individual prefers that such blank absentee ballot be transmitted by mail or electronically.

"(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an individual with a disability does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(3) APPLICATION OF METHODS TO TRACK DELIVERY TO AND RETURN OF BALLOT BY INDIVIDUAL REQUESTING BALLOT.—Under the procedures established under paragraph (1), the State shall apply such methods as the State considers appropriate, such as assigning a unique identifier to the ballot envelope, to ensure that if an individual with a disability requests the State to transmit a blank absentee ballot to the individual in accordance with this subsection, the voted absentee ballot which is returned by the individual is the same blank absentee ballot which the State transmitted to the individual.

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"(e) INDIVIDUAL WITH A DISABILITY DEFINED.—In this section, an 'individual with a disability' means an individual with an impairment that substantially limits any major life activities and who is otherwise qualified to vote in elections for Federal office.

"(f) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2022.".

(b) CONFORMING AMENDMENT RELATING TO ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION ASSISTANCE COMMISSION.—

(1) TIMING OF ISSUANCE.—Section 311(b) of such Act (52 U.S.C. 21101(b)), as amended by section 1021, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) in the case of the recommendations with respect to section 309, January 1, 2022.".

(2) REDESIGNATION.—

(A) IN GENERAL.—Title III of such Act (52 U.S.C. 21081 et seq.) is amended by redes-

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ignating sections 311 and 312 as sections 321 and 322, respectively.

(B) CONFORMING AMENDMENT.—Section 322(a) of such Act, as redesignated by subparagraph (A), is amended by striking ''section 312'' and inserting ''section 322''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, section 1032, section 1033, and section 1041, is amended—

(1) by redesignating the items relating to sections 309 and 310 as relating to sections 310 and 311, respectively; and

(2) by inserting after the item relating to section 308 the following new item:

''Sec. 309. Access to voter registration and voting for individuals with disabilities.''.

SEC. 1102. ESTABLISHMENT AND MAINTENANCE OF STATE ACCESSIBLE ELECTION WEBSITES.

(a) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031, section 1032, section 1033, section 1041, and section 1101, is amended—

(1) by redesignating sections 310 and 311 as sections 311 and 312, respectively; and

(2) by inserting after section 309 the following:

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"SEC. 310. ESTABLISHMENT AND MAINTENANCE OF ACCESSIBLE ELECTION WEBSITES.

"(a) IN GENERAL.—Not later than January 1, 2023, each State shall establish a single election website that is accessible and meets the following requirements:

"(1) LOCAL ELECTION OFFICIALS.—The website shall provide local election officials, poll workers, and volunteers with—

"(A) guidance to ensure that polling places are accessible for individuals with disabilities and older individuals in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

"(B) online training and resources on—

"(i) how best to promote the access and participation of individuals with disabilities and older individuals in elections for public office; and

"(ii) the voting rights and protections for individuals with disabilities and older individuals under State and Federal law.

"(2) VOTERS.—The website shall provide information about voting, including—

"(A) the accessibility of all polling places within the State, including outreach programs

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to inform individuals about the availability of accessible polling places;

"(B) how to register to vote and confirm voter registration in the State;

"(C) the location and operating hours of all polling places in the State;

"(D) the availability of aid or assistance for individuals with disabilities and older individuals to cast their vote in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters at polling places;

"(E) the availability of transportation aid or assistance to the polling place for individuals with disabilities or older individuals;

"(F) the rights and protections under State and Federal law for individuals with disabilities and older individuals to participate in elections; and

"(G) how to contact State, local, and Federal officials with complaints or grievances if individuals with disabilities, older individuals, Native Americans, Alaska Natives, and individuals with limited proficiency in the English language

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feel their ability to register to vote or vote has been blocked or delayed.

''(b) PARTNERSHIP WITH OUTSIDE TECHNICAL ORGANIZATION.—The chief State election official of each State, through the committee of appropriate individuals under subsection (c)(2), shall partner with an outside technical organization with demonstrated experience in establishing accessible and easy to use accessible election websites to—

''(1) update an existing election website to make it fully accessible in accordance with this section; or

''(2) develop an election website that is fully accessible in accordance with this section.

''(c) STATE PLAN.—

''(1) DEVELOPMENT.—The chief State election official of each State shall, through a committee of appropriate individuals as described in paragraph (2), develop a State plan that describes how the State and local governments will meet the requirements under this section.

''(2) COMMITTEE MEMBERSHIP.—The committee shall comprise at least the following individuals:

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"(A) The chief election officials of the four most populous jurisdictions within the State.

"(B) The chief election officials of the four least populous jurisdictions within the State.

"(C) Representatives from two disability advocacy groups, including at least one such representative who is an individual with a disability.

"(D) Representatives from two older individual advocacy groups, including at least one such representative who is an older individual.

"(E) Representatives from two independent non-governmental organizations with expertise in establishing and maintaining accessible websites.

"(F) Representatives from two independent non-governmental voting rights organizations.

"(G) Representatives from State protection and advocacy systems as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

"(d) PARTNERSHIP TO MONITOR AND VERIFY ACCESSIBILITY.—The chief State election official of each eli-

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gible State, through the committee of appropriate individuals under subsection (c)(2), shall partner with at least two of the following organizations to monitor and verify the accessibility of the election website and the completeness of the election information and the accuracy of the disability information provided on such website:

''(1) University Centers for Excellence in Developmental Disabilities Education, Research, and Services designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a)).

''(2) Centers for Independent Living, as described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.).

''(3) A State Council on Developmental Disabilities described in section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025).

''(4) State protection and advocacy systems as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

''(5) Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d).

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"(6) State Assistive Technology Act Programs.

"(7) A visual access advocacy organization.

"(8) An organization for the deaf.

"(9) A mental health organization.

"(e) DEFINITIONS.—For purposes of this section, section 309, and section 311:

"(1) ACCESSIBLE.—The term 'accessible' means—

"(A) in the case of the election website under subsection (a) or an electronic communication under section 309—

"(i) that the functions and content of the website or electronic communication, including all text, visual, and aural content, are as accessible to people with disabilities as to those without disabilities;

"(ii) that the functions and content of the website or electronic communication are accessible to individuals with limited proficiency in the English language; and

"(iii) that the website or electronic communication meets, at a minimum, conformance to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Ac-

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cessibility Initiative (or any successor guidelines); and

"(B) in the case of a facility (including a polling place), that the facility is readily accessible to and usable by individuals with disabilities and older individuals, as determined under the 2010 ADA Standards for Accessible Design adopted by the Department of Justice (or any successor standards).

"(2) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102), and who is otherwise qualified to vote in elections for Federal office.

"(3) OLDER INDIVIDUAL.—The term 'older individual' means an individual who is 60 years of age or older and who is otherwise qualified to vote in elections for Federal office.

"(4) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(b) VOLUNTARY GUIDANCE.—Section 321(b)(5) such Act (52 U.S.C. 21101(b)), as added and redesignated by

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section 1101, is amended by striking ''section 309'' and inserting ''sections 309 and 310''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, section 1032, section 1033, section 1041, and section 1101, is amended—

(1) by redesignating the items relating to sections 310 and 311 as relating to sections 311 and 312, respectively; and

(2) by inserting after the item relating to section 309 the following new item:

''Sec. 310. Establishment and maintenance of accessible election websites.''.

SEC. 1103. PROTECTIONS FOR IN-PERSON VOTING FOR INDIVIDUALS WITH DISABILITIES AND OLDER INDIVIDUALS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031, section 1032, section 1033, section 1041, section 1101, and section 1102, is amended—

(A) by redesignating sections 311 and 312 as sections 312 and 313, respectively; and

(B) by inserting after section 310 the following:

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"SEC. 311. ACCESS TO VOTING FOR INDIVIDUALS WITH DISABILITIES AND OLDER INDIVIDUALS.

"(a) IN GENERAL.—Each State shall—

"(1) ensure all polling places within the State are accessible, as defined in section 310;

"(2) consider procedures to address long wait times at polling places that allow individuals with disabilities and older individuals alternate options to cast a ballot in person in an election for Federal office, such as the option to cast a ballot outside of the polling place or from a vehicle, or providing an expedited voting line; and

"(3) consider options to establish 'mobile polling sites' to allow election officials or volunteers to travel to long-term care facilities and assist residents who request assistance in casting a ballot in order to maintain the privacy and independence of voters in these facilities.

"(b) CLARIFICATION.—Nothing in this section may be construed to alter the requirements under Federal law that all polling places for Federal elections are accessible to individuals with disabilities and older individuals.

"(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2024.".

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(2) VOLUNTARY GUIDANCE.—Section 321(b)(5) such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101 and as amended by section 1102, is amended by striking ''and 310'' and inserting '', 310, and 311''.

(3) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, section 1032, section 1033, section 1041, section 1101, and section 1102, is amended—

(A) by redesignating the items relating to sections 311 and 312 as relating to sections 312 and 313, respectively; and

(B) by inserting after the item relating to section 310 the following new item:

''Sec. 311. Access to voting for individuals with disabilities and older individuals.''.

(b) REVISIONS TO VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.—

(1) REPORTS TO ELECTION ASSISTANCE COMMISSION.—Section 3(c) of the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20102(c)) is amended—

(A) in the subsection heading, by striking ''FEDERAL ELECTION COMMISSION'' and inserting ''ELECTION ASSISTANCE COMMISSION'';

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(B) in each of paragraphs (1) and (2), by striking ''Federal Election Commission'' and inserting ''Election Assistance Commission''; and

(C) by striking paragraph (3).

(2) CONFORMING AMENDMENTS RELATING TO REFERENCES.—The Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. 20101 et seq.), as amended by paragraph (1), is amended—

(A) by striking ''handicapped and elderly individuals'' each place it appears and inserting ''individuals with disabilities and older individuals'';

(B) by striking ''handicapped and elderly voters'' each place it appears and inserting ''individuals with disabilities and older individuals'';

(C) in section 3(b)(2)(B), by striking ''handicapped or elderly voter'' and inserting ''individual with a disability or older individual'';

(D) in section 5(b), by striking ''handicapped voter'' and inserting ''individual with a disability''; and

(E) in section 8—

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(i) by striking paragraphs (1) and (2) and inserting the following:

''(1) 'accessible' has the meaning given that term in section 310 of the Help America Vote Act of 2002, as added by section 1102 of the Voter Empowerment Act of 2021;

''(2) 'older individual' has the meaning given that term in such section 310;''; and

(ii) by striking paragraph (4), and inserting the following:

''(4) 'individual with a disability' has the meaning given that term in such section 310; and''.

(3) SHORT TITLE AMENDMENT.—

(A) IN GENERAL.—Section 1 of the ''Voting Accessibility for the Elderly and Handicapped Act'' (Public Law 98–435; 42 U.S.C. 1973ee note) is amended by striking ''for the Elderly and Handicapped'' and inserting ''for Individuals with Disabilities and Older Individuals''.

(B) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ''Voting Accessibility for the Elderly and Handicapped Act'' shall be deemed to be a ref-

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erence to the ''Voting Accessibility for Individuals with Disabilities and Older Individuals Act''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2024, and apply to with respect to elections for Federal office held on or after that date.

SEC. 1104. PROTECTIONS FOR INDIVIDUALS SUBJECT TO GUARDIANSHIP.

(a) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031, section 1032, section 1033, section 1041, section 1101, section 1102, and section 1103, is amended—

(1) by redesignating sections 312 and 313 as sections 313 and 314, respectively; and

(2) by inserting after section 311 the following:

''SEC. 312. PROTECTIONS FOR INDIVIDUALS SUBJECT TO GUARDIANSHIP.

''(a) IN GENERAL.—A State shall not determine that an individual lacks the capacity to vote in an election for Federal office on the ground that the individual is subject to guardianship, unless a court of competent jurisdiction issues a court order finding by clear and convincing evidence that the individual cannot communicate, with or

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without accommodations, a desire to participate in the voting process.

''(b) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held on or after January 1, 2022.''.

(b) VOLUNTARY GUIDANCE.—Section 321(b)(5) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101 and as amended by sections 1102 and 1103, is amended by striking ''and 311'' and inserting ''311, and 312''.

(c) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, section 1032, section 1033, section 1041, section 1101, section 1102, and section 1103, is amended—

(1) by redesignating the items relating to sections 312 and 313 as relating to sections 313 and 314, respectively; and

(2) by inserting after the item relating to section 311 the following new item:

''Sec. 312. Access to voting for individuals with disabilities and older individuals.''.

SEC. 1105. EXPANSION AND REAUTHORIZATION OF GRANT PROGRAM TO ASSURE VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) PURPOSES OF PAYMENTS.—Section 261(b) of the Help America Vote Act of 2002 (52 U.S.C. 21021(b)) is

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amended by striking paragraphs (1) and (2) and inserting the following:

"(1) making absentee voting and voting at home accessible to individuals with the full range of disabilities (including impairments involving vision, hearing, mobility, or dexterity) through the implementation of accessible absentee voting systems that work in conjunction with assistive technologies for which individuals have access at their homes, independent living centers, or other facilities;

"(2) making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

"(3) providing solutions to problems of access to voting and elections for individuals with disabilities that are universally designed and provide the same opportunities for individuals with and without disabilities.".

(b) REAUTHORIZATION.—Section 264(a) of such Act (52 U.S.C. 21024(a)) is amended by adding at the end the following new paragraph:

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''(4) For fiscal year 2022 and each succeeding fiscal year, such sums as may be necessary to carry out this part.''.

(c) PERIOD OF AVAILABILITY OF FUNDS.—Section 264 of such Act (52 U.S.C. 21024) is amended—

(1) in subsection (b), by striking ''Any amounts'' and inserting ''Except as provided in subsection (b), any amounts''; and

(2) by adding at the end the following new subsection:

''(c) RETURN AND TRANSFER OF CERTAIN FUNDS.—

''(1) DEADLINE FOR OBLIGATION AND EXPENDITURE.—In the case of any amounts appropriated pursuant to the authority of subsection (a) for a payment to a State or unit of local government for fiscal year 2022 or any succeeding fiscal year, any portion of such amounts which have not been obligated or expended by the State or unit of local government prior to the expiration of the 4-year period which begins on the date the State or unit of local government first received the amounts shall be transferred to the Commission.

''(2) REALLOCATION OF TRANSFERRED AMOUNTS.—

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"(A) IN GENERAL.—The Commission shall use the amounts transferred under paragraph (1) to make payments on a pro rata basis to each covered payment recipient described in subparagraph (B), which may obligate and expend such payment for the purposes described in section 261(b) during the 1-year period which begins on the date of receipt.

"(B) COVERED PAYMENT RECIPIENTS DESCRIBED.—In subparagraph (A), a 'covered payment recipient' is a State or unit of local government with respect to which—

"(i) amounts were appropriated pursuant to the authority of subsection (a); and

"(ii) no amounts were transferred to the Commission under paragraph (1).".

SEC. 1106. APPOINTMENTS TO EAC BOARD OF ADVISORS.

(a) IN GENERAL.—Section 214(a) of the Help America Vote Act of 2002 (52 U.S.C. 20944(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "37" and inserting "61"; and

(2) by adding at the end the following new paragraphs:

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"(17) Two members appointed by the National Council on Disability.

"(18) Two members appointed by the Assistant Secretary of Health and Human Services for Aging.

"(19) Four members from organizations, whose executive leadership team consists of fifty-one percent of individuals with disabilities, representing the interests of voters with disabilities, of whom—

"(A) two members shall be appointed by the Committee on House Administration of the House of Representatives, of whom one shall be appointed by the chair and one shall be appointed by the ranking minority member; and

"(B) two members shall be appointed by the Committee on Rules and Administration of the Senate, of whom one shall be appointed by the chair and one shall be appointed by the ranking minority member.

"(20) Four members from organizations representing the interests of older voters, of whom—

"(A) two members shall be appointed by the Committee on House Administration, of whom one shall be appointed by the chair and one shall be appointed by the ranking minority member; and

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"(B) two members shall be appointed by the Committee on Rules and Administration of the Senate, of whom one shall be appointed by the chair and one shall be appointed by the ranking minority member.

"(21) Twelve members who are nationally recognized subject matter experts regarding election integrity, having specializations to include election cybersecurity, authentication, accessibility, transparency, verification, and auditing, and who are not full-time election officials, of whom—

"(A) two members shall be appointed by the Cybersecurity and Infrastructure Security Agency;

"(B) two members shall be appointed by the National Science Foundation;

"(C) two members shall be appointed by the Institute for Defense Analyses;

"(D) two members shall be appointed by the Association for Computing Machinery;

"(E) two members shall be appointed by the National Association of State Chief Information Officers;

"(F) one member shall be appointed by the Center for Internet Security; and

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"(G) one member shall be the Director of the Elections Infrastructure Information Sharing and Analysis Center, or the Director's designee.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2022.

SEC. 1107. FUNDING FOR PROTECTION AND ADVOCACY SYSTEMS.

(a) INCLUSION OF SYSTEM SERVING AMERICAN INDIAN CONSORTIUM.—Section 291(a) of the Help America Vote Act of 2002 (52 U.S.C. 21061(a)) is amended by striking "of each State" and inserting "of each State and the eligible system serving the American Indian consortium (within the meaning of section 509(c)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(c)(1)(B)))".

(b) GRANT AMOUNT.—Section 291(b) of the Help America Vote Act of 2002 (52 U.S.C. 21061(b)) is amended—

(1) by striking "as set forth in subsections (c)(3)" and inserting "as set forth in subsections (c)(1)(B) (regardless of the fiscal year), (c)(3)"; and

(2) by striking "except that" and all that follows and inserting "except that the amount of the grants to systems referred to in subsection (c)(3)(B) of that section shall not be less than $70,000 and

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the amount of the grants to systems referred to in subsections (c)(1)(B) and (c)(4)(B) of that section shall not be less than $35,000.''.

SEC. 1108. PILOT PROGRAMS FOR ENABLING INDIVIDUALS WITH DISABILITIES TO REGISTER TO VOTE PRIVATELY AND INDEPENDENTLY AT RESIDENCES.

(a) ESTABLISHMENT OF PILOT PROGRAMS.—The Election Assistance Commission (hereafter referred to as the ''Commission'') shall, subject to the availability of appropriations to carry out this section, make grants to eligible States to conduct pilot programs under which individuals with disabilities may use electronic means (including the internet and telephones utilizing assistive devices) to register to vote and to request and receive absentee ballots in a manner which permits such individuals to do so privately and independently at their own residences.

(b) REPORTS.—

(1) IN GENERAL.—A State receiving a grant for a year under this section shall submit a report to the Commission on the pilot programs the State carried out with the grant with respect to elections for public office held in the State during the year.

(2) DEADLINE.—A State shall submit a report under paragraph (1) not later than 90 days after

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the last election for public office held in the State during the year.

(c) ELIGIBILITY.—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 such information and assurances as the Commission may require.

(d) TIMING.—The Commission shall make the first grants under this section for pilot programs which will be in effect with respect to elections for Federal office held in 2022, or, at the option of a State, with respect to other elections for public office held in the State in 2022.

(e) STATE DEFINED.—In this section, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 1109. GAO ANALYSIS AND REPORT ON VOTING ACCESS FOR INDIVIDUALS WITH DISABILITIES.

(a) ANALYSIS.—The Comptroller General of the United States shall conduct an analysis after each regularly scheduled general election for Federal office with respect to the following:

(1) In relation to polling places located in houses of worship or other facilities that may be ex-

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empt from accessibility requirements under the Americans with Disabilities Act—

(A) efforts to overcome accessibility challenges posed by such facilities; and

(B) the extent to which such facilities are used as polling places in elections for Federal office.

(2) Assistance provided by the Election Assistance Commission, Department of Justice, or other Federal agencies to help State and local officials improve voting access for individuals with disabilities during elections for Federal office.

(3) When accessible voting machines are available at a polling place, the extent to which such machines—

(A) are located in places that are difficult to access;

(B) malfunction; or

(C) fail to provide sufficient privacy to ensure that the ballot of the individual cannot be seen by another individual.

(4) The process by which Federal, State, and local governments track compliance with accessibility requirements related to voting access, including methods to receive and address complaints.

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(5) The extent to which poll workers receive training on how to assist individuals with disabilities, including the receipt by such poll workers of information on legal requirements related to voting rights for individuals with disabilities.

(6) The extent and effectiveness of training provided to poll workers on the operation of accessible voting machines.

(7) The extent to which individuals with a developmental or psychiatric disability experience greater barriers to voting, and whether poll worker training adequately addresses the needs of such individuals.

(8) The extent to which State or local governments employ, or attempt to employ, individuals with disabilities to work at polling sites.

(b) REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of a regularly scheduled general election for Federal office, the Comptroller General shall submit to the appropriate congressional committees a report with respect to the most recent regularly scheduled general election for Federal office that contains the following:

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(A) The analysis required by subsection (a).

(B) Recommendations, as appropriate, to promote the use of best practices used by State and local officials to address barriers to accessibility and privacy concerns for individuals with disabilities in elections for Federal office.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on House Administration of the House of Representatives;

(B) the Committee on Rules and Administration of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Appropriations of the Senate.

SEC. 1110. ACCESSIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 301 of the Help America Vote Act of 2002 (52 U.S.C. 21081)—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

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"(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

"(A) IN GENERAL.—The voting system shall—

"(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

"(ii)(I) ensure that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verifiable paper ballot; and

"(II) satisfy the requirement of clause (i) through the use at in-person polling locations of a sufficient number (not less than one) of voting systems equipped to serve individuals with and without disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced

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manual accessibility for the mobility and dexterity impaired; or

"(iii) if purchased with funds made available under title II on or after January 1, 2007, meet the voting system standards for disability access (as outlined in this paragraph).

"(B) MEANS OF MEETING REQUIREMENTS.—A voting system may meet the requirements of subparagraph (A)(i) by—

"(i) allowing the voter to privately and independently verify the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote tabulation or auditing;

"(ii) allowing the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot;

"(iii) marking ballots that are identical in size, ink, and paper stock to those ballots that would either be marked by

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hand or be marked by a ballot marking device made generally available to voters; and

"(iv) combining ballots produced by any ballot marking devices reserved for individuals with disabilities with ballots that have either been marked by voters by hand or marked by ballot marking devices made generally available to voters, in a way that prevents identification of the ballots that were cast using any ballot marking device that was reserved for individuals with disabilities.

"(C) SUFFICIENT NUMBER.—For purposes of subparagraph (A)(ii)(II), the sufficient number of voting systems for any in-person polling location shall be determined based on guidance from the Attorney General, in consultation with the Architectural and Transportation Barriers Compliance Board established under section 502(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 792(a)(1)) (commonly referred to as the United States Access Board) and the Commission."; and

(2) by striking subsection (d) and inserting the following:

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''(d) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

''(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—The requirements of this section which are first imposed on a State or jurisdiction pursuant to the amendments made by section 1110 of the Voter Empowerment Act of 2021 shall apply with respect to voting systems used for any election for Federal office held in 2022 or any succeeding year.''.

(b) SPECIFIC REQUIREMENT OF STUDY, TESTING, AND DEVELOPMENT OF ACCESSIBLE VOTING OPTIONS.—

(1) STUDY AND REPORTING.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—

(A) by redesignating section 247 as section 248; and

(B) by inserting after section 246 the following new section:

''SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTING OPTIONS.

''(a) GRANTS TO STUDY AND REPORT.—The Commission, in coordination with the Access Board and the

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Cybersecurity and Infrastructure Security Agency, shall make grants to not fewer than 2 eligible entities to study, test, and develop—

"(1) accessible and secure remote voting systems;

"(2) voting, verification, and casting devices to enhance the accessibility of voting and verification for individuals with disabilities; or

"(3) both of the matters described in paragraph (1) and (2).

"(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a certification that the entity shall complete the activities carried out with the grant not later than January 1, 2024; and

"(2) such other information and certifications as the Commission may require.

"(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.

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"(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Commission shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Commission determine necessary to provide for the advancement of accessible voting technology.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $10,000,000, to remain available until expended.".

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(A) by redesignating the item relating to section 247 as relating to section 248; and

(B) by inserting after the item relating to section 246 the following new item:

"Sec. 247. Study and report on accessible voting options.".

(c) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility

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standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) PERMITTING USE OF FUNDS FOR PROTECTION AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE ELECTION-RELATED DISABILITY ACCESS.—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking ''; except that'' and all that follows and inserting a period.

Subtitle C—Prohibiting Deceptive Practices and Preventing Voter Intimidation

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Deceptive Practices and Voter Intimidation Prevention Act of 2021''.

SEC. 1202. PROHIBITION ON DECEPTIVE PRACTICES IN FEDERAL ELECTIONS.

(a) PROHIBITION.—Subsection (b) of section 2004 of the Revised Statutes (52 U.S.C. 10101(b)) is amended—

(1) by striking ''No person'' and inserting the following:

''(1) IN GENERAL.—No person''; and

(2) by inserting at the end the following new paragraphs:

''(2) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS.—

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"(A) PROHIBITION.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

"(i) knows such information to be materially false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

"(B) INFORMATION DESCRIBED.—Information is described in this subparagraph if such information is regarding—

"(i) the time, place, or manner of holding any election described in paragraph (5); or

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

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"(I) any criminal, civil, or other legal penalties associated with voting in any such election; or

"(II) information regarding a voter's registration status or eligibility.

"(3) FALSE STATEMENTS REGARDING PUBLIC ENDORSEMENTS.—

"(A) PROHIBITION.—No person, whether acting under color of law or otherwise, shall, within 60 days before an election described in paragraph (5), by any means, including by means of written, electronic, or telephonic communications, communicate, or cause to be communicated, a materially false statement about an endorsement, if such person—

"(i) knows such statement to be false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in paragraph (5).

"(B) DEFINITION OF 'MATERIALLY FALSE'.—For purposes of subparagraph (A), a statement about an endorsement is 'materially

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false' if, with respect to an upcoming election described in paragraph (5)—

"(i) the statement states that a specifically named person, political party, or organization has endorsed the election of a specific candidate for a Federal office described in such paragraph; and

"(ii) such person, political party, or organization has not endorsed the election of such candidate.

"(4) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—No person, whether acting under color of law or otherwise, shall intentionally hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in paragraph (5), including by operating a polling place or ballot box that falsely purports to be an official location established for such an election by a unit of government.

"(5) ELECTION DESCRIBED.—An election described in this paragraph is any general, primary, runoff, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President, Vice President, Presi-

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dential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a Territory or possession.''.

(b) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Subsection (c) of section 2004 of the Revised Statutes (52 U.S.C. 10101(c)) is amended—

(A) by striking ''Whenever any person'' and inserting the following:

''(1) IN GENERAL.—Whenever any person''; and

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

''(2) CIVIL ACTION.—Any person aggrieved by a violation of this section may institute a civil action for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order. In any such action, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.''.

(2) CONFORMING AMENDMENTS.—Section 2004 of the Revised Statutes (52 U.S.C. 10101) is amended—

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(A) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (c)(1)''; and

(B) in subsection (g), by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(c) CRIMINAL PENALTIES.—

(1) DECEPTIVE ACTS.—Section 594 of title 18, United States Code, is amended—

(A) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever'';

(B) in subsection (a), as inserted by subparagraph (A), by striking ''at any election'' and inserting ''at any general, primary, runoff, or special election''; and

(C) by adding at the end the following new subsections:

''(b) DECEPTIVE ACTS.—

''(1) FALSE STATEMENTS REGARDING FEDERAL ELECTIONS.—

''(A) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, within 60 days before an election described in subsection (e), by any means, including by means of written, electronic, or tel-

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ephonic communications, to communicate or cause to be communicated information described in subparagraph (B), or produce information described in subparagraph (B) with the intent that such information be communicated, if such person—

"(i) knows such information to be materially false; and

"(ii) has the intent to impede or prevent another person from exercising the right to vote in an election described in subsection (e).

"(B) INFORMATION DESCRIBED.—Information is described in this subparagraph if such information is regarding—

"(i) the time or place of holding any election described in subsection (e); or

"(ii) the qualifications for or restrictions on voter eligibility for any such election, including—

"(I) any criminal, civil, or other legal penalties associated with voting in any such election; or

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"(II) information regarding a voter's registration status or eligibility.

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

"(c) HINDERING, INTERFERING WITH, OR PREVENTING VOTING OR REGISTERING TO VOTE.—

"(1) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, to corruptly hinder, interfere with, or prevent another person from voting, registering to vote, or aiding another person to vote or register to vote in an election described in subsection (e).

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.

"(d) ATTEMPT.—Any person who attempts to commit any offense described in subsection (a), (b)(1), or (c)(1) shall be subject to the same penalties as those prescribed for the offense that the person attempted to commit.

"(e) ELECTION DESCRIBED.—An election described in this subsection is any general, primary, runoff, or special election held solely or in part for the purpose of nominating or electing a candidate for the office of President,

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Vice President, Presidential elector, Senator, Member of the House of Representatives, or Delegate or Resident Commissioner to the Congress.''.

(2) MODIFICATION OF PENALTY FOR VOTER INTIMIDATION.—Section 594(a) of title 18, United States Code, as amended by paragraph (1), is amended by striking ''fined under this title or imprisoned not more than one year'' and inserting ''fined not more than $100,000, imprisoned for not more than 5 years''.

(3) SENTENCING GUIDELINES.—

(A) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of any offense under section 594 of title 18, United States Code, as amended by this section.

(B) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal Sentencing Guidelines in accordance with the

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procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(4) PAYMENTS FOR REFRAINING FROM VOTING.—Subsection (c) of section 11 of the Voting Rights Act of 1965 (52 U.S.C. 10307) is amended by striking ''either for registration to vote or for voting'' and inserting ''for registration to vote, for voting, or for not voting''.

SEC. 1203. CORRECTIVE ACTION.

(a) CORRECTIVE ACTION.—

(1) IN GENERAL.—If the Attorney General receives a credible report that materially false information has been or is being communicated in violation of paragraphs (2) and (3) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 1202(a), and if the Attorney General determines that State and local election officials have not taken adequate steps to promptly communicate accurate information to correct the materially false information, the Attorney General shall, pursuant to the written procedures and standards under subsection (b), communicate to the public, by any means, including by means of written, electronic, or telephonic

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communications, accurate information designed to correct the materially false information.

(2) COMMUNICATION OF CORRECTIVE INFORMATION.—Any information communicated by the Attorney General under paragraph (1)—

(A) shall—

(i) be accurate and objective;

(ii) consist of only the information necessary to correct the materially false information that has been or is being communicated; and

(iii) to the extent practicable, be by a means that the Attorney General determines will reach the persons to whom the materially false information has been or is being communicated; and

(B) shall not be designed to favor or disfavor any particular candidate, organization, or political party.

(b) WRITTEN PROCEDURES AND STANDARDS FOR TAKING CORRECTIVE ACTION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish written procedures and stand-

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ards for determining when and how corrective action will be taken under this section.

(2) INCLUSION OF APPROPRIATE DEADLINES.—The procedures and standards under paragraph (1) shall include appropriate deadlines, based in part on the number of days remaining before the upcoming election.

(3) CONSULTATION.—In developing the procedures and standards under paragraph (1), the Attorney General shall consult with the Election Assistance Commission, State and local election officials, civil rights organizations, voting rights groups, voter protection groups, and other interested community organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this subtitle.

SEC. 1204. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after each general election for Federal office, the Attorney General shall submit to Congress a report compiling all allegations received by the Attorney General of deceptive practices described in paragraphs (2), (3), and (4) of section 2004(b) of the Revised Statutes (52 U.S.C. 10101(b)), as added by section 1202(a), relating to the general election

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for Federal office and any primary, runoff, or a special election for Federal office held in the 2 years preceding the general election.

(b) CONTENTS.—

(1) IN GENERAL.—Each report submitted under subsection (a) shall include—

(A) a description of each allegation of a deceptive practice described in subsection (a), including the geographic location, racial and ethnic composition, and language minority-group membership of the persons toward whom the alleged deceptive practice was directed;

(B) the status of the investigation of each allegation described in subparagraph (A);

(C) a description of each corrective action taken by the Attorney General under section 4(a) in response to an allegation described in subparagraph (A);

(D) a description of each referral of an allegation described in subparagraph (A) to other Federal, State, or local agencies;

(E) to the extent information is available, a description of any civil action instituted under section 2004(c)(2) of the Revised Statutes (52 U.S.C. 10101(c)(2)), as added by section

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1202(b), in connection with an allegation described in subparagraph (A); and

(F) a description of any criminal prosecution instituted under section 594 of title 18, United States Code, as amended by section 1202(c), in connection with the receipt of an allegation described in subparagraph (A) by the Attorney General.

(2) EXCLUSION OF CERTAIN INFORMATION.—

(A) IN GENERAL.—The Attorney General shall not include in a report submitted under subsection (a) any information protected from disclosure by rule 6(e) of the Federal Rules of Criminal Procedure or any Federal criminal statute.

(B) EXCLUSION OF CERTAIN OTHER INFORMATION.—The Attorney General may determine that the following information shall not be included in a report submitted under subsection (a):

(i) Any information that is privileged.

(ii) Any information concerning an ongoing investigation.

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(iii) Any information concerning a criminal or civil proceeding conducted under seal.

(iv) Any other nonpublic information that the Attorney General determines the disclosure of which could reasonably be expected to infringe on the rights of any individual or adversely affect the integrity of a pending or future criminal investigation.

(c) REPORT MADE PUBLIC.—On the date that the Attorney General submits the report under subsection (a), the Attorney General shall also make the report publicly available through the internet and other appropriate means.

Subtitle D—Provisional Ballots

SEC. 1301. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS; ESTABLISHMENT OF UNIFORM AND NONDISCRIMINATORY STANDARDS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

''(d) COUNTING OF PROVISIONAL BALLOTS.—

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"(1) IN GENERAL.—For purposes of subsection (a)(4), if a provisional ballot is cast within the same county in which the voter is registered or otherwise eligible to vote, then notwithstanding the precinct or polling place at which a provisional ballot is cast within the county, the appropriate election official of the jurisdiction in which the individual is registered or otherwise eligible to vote shall count each vote on such ballot for each election in which the individual who cast such ballot is eligible to vote.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall prohibit a State or jurisdiction from counting a provisional ballot which is cast in a different county within the State than the county in which the voter is registered or otherwise eligible to vote.

"(3) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.

"(e) UNIFORM AND NONDISCRIMINATORY STANDARDS.—

"(1) IN GENERAL.—Consistent with the requirements of this section, each State shall establish uniform and nondiscriminatory standards for the

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issuance, handling, and counting of provisional ballots.

''(2) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.''.

(b) CONFORMING AMENDMENT.—Section 302(f) of such Act (52 U.S.C. 21082(f)), as redesignated by subsection (a), is amended by striking ''Each State'' and inserting ''Except as provided in subsections (d)(3) and (e)(2), each State''.

Subtitle E—Voter List Maintenance Procedures

PART 1—VOTER CAGING PROHIBITED

SEC. 1401. VOTER CAGING PROHIBITED.

(a) DEFINITIONS.—In this section—

(1) the term ''voter caging document'' means—

(A) a non-forwardable document sent by any person other than a State or local election official that is returned to the sender or a third party as undelivered or undeliverable despite an attempt to deliver such document to the address of a registered voter or applicant; or

(B) any document sent by any person other than a State or local election official with instructions to an addressee that the document

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be returned to the sender or a third party but is not so returned, despite an attempt to deliver such document to the address of a registered voter or applicant; and

(2) the term ''voter caging list'' means a list of individuals compiled from voter caging documents.

(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 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(a)(2)(B) of the Revised Statutes (52 U.S.C. 10101(a)(2)(B)); or

(3) any other evidence so designated for purposes of this section by the Election Assistance Commission,

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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.

(c) ENFORCEMENT.—

(1) CIVIL ENFORCEMENT.—

(A) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section.

(B) PRIVATE RIGHT OF ACTION.—

(i) IN GENERAL.—A person who is aggrieved by a violation of this section may provide written notice of the violation to the chief election official of the State involved.

(ii) RELIEF.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 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, in a civil action, obtain declaratory or injunctive relief with respect to the violation.

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(iii) EXCEPTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice under paragraph (1) before bringing a civil action to obtain declaratory or injunctive relief with respect to the violation.

(2) CRIMINAL PENALTY.—Whoever knowingly challenges the eligibility of one or more individuals to register or vote or knowingly causes the eligibility of such individuals to be challenged in violation of this section with the intent that one or more eligible voters be disqualified, shall be fined under title 18, United States Code, or imprisoned not more than 1 year, or both, for each such violation. Each violation shall be a separate offense.

(d) NO EFFECT ON RELATED LAWS.—Nothing in this section is intended to override the protections of the National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) or to affect the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

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PART 2—SAVING ELIGIBLE VOTERS FROM VOTER PURGING

SEC. 1411. SHORT TITLE.

This part may be cited as the ''Stop Automatically Voiding Eligible Voters Off Their Enlisted Rolls in States Act'' or the ''Save Voters Act''.

SEC. 1412. CONDITIONS FOR REMOVAL OF VOTERS FROM LIST OF REGISTERED VOTERS.

(a) CONDITIONS DESCRIBED.—The National Voter Registration Act of 1993 (52 U.S.C. 20501 et seq.) is amended by inserting after section 8 the following new section:

''SEC. 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), except as permitted

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under section 8(d) after a notice described in paragraph (2) of such section has been sent, 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 take any other action with respect to voting in any election or with respect to the registrant's status as a registrant.

"(3) REMOVAL BASED ON OFFICIAL RECORDS.—

"(A) IN GENERAL.—Nothing in this section shall prohibit a State from removing a registrant from the official list of eligible voters in elections for Federal office if, on the basis of official records maintained by the State, a State or local election official knows that the registrant has—

"(i) died; or

"(ii) permanently moved out of the State and is no longer eligible to vote in the State.

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"(B) OPPORTUNITY TO DEMONSTRATE ELIGIBILITY.—The State shall provide a voter removed from the official list of eligible voters in elections for Federal office under this paragraph an opportunity to demonstrate that the registrant is eligible to vote and be reinstated on the official list of eligible voters in elections for Federal office in the State.

"(b) NOTICE AFTER REMOVAL.—

"(1) NOTICE TO INDIVIDUAL REMOVED.—

"(A) IN GENERAL.—Not later than 48 hours after a State removes the name of a registrant from the official list of eligible voters, the State shall send notice of the removal to the former registrant, and shall include in the notice the grounds for the removal and information on how the former registrant may contest the removal or be reinstated, including a telephone number for the appropriate election official.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply in the case of a registrant—

"(i) who sends written confirmation to the State that the registrant is no longer eligible to vote in the registrar's jurisdic-

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tion in which the registrant was registered; or

"(ii) who is removed from the official list of eligible voters by reason of the death of the registrant.

"(2) PUBLIC NOTICE.—Not later than 48 hours after conducting any general program to remove the names of ineligible voters from the official list of eligible voters (as described in section 8(a)(4)), the State shall disseminate a public notice through such methods as may be reasonable to reach the general public (including by publishing the notice in a newspaper of wide circulation and posting the notice on the websites of the appropriate election officials) that list maintenance is taking place and that registrants should check their registration status to ensure no errors or mistakes have been made. The State shall ensure that the public notice disseminated under this paragraph is in a format that is reasonably convenient and accessible to voters with disabilities, including voters who have low vision or are blind.".

(b) CONDITIONS FOR TRANSMISSION OF NOTICES OF REMOVAL.—Section 8(d) of such Act (52 U.S.C.

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20507(d)) is amended by adding at the end the following new paragraph:

''(4) A State may not transmit a notice to a registrant under this subsection unless the State obtains objective and reliable evidence (in accordance with the standards for such evidence which are described in section 8A(a)(2)) that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered.''.

(c) CONFORMING AMENDMENTS.—

(1) NATIONAL VOTER REGISTRATION ACT OF 1993.—Section 8(a) of such Act (52 U.S.C. 20507(a)) is amended—

(A) in paragraph (3), by striking ''provide'' and inserting ''subject to section 8A, provide''; and

(B) in paragraph (4), by striking ''conduct'' and inserting ''subject to section 8A, conduct''.

(2) HELP AMERICA VOTE ACT OF 2002.—Section 303(a)(4)(A) of the Help America Vote Act of 2002 (52 U.S.C. 21083(a)(4)(A)) is amended by striking ''registrants'' the second place it appears and inserting ''and subject to section 8A of such Act, registrants''.

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

Subtitle F—Increased Protections for Election Workers

SEC. 1501. HARASSMENT OF ELECTION WORKERS PROHIBITED.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code is amended by adding at the end the following new section:

"SEC. 612. HARASSMENT OF ELECTION RELATED OFFICIALS.

''(a) HARASSMENT OF ELECTION WORKERS.—It shall be unlawful for any person, whether acting under color of law or otherwise, to intimidate, threaten, coerce, harass, or attempt to intimidate, threaten, coerce or harass an election worker described in subsection (b) with intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties, or with intent to retaliate against such official on account of the performance of official duties.

''(b) ELECTION WORKER DESCRIBED.—An election worker as described in this section is any individual who is an election official, poll worker, or an election volunteer in connection with an election for a Federal office.

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"(c) PENALTY.—Any person who violates subsection (a) shall be fined not more than $100,000, imprisoned for not more than 5 years, or both.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code is amended by adding at the end the following new item:

"612. Harassment of election related officials.".

SEC. 1502. PROTECTION OF ELECTION WORKERS.

Paragraph (2) of section 119(b) of title 18, United States Code, is amended by striking "or" at the end of subparagraph (C), by inserting "or" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) any individual who is an election official, a poll worker, or an election volunteer in connection with an election for a Federal office;".

SEC. 1503. RESTRICTIONS ON REMOVAL OF LOCAL ELECTION ADMINISTRATORS IN ADMINISTRATION OF ELECTIONS FOR FEDERAL OFFICE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has explicit and broad authority to regulate the time, place, and manner of Federal elections under the Elections Clause under article I, section 4, clause 1 of the Constitution, including by es-

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tablishing standards for the fair, impartial, and uniform administration of Federal elections by State and local officials.

(2) The Elections Clause was understood from the framing of the Constitution to contain ''words of great latitude,'' granting Congress broad power over Federal elections and a plenary right to preempt State regulation in this area. As made clear at the Constitutional Convention and the State ratification debates that followed, this grant of congressional authority was meant to ''insure free and fair elections,'' promote the uniform administration of Federal elections, and ''preserve and restore to the people their equal and sacred rights of election.''

(3) In the founding debates on the Elections Clause, many delegates also argued that a broad grant of authority to Congress over Federal elections was necessary to check any ''abuses that might be made of the discretionary power'' to regulate the time, place, and manner of elections granted the States, including attempts at partisan entrenchment, malapportionment, and the exclusion of political minorities. As the Supreme Court has recognized, the Elections Clause empowers Congress to ''protect the elections on which its existence depends,'' *Ex parte*

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Yarbrough, 110 U.S. 651, 658 (1884), and ''protect the citizen in the exercise of rights conferred by the Constitution of the United States essential to the healthy organization of the government itself,'' *id.* at 666.

(4) The Elections Clause grants Congress ''plenary and paramount jurisdiction over the whole subject'' of Federal elections, *Ex parte Siebold*, 100 U.S. 371, 388 (1879), allowing Congress to implement ''a complete code for congressional elections.'' *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932). The Elections Clause, unlike, for example, the Commerce Clause, has been found to grant Congress the authority to compel States to alter their regulations as to Federal elections, id. at id. at 366–67, even if these alterations would impose additional costs on the States to execute or enforce. *Association of Community Organizations for Reform Now* v. *Miller*, 129 F.3d 833 (6th Cir. 1997).

(5) The phrase ''manner of holding elections'' in the Elections Clause has been interpreted by the Supreme Court to authorize Congress to regulate all aspects of the Federal election process, including ''notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt prac-

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tices, counting of votes, duties of inspectors and canvassers, and the making and publication of election returns." *Smiley* v. *Holm*, 285 U.S. 355, 366 (1932).

(6) The Supreme Court has recognized the broad "substantive scope" of the Elections Clause and upheld Federal laws promulgated thereunder regulating redistricting, voter registration, campaign finance, primary elections, recounts, party affiliation rules, and balloting.

(7) The authority of Congress under the Elections Clause also entails the power to ensure enforcement of its laws regulating Federal elections. "[I]f Congress has the power to make regulations, it must have the power to enforce them." *Ex parte Siebold*, 100 U.S. 371, 387 (1879). The Supreme Court has noted that there can be no question that Congress may impose additional penalties for offenses committed by State officers in connection with Federal elections even if they differ from the penalties prescribed by State law for the same acts. *Id.* at 387-88.

(8) The fair and impartial administration of Federal elections by State and local officials is central to "the successful working of this government,"

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Ex parte Yarbrough, 110 U.S. 651, 666 (1884), and to "protect the act of voting . . . and the election itself from corruption or fraud," *id.* at 661-62.

(9) The Elections Clause thus grants Congress the authority to ensure that the administration of Federal elections is free of political bias or discrimination and that election officials are insulated from political influence or other forms of coercion in discharging their duties in connection with Federal elections.

(10) In some States, oversight of local election administrators has been allocated to State Election Boards, or special commissions formed by those boards, that are appointed by the prevailing political party in a State, as opposed to nonpartisan or elected office holders.

(11) In certain newly enacted State policies, these appointed statewide election administrators have been granted wide latitude to suspend or remove local election administrators in cases where the statewide election administrators identify whatever the State deems to be a violation. There is no requirement that there be a finding of intent by the local election administrator to commit the violation.

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(12) Local election administrators across the country can be suspended or removed according to different standards, potentially exposing them to different political pressures or biases that could result in uneven administration of Federal elections.

(13) The Elections Clause grants Congress the ultimate authority to ensure that oversight of State and local election administrators is fair and impartial in order to ensure equitable and uniform administration of Federal elections.

(b) RESTRICTION.—

(1) STANDARD FOR REMOVAL OF A LOCAL ELECTION ADMINISTRATOR.—A statewide election administrator may only suspend, remove, or relieve the duties of a local election administrator in the State with respect to the administration of an election for Federal office for inefficiency, neglect of duty, or malfeasance in office.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Any local election administrator suspended, removed, or otherwise relieved of duties in violation of paragraph (1) with respect to the administration of an election for Federal office or against whom any proceeding for suspension, removal, or relief from

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duty in violation of paragraph (1) with respect to the administration of an election for Federal office may be pending, may bring an action in an appropriate district court of the United States for declaratory or injunctive relief with respect to the violation. Any such action shall name as the defendant the statewide election administrator responsible for the adverse action. The district court shall, to the extent practicable, expedite any such proceeding.

(B) STATUTE OF LIMITATIONS.—Any action brought under this subsection must be commenced not later than one year after the date of the suspension, removal, relief from duties, or commencement of the proceeding to remove, suspend, or relieve the duties of a local election administrator with respect to the administration of an election for Federal office.

(3) REMOVAL OF STATE PROCEEDINGS TO FEDERAL COURT.—A local election administrator who is subject to an administrative or judicial proceeding for suspension, removal, or relief from duty by a statewide election administrator with respect to the administration of an election for Federal office may remove the proceeding to an appropriate district

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court of the United States. Any order remanding a case to the State court or agency from which it was removed under this subsection shall be reviewable by appeal or otherwise.

(4) RIGHT OF UNITED STATES TO INTERVENE.—

(A) NOTICE TO ATTORNEY GENERAL.—Whenever any administrative or judicial proceeding is brought to suspend, remove, or relieve the duties of any local election administrator by a statewide election administrator with respect to the administration of an election for Federal office, the statewide election administrator who initiated such proceeding shall deliver a copy of the pleadings instituting the proceeding to the Assistant Attorney General for the Civil Rights Division of the Department of Justice. The local election administrator against whom such proceeding is brought may also deliver such pleadings to the Assistant Attorney General.

(B) RIGHT TO INTERVENE.—The United States may intervene in any administrative or judicial proceeding brought to suspend, remove, or relieve the duties of any local election admin-

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istrator by a statewide election administrator with respect to the administration of an election for Federal office and in any action initiated pursuant to paragraph (2) or in any removal pursuant to paragraph (3).

(5) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ELECTION.—The term ''election'' has the meaning given the term in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(1)).

(B) FEDERAL OFFICE.—The term ''Federal office'' has the meaning given the term in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3)).

(C) LOCAL ELECTION ADMINISTRATOR.—The term ''local election administrator'' means, with respect to a local jurisdiction in a State, the individual or entity responsible for the administration of elections for Federal office in the local jurisdiction.

(D) STATEWIDE ELECTION ADMINISTRATOR.—The term ''statewide election administrator'' means, with respect to a State, the individual or entity responsible for the adminis-

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tration of elections for Federal office in the State on a statewide basis.

SEC. 1504. MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.

(a) REQUIREMENTS.—Section 302 of the Help America Vote Act of 2002 (52 U.S.C. 21082), as amended by section 1301(a), is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) MINIMUM NOTIFICATION REQUIREMENTS FOR VOTERS AFFECTED BY POLLING PLACE CHANGES.—

''(1) REQUIREMENT FOR PRECINCT-BASED POLLING.—

''(A) IN GENERAL.—If an applicable individual has been assigned to a polling place that is different than the polling place that such individual was assigned with respect to the most recent past election for Federal office in which the individual was eligible to vote—

''(i) the appropriate election official shall, not later than 2 days before the beginning of an early voting period—

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"(I) notify the individual of the location of the polling place not later than 2 days before the beginning of an early voting period; and

"(II) post a general notice on the website of the State or jurisdiction, on social media platforms (if available), and on signs a the prior polling place; and

"(ii) if such assignment is made after the date which is 2 days before the beginning of an early voting period and the individual appears on the date of the election at the polling place to which the individual was previously assigned, the jurisdiction shall make every reasonable effort to enable the individual to vote a ballot on the date of the election without the use of a provisional ballot.

"(B) APPLICABLE INDIVIDUAL.—For purposes of subparagraph (A), the term 'applicable individual' means, with respect to any election for Federal office, any individual—

"(i) who is registered to vote in a jurisdiction for such election and was reg-

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istered to vote in such jurisdiction for the most recent past election for Federal office; and

"(ii) whose voter registration address has not changed since such most recent past election for Federal office.

"(C) METHODS OF NOTIFICATION.—The appropriate election official shall notify an individual under clause (i)(I) of subparagraph (A) by mail, telephone, and (if available) text message and electronic mail.

"(2) REQUIREMENTS FOR VOTE CENTERS.—In the case of a jurisdiction in which individual are not assigned to specific polling places, not later than 2 days before the beginning of an early voting period, the appropriate election official shall notify each voter eligible to vote in such jurisdiction of the location of all polling places at which the individual may vote.

"(3) NOTICE WITH RESPECT TO CLOSED POLLING PLACES.—

"(A) IN GENERAL.—If a location which served as a polling place for an election for Federal office in a State does not serve as a polling place in the next election for Federal of-

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fice held in the State, the State shall ensure that signs are posted at such location on the date of the election and during any early voting period for the election containing the following information:

"(i) A statement that the location is not serving as a polling place in the election.

"(ii) The locations serving as polling places in the election in the jurisdiction involved.

"(iii) The name and address of any substitute polling place serving the same precinct and directions from the former polling place to the new polling place.

"(iv) Contact information, including a telephone number and website, for the appropriate State or local election official through which an individual may find the polling place to which the individual is assigned for the election.

"(B) INTERNET POSTING.—Each State which is required to post signs under subparagraph (A) shall also provide such information

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through a website and through social media (if available).

"(4) LINGUISTIC PREFERENCE.—The notices required under this subsection shall comply with the requirements of section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

"(5) EFFECTIVE DATE.—This subsection shall apply with respect to elections held on or after January 1, 2022.".

(b) CONFORMING AMENDMENT.—Section 302(g) of such Act (52 U.S.C. 21082(g)), as redesignated by subsection (a) and as amended by section 1301(b), is amended by striking "(d)(3) and (e)(2)" and inserting "(d)(3), (e)(2), and (f)(4)".

SEC. 1505. ELECTION MAIL AND DELIVERY IMPROVEMENTS.

(a) POSTMARK REQUIRED FOR BALLOTS.—

(1) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding at the end the following:

"§ 3407. Postmark required for ballots

"(a) IN GENERAL.—In the case of any absentee ballot carried by the Postal Service, the Postal Service shall indicate on the ballot envelope, using a postmark or otherwise—

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"(1) the fact that the ballot was carried by the Postal Service; and

"(2) the date on which the ballot was mailed.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'absentee ballot' means any ballot transmitted by a voter by mail in an election for Federal office, but does not include any ballot covered by section 3406; and

"(2) the term 'election for Federal office' means a general, special, primary, or runoff election for the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 34 of title 39, United States Code is amended by adding at the end the following:

"3407. Postmark required for ballots.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to absentee ballots relating to an election for Federal office occurring on or after January 1, 2022.

(b) GREATER VISIBILITY FOR BALLOTS.—

(1) IN GENERAL.—Subtitle A of title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended by section 1021, section 1031,

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section 1032, section 1033, section 1041, section 1101, section 1102, section 1103, and section 1104, is amended—

(A) by redesignating sections 313 and 314 as sections 314 and 315, respectively; and

(B) by inserting after section 312 the following new section:

"SEC. 313. BALLOT VISIBILITY.

''(a) IN GENERAL.—Each State or local election official shall—

''(1) affix Tag 191, Domestic and International Mail-In Ballots (or any successor tag designated by the United States Postal Service), to any tray or sack of official ballots relating to an election for Federal office that is destined for a domestic or international address;

''(2) use the Official Election Mail logo to designate official ballots relating to an election for Federal office that is destined for a domestic or international address; and

''(3) if an intelligent mail barcode is utilized for any official ballot relating to an election for Federal office that is destined for a domestic or international address, ensure the specific ballot service type identifier for such mail is visible.

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"(b) EFFECTIVE DATE.—The requirements of this section shall apply to elections for Federal office occurring on and after January 1, 2022.".

(2) VOLUNTARY GUIDANCE.—Section 321(b)(5) of such Act (52 U.S.C. 21101(b)), as added and redesignated by section 1101 and as amended by sections 1102, 1103 and 1104, is amended by striking "and 312" and inserting "312, and 313".

(3) CLERICAL AMENDMENTS.—The table of contents of such Act, as amended by section 1021, section 1031, section 1032, section 1033, section 1041, section 1101, section 1102, section 1103, and section 1104, is amended—

(A) by redesignating the items relating to sections 313 and 314 as relating to sections 314 and 315, respectively; and

(B) by inserting after the item relating to section 312 the following new item:

"Sec. 313. Ballot visibility.".

SEC. 1506. CARRIAGE OF ELECTION MAIL.

(a) TREATMENT OF ELECTION MAIL.—

(1) TREATMENT AS FIRST-CLASS MAIL; FREE POSTAGE.—Chapter 34 of title 39, United States Code, as amended by section 1505(a), is amended by adding at the end the following:

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"§ 3408. Domestic election mail; restriction of operational changes prior to elections

''(a) DEFINITION.—In this section, the term 'election mail' means—

''(1) a blank or completed voter registration application form, voter registration card, or similar materials, relating to an election for Federal office;

''(2) a blank or completed absentee or other mail-in ballot application form, and a blank or completed absentee or other mail-in ballot, relating to an election for Federal office, and

''(3) other materials relating to an election for Federal office that are mailed by a State or local election official to an individual who is registered to vote.

''(b) CARRIAGE OF ELECTION MAIL.—Election mail (other than balloting materials covered under section 3406 (relating to the Uniformed and Overseas Absentee Voting Act)), individually or in bulk, shall be carried in accordance with the service standards established for first-class mail under section 3691.

''(c) NO POSTAGE REQUIRED FOR COMPLETED BALLOTS.—Completed absentee or other mail-in ballots (other than balloting materials covered under section 3406 (relating to the Uniformed and Overseas Absentee Voting Act)) shall be carried free of postage.

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''(d) RESTRICTION OF OPERATIONAL CHANGES.—During the 120-day period which ends on the date of an election for Federal office, the Postal Service may not carry out any new operational change that would restrict the prompt and reliable delivery of election mail. This subsection applies to operational changes which include—

''(1) removing or eliminating any mail collection box without immediately replacing it; and

''(2) removing, decommissioning, or any other form of stopping the operation of mail sorting machines, other than for routine maintenance.

''(e) ELECTION MAIL COORDINATOR.—The Postal Service shall appoint an Election Mail Coordinator at each area office and district office to facilitate relevant information sharing with State, territorial, local, and Tribal election officials in regards to the mailing of election mail.''.

(2) REIMBURSEMENT OF POSTAL SERVICE FOR REVENUE FORGONE.—Section 2401(c) of title 39, United States Code, is amended by striking ''sections 3217 and 3403 through 3406'' and inserting ''sections 3217, 3403 through 3406, and 3409''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 34 of title 39, United States Code, as amended by section 1505(a), is amended by adding at the end the following:

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"3408. Domestic election mail; restriction of operational changes prior to elections.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to election mail relating to an election for Federal office occurring on or after January 1, 2022.

Subtitle G—Miscellaneous

SEC. 1601. APPLICATION OF HAVA TO TERRITORIES OF THE UNITED STATES.

(a) COVERAGE OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141) is amended by striking "and the United States Virgin Islands" and inserting "the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".

(b) CONFORMING AMENDMENTS TO HELP AMERICA VOTE ACT OF 2002.—Such Act is further amended as follows:

(1) The second sentence of section 213(a)(2) (52 U.S.C. 20943(a)(2)) is amended by striking "and American Samoa" and inserting "American Samoa, and the Commonwealth of the Northern Mariana Islands".

(2) Section 252(c)(2) (52 U.S.C. 21002(c)(2)) is amended by striking "or the United States Virgin Islands" and inserting "the United States Virgin Is-

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lands, or the Commonwealth of the Northern Mariana Islands''.

(c) CONFORMING AMENDMENT RELATING TO CONSULTATION OF HELP AMERICA VOTE FOUNDATION WITH LOCAL ELECTION OFFICIALS.—Section 90102(c) of title 36, United States Code, is amended by striking ''and the United States Virgin Islands'' and inserting ''the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

Subtitle H—Election Administration Funding

SEC. 1701. ELECTION ADMINISTRATION FUNDING.

(a) IN GENERAL.—The Election Assistance Commission shall make payments to States to carry out election administration activities pursuant to the provisions of, and amendments made by, this title and title III (other than sections 1005, 1032(c), 1061, 1105, 1107, 1108, and 3002) or section 303(c)(4) of the Help America Vote Act of 2002, as added by this Act.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to a State under this section for a year shall be equal to the product of—

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(A) the total amount appropriated for payments for the year pursuant to the authorization under subsection (c); and

(B) the State allocation percentage for the State (as determined under paragraph (2)).

(2) STATE ALLOCATION PERCENTAGE DEFINED.—The ''State allocation percentage'' for a State is the amount (expressed as a percentage) equal to the quotient of—

(A) the voting age population of the State (as reported in the most recent decennial census); and

(B) the total voting age population of all States (as reported in the most recent decennial census).

(3) MINIMUM AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section for a year may not be less than—

(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for payments for the year under subsection (c); or

(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Common-

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wealth of the Northern Mariana Islands, one-tenth of 1 percent of such total amount.

(4) PRO RATA REDUCTIONS.—The Administrator shall make such pro rata reductions to the allocations determined under paragraph (1) as are necessary to comply with the requirements of paragraph (3).

(5) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment made to a State under this section shall be available to the State without fiscal year limitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise provided under this Act, there are authorized to be appropriated to carry out this section the following amounts:

(A) For fiscal year 2021, $1,500,000,000.

(B) For the period of fiscal years 2022 through 2028, $1,500,000,000.

(2) AVAILABILITY.—Any amounts appropriated pursuant to the authority of paragraph (1) shall remain available without fiscal year limitation until expended.

(d) STATE DEFINED.—In this section, the term "State" includes the District of Columbia, the Common-

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wealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Subtitle I—Severability

SEC. 1801. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

TITLE II—ELECTION INTEGRITY

SEC. 2001. FINDING OF CONSTITUTIONAL AUTHORITY.

Congress finds that it has the authority to establish the terms and conditions States must follow in carrying out congressional redistricting after an apportionment of Members of the House of Representatives because—

(1) the authority granted to Congress under article I, section 4 of the Constitution of the United States gives Congress the power to enact laws governing the time, place, and manner of elections for Members of the House of Representatives; and

(2) the authority granted to Congress under section 5 of the 14th amendment to the Constitution

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gives Congress the power to enact laws to enforce section 2 of such amendment, which requires Representatives to be apportioned among the several States according to their number.

SEC. 2002. BAN ON MID-DECADE REDISTRICTING.

A State that has been redistricted in accordance with this title may not be redistricted again until after the next apportionment of Representatives under section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a), unless a court requires the State to conduct such subsequent redistricting to comply with the Constitution of the United States, the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), the Constitution of the State, or the terms or conditions of this title.

SEC. 2003. CRITERIA FOR REDISTRICTING.

(a) CRITERIA.—Under the redistricting plan of a State, there shall be established single-member congressional districts using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution, including the requirement that they equalize total population.

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(2) Districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), including by creating any districts where two or more politically cohesive groups protected by such Act are able to elect representatives of choice in coalition with one another, and all applicable Federal laws.

(3) Districts shall be drawn, to the extent that the totality of the circumstances warrant, to ensure the practical ability of a group protected under the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.) to participate in the political process and to nominate candidates and to elect representatives of choice is not diluted or diminished, regardless of whether or not such protected group constitutes a majority of a district's citizen voting age population.

(4) Districts shall respect communities of interest, neighborhoods, and political subdivisions to the extent practicable and after compliance with the requirements of paragraphs (1) through (3). A community of interest is defined as an area with recognized similarities of interests, including ethnic, racial, economic, tribal, social, cultural, geographic or historic identities. The term communities of interest may, in certain circumstances, include political subdivisions such as counties, municipalities, tribal

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lands and reservations, or school districts, but shall not include common relationships with political parties or political candidates.

(b) NO FAVORING OR DISFAVORING OF POLITICAL PARTIES.—

(1) PROHIBITION.—The redistricting plan enacted by a State shall not, when considered on a Statewide basis, be drawn with the intent or the effect of unduly favoring or disfavoring any political party.

(2) DETERMINATION OF EFFECT.—

(A) TOTALITY OF CIRCUMSTANCES.—For purposes of paragraph (1), the determination of whether a redistricting plan has the effect of unduly favoring or disfavoring a political party shall be based on the totality of circumstances, including evidence regarding the durability and severity of a plan's partisan bias.

(B) PLANS DEEMED TO HAVE EFFECT OF UNDULY FAVORING OR DISFAVORING A POLITICAL PARTY.—Without limiting other ways in which a redistricting plan may be determined to have the effect of unduly favoring or disfavoring a political party under the totality of circumstances under subparagraph (A), a redis-

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tricting plan shall be deemed to have the effect of unduly favoring or disfavoring a political party if—

(i) modeling based on relevant historical voting patterns shows that the plan is statistically likely to result in a partisan bias of more than one seat in States with 20 or fewer congressional districts or a partisan bias of more than 2 seats in States with more than 20 congressional districts, as determined using quantitative measures of partisan fairness, which may include, but are not limited to, the seats-to-votes curve for an enacted plan, the efficiency gap, the declination, partisan asymmetry, and the mean-median difference; and

(ii) alternative plans, which may include, but are not limited to, those generated by redistricting algorithms, exist that could have complied with the requirements of law and not been in violation of paragraph (1).

(3) DETERMINATION OF INTENT.—For purposes of paragraph (1), a rebuttable presumption

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shall exist that a redistricting plan enacted by the legislature of a State was not enacted with the intent of unduly favoring or disfavoring a political party if the plan was enacted with the support of at least a third of the members of the second largest political party in each house of the legislature.

(4) NO VIOLATION BASED ON CERTAIN CRITERIA.—No redistricting plan shall be found to be in violation of paragraph (1) because of partisan bias attributable to the application of the criteria set forth in paragraphs (1), (2), or (3) of subsection (a), unless one or more alternative plans could have complied with such paragraphs without having the effect of unduly favoring or disfavoring a political party.

(c) FACTORS PROHIBITED FROM CONSIDERATION.—In developing the redistricting plan for the State, the following factors may not be taken into consideration, except as necessary to comply with the criteria described in paragraphs (1) through (3) of subsection (a), to achieve partisan fairness and comply with subsection (b), and to enable the redistricting plan to be measured against the external metrics described in section 2004(d):

(1) The residence of any Member of the House of Representatives or candidate.

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(2) The political party affiliation or voting history of the population of a district.

(d) USE OF COMPUTER MODELS.—In developing the redistricting plan for the State, use of computer models shall be considered to analyze whether redistricting plans comply with paragraphs (a) and (b).

(e) APPLICABILITY.—This section applies to any authority, whether appointed, elected, judicial, or otherwise, that designs or enacts a congressional redistricting plan of a State.

(f) SEVERABILITY OF CRITERIA.—If any of the criteria set forth in this section, or the application of such criteria to any person or circumstance, is held to be unconstitutional, the remaining criteria set forth in this section, and the application of such criteria to any person or circumstance, shall not be affected by the holding.

SEC. 2004. PUBLIC NOTICE AND INPUT.

(a) PUBLIC NOTICE AND INPUT.—

(1) USE OF OPEN AND TRANSPARENT PROCESS.—The State shall solicit and take into consideration comments from the public throughout the process of developing the redistricting plan for the State, and shall carry out its duties in an open and transparent manner which provides for the widest

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public dissemination reasonably possible of its proposed and final redistricting plans.

(2) WEBSITE.—

(A) FEATURES.—The State shall maintain a public internet site which is not affiliated with or maintained by the office of any elected official and which includes the following features:

(i) All draft redistricting plans developed under subsection (b) and the final redistricting plan developed under subsection (c), including the accompanying written evaluation under subsection (d).

(ii) All comments received from the public submitted under paragraph (1).

(iii) Access in an easily usable format to the demographic and other data used by the State to develop and analyze the proposed redistricting plans, together with access to any software used to draw maps of proposed districts and to any reports analyzing and evaluating any such maps.

(iv) A method by which members of the public may submit comments directly to the State.

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(B) SEARCHABLE FORMAT.—The State shall ensure that all information posted and maintained on the site under this paragraph, including information and proposed maps submitted by the public, shall be maintained in an easily searchable format.

(C) DEADLINE.—The State shall ensure that the public internet site under this paragraph is operational (in at least a preliminary format) not later than January 1 of the year ending in the numeral one.

(3) PUBLIC COMMENT PERIOD.—The State shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time during the period—

(A) which begins on January 1 of the year ending in the numeral one; and

(B) which ends 7 days before the State approves the final redistricting plan.

(4) MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC LOCATIONS.—To the greatest extent practicable, the State shall hold its meetings and hearings in various geographic regions and locations throughout the State.

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(5) MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES.—The State shall make each notice which is required to be posted and published under this section available in any language in which the State (or any jurisdiction in the State) is required to provide election materials under section 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503).

(b) DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING PLAN.—

(1) IN GENERAL.—Prior to developing and publishing a final redistricting plan under subsection (c), the State shall develop and publish a preliminary redistricting plan.

(2) MINIMUM PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT PRIOR TO DEVELOPMENT.—

(A) 3 HEARINGS REQUIRED.—Prior to developing a preliminary redistricting plan under this subsection, the State shall hold not fewer than 3 public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for the State and the process by which the State will develop the preliminary plan under this subsection.

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(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior to the date of each hearing held under this paragraph, the State shall post notices of the hearing on the website maintained under subsection (a)(2), and shall provide for the publication of such notices in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(3) PUBLICATION OF PRELIMINARY PLAN.—

(A) IN GENERAL.—The State shall post the preliminary redistricting plan developed under this subsection, together with a report that includes the State's responses to any public comments received under subsection (a)(3), on the website maintained under subsection (a)(2), and shall provide for the publication of each such plan in newspapers of general circulation throughout the State.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO PUBLICATION.—Not fewer than 14 days prior to the date on which the State posts and publishes the preliminary plan under this paragraph, the State shall notify the public through

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the website maintained under subsection (a)(2), as well as through publication of notice in newspapers of general circulation throughout the State, of the pending publication of the plan.

(4) MINIMUM POST-PUBLICATION PERIOD FOR PUBLIC COMMENT.—The State shall accept and consider comments from the public (including through the website maintained under subsection (a)(2)) with respect to the preliminary redistricting plan published under paragraph (3), for not fewer than 30 days after the date on which the plan is published.

(5) POST-PUBLICATION HEARINGS.—

(A) 3 HEARINGS REQUIRED.—After posting and publishing the preliminary redistricting plan under paragraph (3), the State shall hold not fewer than 3 public hearings in different geographic areas of the State at which members of the public may provide input and comments regarding the preliminary plan.

(B) MINIMUM PERIOD FOR NOTICE PRIOR TO HEARINGS.—Not fewer than 14 days prior to the date of each hearing held under this paragraph, the State shall post notices of the hearing on the website maintained under subsection (a)(2), and shall provide for the publica-

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tion of such notices in newspapers of general circulation throughout the State. Each such notice shall specify the date, time, and location of the hearing.

(6) PERMITTING MULTIPLE PRELIMINARY PLANS.—At the option of the State, after developing and publishing the preliminary redistricting plan under this subsection, the State may develop and publish subsequent preliminary redistricting plans, so long as the process for the development and publication of each such subsequent plan meets the requirements set forth in this subsection for the development and publication of the first preliminary redistricting plan.

(c) PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN.—

(1) IN GENERAL.—After taking into consideration comments from the public on any preliminary redistricting plan developed and published under subsection (b), the State shall develop and publish a final redistricting plan for the State.

(2) PUBLICATION OF PLAN AND ACCOMPANYING MATERIALS.—The State shall provide the following information to the public through the website maintained under subsection (a)(2), as well as through

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newspapers of general circulation throughout the State:

(A) The final redistricting plan, including all relevant maps.

(B) A report by the State to accompany the plan which provides the background for the plan and the State's reasons for selecting the plan as the final redistricting plan, including responses to the public comments received on any preliminary redistricting plan developed and published under subsection (b).

(3) ENACTMENT.—Subject to paragraph (4), the final redistricting plan developed and published under this subsection shall be deemed to be enacted into law upon the expiration of the 45-day period which begins on the date on which the plan is published.

(4) REVIEW BY DEPARTMENT OF JUSTICE.—

(A) REQUIRING SUBMISSION OF PLAN FOR REVIEW.—The final redistricting plan shall not be deemed to be enacted into law unless the State submits the plan to the Department of Justice for an administrative review to determine if the plan is in compliance with the cri-

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teria described in paragraphs (2) and (3) of section 2003(a).

(B) TERMINATION OF REVIEW.—The Department of Justice shall terminate any administrative review under subparagraph (A) if, during the 45-day period which begins on the date the plan is enacted into law, an action is filed in a United States district court alleging that the plan is not in compliance with the criteria described in paragraphs (2) and (3) of section 2003(a).

(d) WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS.—The State shall include with each redistricting plan developed and published under this section a written evaluation that measures each such plan against external metrics which cover the criteria set forth in section 2003(a), including the impact of the plan on the ability of communities of color to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the plan preserves or divides communities of interest.

(e) TIMING.—The State may begin its work on the redistricting plan of the State upon receipt of relevant population information from the Bureau of the Census, and shall approve a final redistricting plan for the State

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in each year ending in the numeral one not later than 8 months after the date on which the State receives the State apportionment notice or October 1, whichever occurs later.

SEC. 2005. ENACTMENT OF PLAN DEVELOPED BY 3-JUDGE COURT.

(a) DEVELOPMENT OF PLAN.—If a State fails to enact a final redistricting plan for the State prior to the expiration of the deadline set forth in section 2004(e)—

(1) not later than December 15 of that year, the United States district court for the applicable venue, acting through a 3-judge court convened pursuant to section 2284 of title 28, United States Code, shall develop and publish the congressional redistricting plan for the State; and

(2) the final plan developed and published by the court under this section shall be deemed to be enacted on the date on which the court publishes the final plan, as described in subsection (d).

(b) APPLICABLE VENUE DESCRIBED.—For purposes of this section, the ''applicable venue'' with respect to a State is the District of Columbia or the judicial district in which the capital of the State is located, as selected by the first party to file with the court sufficient evidence of the occurrence of the failure of the State to enact a

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final redistricting plan for the State prior to the expiration of the deadline set forth in section 2004(e).

(c) PROCEDURES FOR DEVELOPMENT OF PLAN.—

(1) CRITERIA.—In developing a redistricting plan for a State under this section, the court shall adhere to the same terms and conditions that applied (or that would have applied, as the case may be) to the development of a plan by the State under section 2003.

(2) ACCESS TO INFORMATION AND RECORDS.—The court shall have access to any information, data, software, or other records and material that was used (or that would have been used, as the case may be) by the State in carrying out its duties under this title.

(3) HEARING; PUBLIC PARTICIPATION.—In developing a redistricting plan for a State, the court shall—

(A) hold one or more evidentiary hearings at which interested members of the public may appear and be heard and present testimony, including expert testimony, in accordance with the rules of the court; and

(B) consider other submissions and comments by the public, including proposals for re-

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districting plans to cover the entire State or any portion of the State.

(4) USE OF SPECIAL MASTER.—To assist in the development and publication of a redistricting plan for a State under this section, the court may appoint a special master to make recommendations to the court on possible plans for the State.

(d) PUBLICATION OF PLAN.—

(1) PUBLIC AVAILABILITY OF INITIAL PLAN.—Upon completing the development of one or more initial redistricting plans, the court shall make the plans available to the public at no cost, and shall also make available the underlying data used by the court to develop the plans and a written evaluation of the plans against external metrics (as described in section 2004(d)).

(2) PUBLICATION OF FINAL PLAN.—At any time after the expiration of the 14-day period which begins on the date the court makes the plans available to the public under paragraph (1), and taking into consideration any submissions and comments by the public which are received during such period, the court shall develop and publish the final redistricting plan for the State.

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(e) USE OF INTERIM PLAN.—In the event that the court is not able to develop and publish a final redistricting plan for the State with sufficient time for an upcoming election to proceed, the court may develop and publish an interim redistricting plan which shall serve as the redistricting plan for the State until the court develops and publishes a final plan in accordance with this section. Nothing in this subsection may be construed to limit or otherwise affect the authority or discretion of the court to develop and publish the final redistricting plan, including the discretion to make any changes the court deems necessary to an interim redistricting plan.

SEC. 2006. SPECIAL RULE FOR REDISTRICTING CONDUCTED UNDER ORDER OF FEDERAL COURT.

If a Federal court requires a State to conduct redistricting subsequent to an apportionment of Representatives in the State in order to comply with the Constitution or to enforce the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), section 2004 shall apply with respect to the redistricting, except that the court may revise any of the deadlines set forth in such section if the court determines that a revision is appropriate in order to provide for a timely enactment of a new redistricting plan for the State.

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SEC. 2007. PAYMENTS TO STATES FOR CARRYING OUT REDISTRICTING.

(a) AUTHORIZATION OF PAYMENTS.—Not later than 30 days after a State receives a State apportionment notice, the Election Assistance Commission shall, subject to the availability of appropriations provided pursuant to subsection (d), make a payment to the State in an amount equal to the product of—

(1) the number of Representatives to which the State is entitled, as provided under the notice; and

(2) $150,000.

(b) USE OF FUNDS.—A State shall use the payment made under this section to use computer models to analyze the State's redistricting plans, to implement the State redistricting plan, and to otherwise carry out congressional redistricting in the State.

(c) NO PAYMENT TO STATES WITH SINGLE MEMBER.—The Election Assistance Commission shall not make a payment under this section to any State which is not entitled to more than one Representative under its State apportionment notice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for payments under this section.

SEC. 2008. CIVIL ENFORCEMENT.

(a) CIVIL ENFORCEMENT.—

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(1) ACTIONS BY ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief as may be appropriate to carry out this title.

(2) AVAILABILITY OF PRIVATE RIGHT OF ACTION.—Any citizen of a State who is aggrieved by the failure of the State to meet the requirements of this title may bring a civil action in the United States district court for the applicable venue for such relief as may be appropriate to remedy the failure. For purposes of this section, the ''applicable venue'' is the District of Columbia or the judicial district in which the capital of the State is located, as selected by the person who brings the civil action.

(b) EXPEDITED CONSIDERATION.—In any action brought forth under this section, the following rules shall apply:

(1) The action shall be filed in the district court of the United States for the District of Columbia or for the judicial district in which the capital of the State is located, as selected by the person bringing the action.

(2) The action shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

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(3) The 3-judge court shall consolidate actions brought for relief under paragraph (1) with respect to the same State redistricting plan.

(4) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(5) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(6) It shall be the duty of the district court and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(c) REMEDIES.—

(1) ADOPTION OF REPLACEMENT PLAN.—

(A) IN GENERAL.—If the district court in an action under this section finds that the congressional redistricting plan of a State violates, in whole or in part, the requirements of this title—

(i) the court shall adopt a replacement congressional redistricting plan for the

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State in accordance with the process set forth in section 2005; or

(ii) if circumstances warrant and no delay to an upcoming regularly scheduled election for the House of Representatives in the State would result, the district court may allow a State to develop and propose a remedial congressional redistricting plan for consideration by the court, and such remedial plan may be developed by the State by adopting such appropriate changes to the State's enacted plan as may be ordered by the court.

(B) SPECIAL RULE IN CASE FINAL ADJUDICATION NOT EXPECTED WITHIN 3 MONTHS OF ELECTION.—If final adjudication of an action under this section is not reasonably expected to be completed at least three months prior to the next regularly scheduled election for the House of Representatives in the State, the district court shall, as the balance of equities warrant,—

(i) order development, adoption, and use of an interim congressional redistricting plan in accordance with section

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2005(e) to address any claims under this title for which a party seeking relief has demonstrated a substantial likelihood of success; or

(ii) order adjustments to the timing of primary elections for the House of Representatives, as needed, to allow sufficient opportunity for adjudication of the matter and adoption of a remedial or replacement plan for use in the next regularly scheduled general elections for the House of Representatives.

(2) NO INJUNCTIVE RELIEF PERMITTED.—Any remedial or replacement congressional redistricting plan ordered under this subsection shall not be subject to temporary or preliminary injunctive relief from any court unless the record establishes that a writ of mandamus is warranted.

(3) NO STAY PENDING APPEAL.—Notwithstanding the appeal of an order finding that a congressional redistricting plan of a State violates, in whole or in part, the requirements of this title, no stay shall issue which shall bar the development or adoption of a replacement or remedial plan under

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this subsection, as may be directed by the district court, pending such appeal.

(d) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(e) RELATION TO OTHER LAWS.—

(1) RIGHTS AND REMEDIES ADDITIONAL TO OTHER RIGHTS AND REMEDIES.—The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this title shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(2) VOTING RIGHTS ACT OF 1965.—Nothing in this title authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.).

(f) LEGISLATIVE PRIVILEGE.—No person, legislature, or State may claim legislative privilege under either State or Federal law in a civil action brought under this section or in any other legal challenge, under either State or Federal law, to a redistricting plan enacted under this title.

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SEC. 2009. STATE APPORTIONMENT NOTICE DEFINED.

In this title, the ''State apportionment notice'' means, with respect to a State, the notice sent to the State from the Clerk of the House of Representatives under section 22(b) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for an apportionment of Representatives in Congress'', approved June 18, 1929 (2 U.S.C. 2a), of the number of Representatives to which the State is entitled.

SEC. 2010. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL OFFICE.

Nothing in this title or in any amendment made by this title may be construed to affect the manner in which a State carries out elections for State or local office, including the process by which a State establishes the districts used in such elections.

SEC. 2011. EFFECTIVE DATE.

This title and the amendments made by this title shall apply on the date of enactment of this title.

TITLE III—ELECTION SECURITY

SEC. 3001. SHORT TITLE; SENSE OF CONGRESS.

(a) SHORT TITLE.—This title may be cited as the ''Election Security Act''.

(b) SENSE OF CONGRESS ON NEED TO IMPROVE ELECTION INFRASTRUCTURE SECURITY.—It is the sense of Congress that, in light of the lessons learned from Rus-

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sian interference in the 2016 Presidential election, the Federal Government should intensify its efforts to improve the security of election infrastructure in the United States, including through the use of individual, durable, paper ballots marked by the voter by hand.

SEC. 3002. GRANTS FOR CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

(a) AVAILABILITY OF GRANTS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as amended by section 1032(c), is amended by adding at the end the following new part:

"PART 8—GRANTS FOR CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

"SEC. 298. GRANTS FOR CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

''(a) AVAILABILITY AND USE OF GRANT.—The Commission shall make a grant to each eligible State—

''(1) to carry out voting system security improvements described in section 298A with respect to the regularly scheduled general election for Federal office held in November 2022 and each succeeding election for Federal office;

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"(2) to implement and model best practices for ballot design, ballot instructions, and the testing of ballots; and

"(3) to purchase or acquire accessible voting systems that meet the requirements of paragraph (3)(A)(i) of section 301(a) by the means described in paragraph (3)(B) of such section.

"(b) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment made to an eligible State under this section shall be the minimum payment amount described in paragraph (2) plus the voting age population proportion amount described in paragraph (3).

"(2) MINIMUM PAYMENT AMOUNT.—The minimum payment amount described in this paragraph is—

"(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the aggregate amount made available for payments under this section; and

"(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, one-tenth of 1 percent of such aggregate amount.

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"(3) VOTING AGE POPULATION PROPORTION AMOUNT.—The voting age population proportion amount described in this paragraph is the product of—

"(A) the aggregate amount made available for payments under this section minus the total of all of the minimum payment amounts determined under paragraph (2); and

"(B) the voting age population proportion for the State (as defined in paragraph (4)).

"(4) VOTING AGE POPULATION PROPORTION DEFINED.—The term 'voting age population proportion' means, with respect to a State, the amount equal to the quotient of—

"(A) the voting age population of the State (as reported in the most recent decennial census); and

"(B) the total voting age population of all States (as reported in the most recent decennial census).

"(5) REQUIREMENT RELATING TO PURCHASE OF ACCESSIBLE VOTING SYSTEMS.—An eligible State shall use not less than 10 percent of funds received by the State under this section to purchase accessible voting systems described in subsection (a)(3).

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"(c) DEFINITIONS.—For purposes of this part:

"(1) CYBERSECURITY INCIDENT.—The term 'cybersecurity incident' has the meaning given the term 'incident' in section 227 of the Homeland Security Act of 2002 (6 U.S.C. 659).

"(2) ELECTION AGENCY.—The term 'election agency' means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

"(3) ELECTION INFRASTRUCTURE.—The term 'election infrastructure' means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

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"SEC. 298A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.

"(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:

"(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

"(2) Cyber and risk mitigation training.

"(3) A security risk and vulnerability assessment of the State's election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider.

"(4) The maintenance of infrastructure used for elections, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or facility which is not a primary provider of information technology services for the administration of elections, and which is used primarily for purposes other than the administration of elections for public office.

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"(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure.

"(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

"(7) Enhancing the cybersecurity of voter registration systems.

"(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—For purposes of this part, a 'qualified election infrastructure vendor' is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency who meets the criteria described in section 3002(b) of the Election Security Act.

"SEC. 298B. ELIGIBILITY OF STATES.

"A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

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''(1) a description of how the State will use the grant to carry out the activities authorized under this part;

''(2) a certification and assurance that, not later than 5 years after receiving the grant, the State will carry out voting system security improvements, as described in section 298A; and

''(3) such other information and assurances as the Commission may require.

''SEC. 298C. REPORTS TO CONGRESS.

''Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

''SEC. 298D. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION.—There are authorized to be appropriated for grants under this part—

''(1) $2,400,000,000 for fiscal year 2021; and

''(2) $175,000,000 for each of the fiscal years 2022, 2024, 2026, and 2028.

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"(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any amounts appropriated pursuant to the authorization of this section shall remain available until expended.".

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

"PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

"Sec. 298. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
"Sec. 298A. Voting system security improvements described.
"Sec. 298B. Eligibility of States.
"Sec. 298C. Reports to Congress.
"Sec. 298D. Authorization of appropriations.

(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS.—

(1) IN GENERAL.—The Secretary, in consultation with the Chairman, shall establish and publish criteria for qualified election infrastructure vendors for purposes of section 298A of the Help America Vote Act of 2002 (as added by this Act).

(2) CRITERIA.—The criteria established under paragraph (1) shall include each of the following requirements:

(A) The vendor shall—

(i) be owned and controlled by a citizen or permanent resident of the United

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States or a member of the Five Eyes intelligence-sharing alliance; and

(ii) in the case of any election infrastructure which is a voting machine, ensure that such voting machine is assembled in the United States.

(B) The vendor shall disclose to the Secretary and the Chairman, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under part 7 of subtitle A of title II of the Help America Vote Act of 2002 (as added by this Act), of any sourcing outside the United States for parts of the election infrastructure.

(C) The vendor shall disclose to the Secretary and the Chairman, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under such part 7, the identification of any entity or individual with a more than 5 percent ownership interest in the vendor.

(D) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with

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the cybersecurity best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(E) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(F) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the supply chain best practices issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(G) The vendor agrees to ensure that it has personnel policies and practices in place that are consistent with personnel best practices, including cybersecurity training and background checks, issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

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(H) The vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with data integrity best practices, including requirements for encrypted transfers and validation, testing and checking printed materials for accuracy, and disclosure of quality control incidents, issued by the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security.

(I) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under part 7 of subtitle A of title II of the Help America Vote Act of 2002 (as added by this Act).

(J) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a) of the Help America Vote Act of 2002 (52 U.S.C. 20971)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under part 7 of subtitle A of title II of the Help

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America Vote Act of 2002 (as added by this Act).

(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

(A) IN GENERAL.—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under part 7 of subtitle A of title II of the Help America Vote Act of 2002 (as added by this Act)—

(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);

(ii) if the incident involves goods or services provided to an election agency, the vendor submits a notification meeting the requirements of subparagraph (B) to the

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agency as soon as practicable (but in no case later than 3 days after the vendor first becomes aware of the possibility that the incident occurred), and cooperates with the agency in providing any other necessary notifications relating to the incident; and

(iii) the vendor provides all necessary updates to any notification submitted under clause (i) or clause (ii).

(B) CONTENTS OF NOTIFICATIONS.—Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:

(i) The date, time, and time zone when the election cybersecurity incident began, if known.

(ii) The date, time, and time zone when the election cybersecurity incident was detected.

(iii) The date, time, and duration of the election cybersecurity incident.

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(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

(v) Any planned and implemented technical measures to respond to and recover from the incident.

(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

(C) DEVELOPMENT OF CRITERIA FOR REPORTING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall, in consultation with the Election Infrastructure Sector Coordinating Council, develop criteria for incidents which are required to be reported in accordance with subparagraph (A).

(4) DEFINITIONS.—In this subsection:

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(A) COMMISSION.—The term ''Commission'' means the Election Assistance Commission.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(C) OTHER TERMS.—The terms ''cybersecurity incident'', ''election agency'', and ''election infrastructure'' have the meaning given those terms in section 298(c) of the Help America Vote Act of 2002, as added by subsection (a).

SEC. 3003. COORDINATION OF VOTING SYSTEM SECURITY ACTIVITIES WITH USE OF REQUIREMENTS PAYMENTS AND ELECTION ADMINISTRATION REQUIREMENTS UNDER HELP AMERICA VOTE ACT OF 2002.

(a) DUTIES OF ELECTION ASSISTANCE COMMISSION.—Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended in the matter preceding paragraph (1) by striking ''by'' and inserting ''and the security of election infrastructure (as defined in section 298(c)) by''.

(b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSISTANCE COMMISSION.—Section 214(a) of such Act (52

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U.S.C. 20944(a)), as amended by section 1106, is amended—

(1) by striking ''49 members'' and inserting ''50 members''; and

(2) by adding at the end the following new paragraph:

''(21) The Secretary of Homeland Security or the Secretary's designee.''.

(c) REPRESENTATIVE OF DEPARTMENT OF HOMELAND SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(c)(1) of such Act (52 U.S.C. 20961(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''14'' and inserting ''15'';

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) A representative of the Department of Homeland Security.''.

(d) GOALS OF PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—Section 241(a) of such Act (52 U.S.C. 20981(a)) is amended—

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(1) in the matter preceding paragraph (1), by striking ''the Commission shall'' and inserting ''the Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

''(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and''.

(e) REQUIREMENTS PAYMENTS.—

(1) USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—Section 251(b) of such Act (52 U.S.C. 21001(b)) is amended—

(A) in paragraph (1), by striking ''as provided in paragraphs (2) and (3)'' and inserting ''as otherwise provided in this subsection''; and

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

''(4) PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—A State

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may use a requirements payment to carry out any of the following activities:

"(A) Cyber and risk mitigation training.

"(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure (as defined in section 298(c)) or designates as critical to the operation of the State's election infrastructure (as so defined).

"(C) Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).

"(D) Enhancing the security of voter registration databases.".

(2) INCORPORATION OF ELECTION INFRASTRUCTURE PROTECTION IN STATE PLANS FOR USE OF PAYMENTS.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking the period at the end and inserting ", including the protection of election infrastructure (as defined in section 298(c)).".

(3) COMPOSITION OF COMMITTEE RESPONSIBLE FOR DEVELOPING STATE PLAN FOR USE OF PAY-

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MENTS.—Section 255 of such Act (52 U.S.C. 21005) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) GEOGRAPHIC REPRESENTATION.—The members of the committee shall be a representative group of individuals from the State's counties, cities, towns, and Indian tribes, and shall represent the needs of rural as well as urban areas of the State, as the case may be.".

(f) ENSURING PROTECTION OF COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST.—Section 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amended by striking the period at the end and inserting ", as well as other measures to prevent and deter cybersecurity incidents (as defined in section 298(c)), as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee.".

SEC. 3004. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and

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amendment to any person or circumstance, shall not be affected by the holding.

DIVISION B—CAMPAIGN FINANCE

TITLE IV—CAMPAIGN FINANCE TRANSPARENCY

Subtitle A—Establishing Duty to Report Foreign Election Interference

SEC. 4001. FINDINGS RELATING TO ILLICIT MONEY UNDERMINING OUR DEMOCRACY.

Congress finds the following:

(1) Criminals, terrorists, and corrupt government officials frequently abuse anonymously held Limited Liability Companies (LLCs), also known as ''shell companies,'' to hide, move, and launder the dirty money derived from illicit activities such as trafficking, bribery, exploitation, and embezzlement. Ownership and control of the finances that run through shell companies are obscured to regulators and law enforcement because little information is required and collected when establishing these entities.

(2) The public release of the ''Panama Papers'' in 2016 and the ''Paradise Papers'' in 2017 revealed that these shell companies often purchase and sell

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United States real estate. United States anti-money laundering laws do not apply to cash transactions involving real estate effectively concealing the beneficiaries and transactions from regulators and law enforcement.

(3) Since the Supreme Court's decisions in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), millions of dollars have flowed into super PACs through LLCs whose funders are anonymous or intentionally obscured. Criminal investigations have uncovered LLCs that were used to hide illegal campaign contributions from foreign criminal fugitives, to advance international influence-buying schemes, and to conceal contributions from donors who were already under investigation for bribery and racketeering. Voters have no way to know the true sources of the money being routed through these LLCs to influence elections, including whether any of the funds come from foreign or other illicit sources.

(4) Congress should curb the use of anonymous shell companies for illicit purposes by requiring United States companies to disclose their beneficial owners, strengthening anti-money laundering and counter-terrorism finance laws.

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(5) Congress should examine the money laundering and terrorist financing risks in the real estate market, including the role of anonymous parties, and review legislation to address any vulnerabilities identified in this sector.

(6) Congress should examine the methods by which corruption flourishes and the means to detect and deter the financial misconduct that fuels this driver of global instability. Congress should monitor government efforts to enforce United States anti-corruption laws and regulations.

SEC. 4002. FEDERAL CAMPAIGN REPORTING OF FOREIGN CONTACTS.

(a) INITIAL NOTICE.—

(1) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE OF REPORTABLE FOREIGN CONTACTS.—

''(1) COMMITTEE OBLIGATION TO NOTIFY.—Not later than 1 week after a reportable foreign contact, each political committee shall notify the Federal Bureau of Investigation and the Commission of the reportable foreign contact and provide a sum-

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mary of the circumstances with respect to such reportable foreign contact. The Federal Bureau of Investigation, not later than 1 week after receiving a notification from a political committee under this paragraph, shall submit to the political committee, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate written or electronic confirmation of receipt of the notification.

"(2) INDIVIDUAL OBLIGATION TO NOTIFY.—Not later than 3 days after a reportable foreign contact—

"(A) each candidate and each immediate family member of a candidate shall notify the treasurer or other designated official of the principal campaign committee of such candidate of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact; and

"(B) each official, employee, or agent of a political committee shall notify the treasurer or other designated official of the committee of the reportable foreign contact and provide a summary of the circumstances with respect to such reportable foreign contact.

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"(3) REPORTABLE FOREIGN CONTACT.—In this subsection:

"(A) IN GENERAL.—The term 'reportable foreign contact' means any direct or indirect contact or communication that—

"(i) is between—

"(I) a candidate, an immediate family member of the candidate, a political committee, or any official, employee, or agent of such committee; and

"(II) an individual that the person described in subclause (I) knows, has reason to know, or reasonably believes is a covered foreign national; and

"(ii) the person described in clause (i)(I) knows, has reason to know, or reasonably believes involves—

"(I) an offer or other proposal for a contribution, donation, expenditure, disbursement, or solicitation described in section 319; or

"(II) coordination or collaboration with, an offer or provision of in-

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formation or services to or from, or persistent and repeated contact with, a covered foreign national in connection with an election.

''(B) EXCEPTIONS.—

''(i) CONTACTS IN OFFICIAL CAPACITY AS ELECTED OFFICIAL.—The term 'reportable foreign contact' shall not include any contact or communication with a covered foreign national by an elected official or an employee of an elected official solely in an official capacity as such an official or employee.

''(ii) CONTACTS FOR PURPOSES OF ENABLING OBSERVATION OF ELECTIONS BY INTERNATIONAL OBSERVERS.—The term 'reportable foreign contact' shall not include any contact or communication with a covered foreign national by any person which is made for purposes of enabling the observation of elections in the United States by a foreign national or the observation of elections outside of the United States by a candidate, political committee,

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or any official, employee, or agent of such committee.

"(iii) EXCEPTIONS NOT APPLICABLE IF CONTACTS OR COMMUNICATIONS INVOLVE PROHIBITED DISBURSEMENTS.—A contact or communication by an elected official or an employee of an elected official shall not be considered to be made solely in an official capacity for purposes of clause (i), and a contact or communication shall not be considered to be made for purposes of enabling the observation of elections for purposes of clause (ii), if the contact or communication involves a contribution, donation, expenditure, disbursement, or solicitation described in section 319.

"(C) COVERED FOREIGN NATIONAL DEFINED.—

"(i) IN GENERAL.—In this paragraph, the term 'covered foreign national' means—

"(I) a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)) that is a government

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of a foreign country or a foreign political party;

"(II) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal described in subclause (I) or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal described in subclause (I); or

"(III) any person included in the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury pursuant to authorities relating to the imposition of sanctions relating to the conduct of a foreign principal described in subclause (I).

"(ii) CLARIFICATION REGARDING APPLICATION TO CITIZENS OF THE UNITED

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STATES.—In the case of a citizen of the United States, subclause (II) of clause (i) applies only to the extent that the person involved acts within the scope of that person's status as the agent of a foreign principal described in subclause (I) of clause (i).

''(4) IMMEDIATE FAMILY MEMBER.—In this subsection, the term 'immediate family member' means, with respect to a candidate, a parent, parent-in-law, spouse, adult child, or sibling.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to reportable foreign contacts which occur on or after the date of the enactment of this Act.

(b) INFORMATION INCLUDED ON REPORT.—

(1) IN GENERAL.—Section 304(b) of such Act (52 U.S.C. 30104(b)) is amended—

(A) by striking ''and'' at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

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"(9) for any reportable foreign contact (as defined in subsection (j)(3))—

"(A) the date, time, and location of the contact;

"(B) the date and time of when a designated official of the committee was notified of the contact;

"(C) the identity of individuals involved; and

"(D) a description of the contact, including the nature of any contribution, donation, expenditure, disbursement, or solicitation involved and the nature of any activity described in subsection (j)(3)(A)(ii)(II) involved.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to reports filed on or after the expiration of the 60-day period which begins on the date of the enactment of this Act.

SEC. 4003. FEDERAL CAMPAIGN FOREIGN CONTACT REPORTING COMPLIANCE SYSTEM.

(a) IN GENERAL.—Section 302 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30102) is amended by adding at the end the following new subsection:

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"(j) REPORTABLE FOREIGN CONTACTS COMPLIANCE POLICY.—

"(1) REPORTING.—Each political committee shall establish a policy that requires all officials, employees, and agents of such committee (and, in the case of an authorized committee, the candidate and each immediate family member of the candidate) to notify the treasurer or other appropriate designated official of the committee of any reportable foreign contact (as defined in section 304(j)) not later than 3 days after such contact was made.

"(2) RETENTION AND PRESERVATION OF RECORDS.—Each political committee shall establish a policy that provides for the retention and preservation of records and information related to reportable foreign contacts (as so defined) for a period of not less than 3 years.

"(3) CERTIFICATION.—

"(A) IN GENERAL.—Upon filing its statement of organization under section 303(a), and with each report filed under section 304(a), the treasurer of each political committee (other than an authorized committee) shall certify that—

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"(i) the committee has in place policies that meet the requirements of paragraphs (1) and (2);

"(ii) the committee has designated an official to monitor compliance with such policies; and

"(iii) not later than 1 week after the beginning of any formal or informal affiliation with the committee, all officials, employees, and agents of such committee will—

"(I) receive notice of such policies;

"(II) be informed of the prohibitions under section 319; and

"(III) sign a certification affirming their understanding of such policies and prohibitions.

"(B) AUTHORIZED COMMITTEES.—With respect to an authorized committee, the candidate shall make the certification required under subparagraph (A).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to political

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committees which file a statement of organization under section 303(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30103(a)) on or after the date of the enactment of this Act.

(2) TRANSITION RULE FOR EXISTING COMMITTEES.—Not later than 30 days after the date of the enactment of this Act, each political committee under the Federal Election Campaign Act of 1971 shall file a certification with the Federal Election Commission that the committee is in compliance with the requirements of section 302(j) of such Act (as added by subsection (a)).

SEC. 4004. CRIMINAL PENALTIES.

Section 309(d)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30109(d)(1)) is amended by adding at the end the following new subparagraphs:

''(E) Any person who knowingly and willfully commits a violation of subsection (j) or (b)(9) of section 304 or section 302(j) shall be fined not more than $500,000, imprisoned not more than 5 years, or both.

''(F) Any person who knowingly and willfully conceals or destroys any materials relating to a reportable foreign contact (as defined in section 304(j)) shall be fined not more than $1,000,000, imprisoned not more than 5 years, or both.''.

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SEC. 4005. REPORT TO CONGRESSIONAL INTELLIGENCE COMMITTEES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report relating to notifications received by the Federal Bureau of Investigation under section 304(j)(1) of the Federal Election Campaign Act of 1971 (as added by section 4002(a) of this Act).

(b) ELEMENTS.—Each report under subsection (a) shall include, at a minimum, the following with respect to notifications described in subsection (a):

(1) The number of such notifications received from political committees during the year covered by the report.

(2) A description of protocols and procedures developed by the Federal Bureau of Investigation relating to receipt and maintenance of records relating to such notifications.

(3) With respect to such notifications received during the year covered by the report, a description of any subsequent actions taken by the Director resulting from the receipt of such notifications.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intel-

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ligence committees'' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

SEC. 4006. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed—

(1) to impede legitimate journalistic activities; or

(2) to impose any additional limitation on the right to express political views or to participate in public discourse of any individual who—

(A) resides in the United States;

(B) is not a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(C) is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

Subtitle B—DISCLOSE Act

SEC. 4100. SHORT TITLE.

This subtitle may be cited as the ''Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2021'' or the ''DISCLOSE Act of 2021''.

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PART 1—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

SEC. 4101. CLARIFICATION OF PROHIBITION ON PARTICIPATION BY FOREIGN NATIONALS IN ELECTION-RELATED ACTIVITIES.

(a) CLARIFICATION OF PROHIBITION.—Section 319(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) a foreign national to direct, dictate, control, or directly or indirectly participate in the decision making process of any person (including a corporation, labor organization, political committee, or political organization) with regard to such person's Federal or non-Federal election-related activity, including any decision concerning the making of contributions, donations, expenditures, or disbursements in connection with an election for any Federal, State, or local office or any decision concerning the administration of a political committee.''.

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(b) CERTIFICATION OF COMPLIANCE.—Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

"(c) CERTIFICATION OF COMPLIANCE REQUIRED PRIOR TO CARRYING OUT ACTIVITY.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, labor organization (as defined in section 316(b)), limited liability corporation, or partnership during a year, the chief executive officer of the corporation, labor organization, limited liability corporation, or partnership (or, if the corporation, labor organization, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, labor organization, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that a foreign national did not direct, dictate, control, or directly or indirectly participate in the decision making process relating to such activity in violation of subsection (a)(3), unless the chief executive officer has previously filed such a certification during that calendar year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the

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180-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 4102. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) APPLICATION TO DISBURSEMENTS TO SUPER PACS AND OTHER PERSONS.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs 2 ems to the right;

(2) by striking ''As used in this section'' and inserting the following: ''DEFINITIONS.—For purposes of this section—

''(1) FOREIGN NATIONAL.—The term''; and

(3) by adding at the end the following new paragraph:

''(2) CONTRIBUTION AND DONATION.—For purposes of paragraphs (1) and (2) of subsection (a), the term 'contribution or donation' includes any disbursement to a political committee which accepts donations or contributions that do not comply with any

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of the limitations, prohibitions, and reporting requirements of this Act (or any disbursement to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to any other person for the purpose of funding an expenditure, independent expenditure, or electioneering communication (as defined in section 304(f)(3)).''.

(b) CONDITIONS UNDER WHICH CORPORATE PACS MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Section 316(b) of such Act (52 U.S.C. 30118(b)) is amended by adding at the end the following new paragraph:

''(8) A separate segregated fund established by a corporation may not make a contribution or expenditure during a year unless the fund has certified to the Commission the following during the year:

''(A) Each individual who manages the fund, and who is responsible for exercising decisionmaking authority for the fund, is a citizen of the United States or is lawfully admitted for permanent residence in the United States.

''(B) No foreign national under section 319 participates in any way in the decisionmaking processes of the fund with regard to contributions or expenditures under this Act.

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''(C) The fund does not solicit or accept recommendations from any foreign national under section 319 with respect to the contributions or expenditures made by the fund.

''(D) Any member of the board of directors of the corporation who is a foreign national under section 319 abstains from voting on matters concerning the fund or its activities.''.

SEC. 4103. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is amended by inserting after section 319 the following new section:

''SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY FOREIGN NATIONALS.

''(a) AUDIT.—

''(1) IN GENERAL.—The Commission shall conduct an audit after each Federal election cycle to determine the incidence of illicit foreign money in such Federal election cycle.

''(2) PROCEDURES.—In carrying out paragraph (1), the Commission shall conduct random audits of any disbursements required to be reported under

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this Act, in accordance with procedures established by the Commission.

''(b) REPORT.—Not later than 180 days after the end of each Federal election cycle, the Commission shall submit to Congress a report containing—

''(1) results of the audit required by subsection (a)(1);

''(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

''(3) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African-American and other minority communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

''(4) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on influencing military and veteran communities and the success or

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failure of these efforts, together with recommendations to address these efforts in future elections; and

''(5) recommendations to address the presence of illicit foreign money in elections, as appropriate.

''(c) DEFINITIONS.—As used in this section:

''(1) The term 'Federal election cycle' means the period which begins on the day after the date of a regularly scheduled general election for Federal office and which ends on the date of the first regularly scheduled general election for Federal office held after such date.

''(2) The term 'illicit foreign money' means any disbursement by a foreign national (as defined in section 319(b)) prohibited under such section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the Federal election cycle that began during November 2020, and each succeeding Federal election cycle.

SEC. 4104. PROHIBITION ON CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS IN CONNECTION WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as

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amended by section 4102(a), is amended by adding at the end the following new paragraph:

"(3) FEDERAL, STATE, OR LOCAL ELECTION.—The term 'Federal, State, or local election' includes a State or local ballot initiative or referendum.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections held in 2022 or any succeeding year.

SEC. 4105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO FOREIGN MONEY BAN.

(a) DISBURSEMENTS DESCRIBED.—Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)), as amended by section 4101, is amended—

(1) by striking "or" at the end of subparagraph (B); and

(2) by striking subparagraph (C) and inserting the following:

"(C) an expenditure;

"(D) an independent expenditure;

"(E) a disbursement for an electioneering communication (within the meaning of section 304(f)(3));

"(F) a disbursement for a communication which is placed or promoted for a fee on a

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website, web application, or digital application that refers to a clearly identified candidate for election for Federal office and is disseminated within 60 days before a general, special or run-off election for the office sought by the candidate or 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for the office sought by the candidate;

''(G) a disbursement for a broadcast, cable or satellite communication, or for a communication which is placed or promoted for a fee on a website, web application, or digital application, that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the communication contains express advocacy or the functional equivalent of express advocacy);

''(H) a disbursement for a broadcast, cable, or satellite communication, or for any communication which is placed or promoted for a fee on an online platform (as defined in section 304(k)(3)), that discusses a national legis-

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lative issue of public importance in a year in which a regularly scheduled general election for Federal office is held, but only if the disbursement is made by a covered foreign national described in section 304(j)(3)(C);

"(I) a disbursement by a covered foreign national described in section 304(j)(3)(C) to compensate any person for internet activity that promotes, supports, attacks or opposes the election of a clearly identified candidate for Federal, State, or local office (regardless of whether the activity contains express advocacy or the functional equivalent of express advocacy);

"(J) a disbursement for a Federal judicial nomination communication (as defined in section 324(d)(3));".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.

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SEC. 4106. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) PROHIBITION.—Chapter 29 of title 18, United States Code, as amended by section 1501, is amended by adding at the end the following:

"§ 613. Establishment of corporation to conceal election contributions and donations by foreign nationals

''(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

''(b) PENALTY.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 18, United States Code, as amended by section 1501, is amended by inserting after the item relating to section 612 the following:

''613. Establishment of corporation to conceal election contributions and donations by foreign nationals.''.

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PART 2—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

SEC. 4111. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) DISCLOSURE REQUIREMENTS FOR CORPORATIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER ENTITIES.—

(1) IN GENERAL.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

"SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

"(a) DISCLOSURE STATEMENT.—

"(1) IN GENERAL.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission made under penalty of perjury that contains the information described in paragraph (2)—

"(A) in the case of the first statement filed under this subsection, for the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the first such disclosure date) and ending on the first such disclosure date; and

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"(B) in the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

"(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

"(A) The name of the covered organization and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d))) or an entity described in subsection (e)(2), a list of the beneficial owners (as defined in paragraph (4)(A)) of the entity that—

"(i) identifies each beneficial owner by name and current residential or business street address; and

"(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust,

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identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

''(B) The amount of each campaign-related disbursement made by such organization during the period covered by the statement of more than $1,000, and the name and address of the person to whom the disbursement was made.

''(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and whether such communication is in support of or in opposition to a candidate.

''(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

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"(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

"(I) the name and address of each person who made such payment during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period begin-

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ning one year before the disclosure date) and ending on the disclosure date.

"(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

"(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—

"(I) the name and address of each person who made such payment during the period covered by the statement;

"(II) the date and amount of such payment; and

"(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the

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period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

''(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the 'base period' shall be calendar year 2022.

''(G) Such other information as required in rules established by the Commission to promote the purposes of this section.

''(3) EXCEPTIONS.—

''(A) AMOUNTS RECEIVED IN ORDINARY COURSE OF BUSINESS.—The requirement to in-

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clude in a statement filed under paragraph (1) the information described in paragraph (2) shall not apply to amounts received by the covered organization in commercial transactions in the ordinary course of any trade or business conducted by the covered organization or in the form of investments (other than investments by the principal shareholder in a limited liability corporation) in the covered organization. For purposes of this subparagraph, amounts received by a covered organization as remittances from an employee to the employee's collective bargaining representative shall be treated as amounts received in commercial transactions in the ordinary course of the business conducted by the covered organization.

''(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

''(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

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"(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

"(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

"(4) OTHER DEFINITIONS.—For purposes of this section:

"(A) BENEFICIAL OWNER DEFINED.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'beneficial owner' means, with respect to any entity, a natural person who, directly or indirectly—

"(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

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"(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

"(ii) EXCEPTIONS.—The term 'beneficial owner' shall not include—

"(I) a minor child;

"(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

"(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

"(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also meets the requirements of clause (i); or

"(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

"(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circum-

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venting, or abusing the provisions of clause (i) or paragraph (2)(A).

"(B) DISCLOSURE DATE.—The term 'disclosure date' means—

"(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

"(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

"(C) ELECTION REPORTING CYCLE.—The term 'election reporting cycle' means the 2-year period beginning on the date of the most recent general election for Federal office, except that in the case of a campaign-related disbursement for a Federal judicial nomination communication, such term means any calendar year in which the campaign-related disbursement is made.

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"(D) PAYMENT.—The term 'payment' includes any contribution, donation, transfer, payment of dues, or other payment.

"(b) COORDINATION WITH OTHER PROVISIONS.—

"(1) OTHER REPORTS FILED WITH THE COMMISSION.—Information included in a statement filed under this section may be excluded from statements and reports filed under section 304.

"(2) TREATMENT AS SEPARATE SEGREGATED FUND.—A segregated bank account referred to in subsection (a)(2)(E) may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

"(c) FILING.—Statements required to be filed under subsection (a) shall be subject to the requirements of section 304(d) to the same extent and in the same manner as if such reports had been required under subsection (c) or (g) of section 304.

"(d) CAMPAIGN-RELATED DISBURSEMENT DEFINED.—

"(1) IN GENERAL.—In this section, the term 'campaign-related disbursement' means a disbursement by a covered organization for any of the following:

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"(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

"(B) An applicable public communication.

"(C) An electioneering communication, as defined in section 304(f)(3).

"(D) A Federal judicial nomination communication.

"(E) A covered transfer.

"(2) APPLICABLE PUBLIC COMMUNICATIONS.—

"(A) IN GENERAL.—The term 'applicable public communication' means any public communication that refers to a clearly identified candidate for election for Federal office and which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

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"(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

"(3) FEDERAL JUDICIAL NOMINATION COMMUNICATION.—

"(A) IN GENERAL.—The term 'Federal judicial nomination communication' means any communication—

"(i) that is by means of any broadcast, cable, or satellite, paid internet, or paid digital communication, paid promotion, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, telephone messaging effort of more than 500 substantially similar calls or electronic messages within a 30-day period, or any other form of general public political advertising; and

"(ii) which promotes, supports, attacks, or opposes the nomination or Senate

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confirmation of an individual as a Federal judge or justice.

''(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

''(4) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A), (B), (C), (D), or (E) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

''(e) COVERED ORGANIZATION DEFINED.—In this section, the term 'covered organization' means any of the following:

''(1) A corporation (other than an organization described in section 501(c)(3) of the Internal Revenue Code of 1986).

''(2) A limited liability corporation that is not otherwise treated as a corporation for purposes of this Act (other than an organization described in

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section 501(c)(3) of the Internal Revenue Code of 1986).

"(3) An organization described in section 501(c) of such Code and exempt from taxation under section 501(a) of such Code (other than an organization described in section 501(c)(3) of such Code).

"(4) A labor organization (as defined in section 316(b)).

"(5) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this Act (except as provided in paragraph (6)).

"(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

"(f) COVERED TRANSFER DEFINED.—

"(1) IN GENERAL.—In this section, the term 'covered transfer' means any transfer or payment of funds by a covered organization to another person if the covered organization—

"(A) designates, requests, or suggests that the amounts be used for—

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"(i) campaign-related disbursements (other than covered transfers); or

"(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

"(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

"(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

"(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

"(C) engaged in discussions with the recipient of the transfer or payment regarding—

"(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

"(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or

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paying for such campaign-related disbursements;

''(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of $50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

''(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

''(2) EXCLUSIONS.—The term 'covered transfer' does not include any of the following:

''(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

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"(B) A disbursement made by a covered organization if—

"(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements; and

"(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

"(3) SPECIAL RULE REGARDING TRANSFERS AMONG AFFILIATES.—

"(A) SPECIAL RULE.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

"(B) DETERMINATION OF AMOUNT OF CERTAIN PAYMENTS AMONG AFFILIATES.—In

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determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

''(C) DESCRIPTION OF TRANSFERS BETWEEN AFFILIATES.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

''(i) one of the organizations is an affiliate of the other organization; or

''(ii) each of the organizations is an affiliate of the same organization,

except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

''(D) DETERMINATION OF AFFILIATE STATUS.—For purposes of subparagraph (C), a

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covered organization is an affiliate of another covered organization if—

"(i) the governing instrument of the organization requires it to be bound by decisions of the other organization;

"(ii) the governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers, or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

"(iii) the organization is chartered by the other organization.

"(E) COVERAGE OF TRANSFERS TO AFFILIATED SECTION 501(c)(3) ORGANIZATIONS.—This paragraph shall apply with respect to an amount transferred by a covered organization to an organization described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code in the same manner as this paragraph applies to an amount

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transferred by a covered organization to another covered organization.

''(g) NO EFFECT ON OTHER REPORTING REQUIREMENTS.—Except as provided in subsection (b)(1), nothing in this section shall be construed to waive or otherwise affect any other requirement of this Act which relates to the reporting of campaign-related disbursements.''.

(2) CONFORMING AMENDMENT.—Section 304(f)(6) of such Act (52 U.S.C. 30104) is amended by striking ''Any requirement'' and inserting ''Except as provided in section 324(b), any requirement''.

(3) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations relating the application of the exemption under section 324(a)(3)(C) of the Federal Election Campaign Act of 1971 (as added by paragraph (1)). Such regulations—

(A) shall require that the legal burden of establishing eligibility for such exemption is upon the organization required to make the report required under section 324(a)(1) of such Act (as added by paragraph (1)), and

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(B) shall be consistent with the principles applied in *Citizens United* v. *Federal Election Commission*, 558 U.S. 310 (2010).

(b) COORDINATION WITH FINCEN.—

(1) IN GENERAL.—The Director of the Financial Crimes Enforcement Network of the Department of the Treasury shall provide the Federal Election Commission with such information as necessary to assist in administering and enforcing section 324 of the Federal Election Campaign Act of 1971, as amended by this section.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Chairman of the Federal Election Commission, in consultation with the Director of the Financial Crimes Enforcement Network of the Department of the Treasury, shall submit to Congress a report with recommendations for providing further legislative authority to assist in the administration and enforcement of such section 324.

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SEC. 4112. APPLICATION OF FOREIGN MONEY BAN TO DISBURSEMENTS FOR CAMPAIGN-RELATED DISBURSEMENTS CONSISTING OF COVERED TRANSFERS.

Section 319(b)(2) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by section 4102, is amended—

(1) by striking ''includes any disbursement'' and inserting ''includes—

''(A) any disbursement'';

(2) by striking the period at the end and inserting ''; and'', and

(3) by adding at the end the following new subparagraph:

''(B) any disbursement, other than a disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement.''.

SEC. 4113. EFFECTIVE DATE.

The amendments made by this part shall apply with respect to disbursements made on or after January 1, 2022, and shall take effect without regard to whether or

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not the Federal Election Commission has promulgated regulations to carry out such amendments.

PART 3—OTHER ADMINISTRATIVE REFORMS

SEC. 4121. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting ''(including a proceeding before the Supreme Court on certiorari)'' after ''appeal''.

SEC. 4122. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) IN GENERAL.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is amended by inserting after section 406 the following new section:

''SEC. 407. JUDICIAL REVIEW.

''(a) IN GENERAL.—If any action is brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality or lawfulness of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

''(1) The action shall be filed in the United States District Court for the District of Columbia

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and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

''(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision, the party filing the action shall concurrently deliver a copy of the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

''(3) It shall be the duty of the United States District Court for the District of Columbia and the Court of Appeals for the District of Columbia Circuit to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

''(b) CLARIFYING SCOPE OF JURISDICTION.—If an action at the time of its commencement is not subject to subsection (a), but an amendment, counterclaim, crossclaim, affirmative defense, or any other pleading or motion is filed challenging, whether facially or as-applied, the constitutionality or lawfulness of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the district court shall transfer the action to the District

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Court for the District of Columbia, and the action shall thereafter be conducted pursuant to subsection (a).

''(c) INTERVENTION BY MEMBERS OF CONGRESS.—In any action described in subsection (a) relating to declaratory or injunctive relief to challenge the constitutionality of a provision, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

''(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

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"SEC. 9011. JUDICIAL REVIEW.

"For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.".

(2) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 9041. JUDICIAL REVIEW.

"For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.".

(3) Section 310 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30110) is repealed.

(4) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions brought on or after January 1, 2021.

Subtitle C—Honest Ads

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the "Honest Ads Act".

SEC. 4202. PURPOSE.

The purpose of this subtitle is to enhance the integrity of American democracy and national security by improving disclosure requirements for online political adver-

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tisements in order to uphold the Supreme Court's well-established standard that the electorate bears the right to be fully informed.

SEC. 4203. FINDINGS.

Congress makes the following findings:

(1) In 2002, the Bipartisan Campaign Reform Act of 2002 (Public Law 107–155) became law, establishing disclosure requirements for political advertisements distributed from a television or radio broadcast station or provider of cable or satellite television. In 2003, the Supreme Court upheld regulations on electioneering communications established under the Act, noting that such requirements ''provide the electorate with information and insure that the voters are fully informed about the person or group who is speaking.'' The Court reaffirmed this conclusion in 2010 by an 8-1 vote.

(2) In its 2006 rulemaking, the Federal Election Commission, the independent Federal agency charged with protecting the integrity of the Federal campaign finance process, noted that 18 percent of all Americans cited the internet as their leading source of news about the 2004 Presidential election. By contrast, Gallup and the Knight Foundation found in 2020 that the majority of Americans, 58

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percent, got most of their news about elections online.

(3) According to a study from Borrell Associates, in 2016, $1,415,000,000 was spent on online advertising, more than quadruple the amount in 2012.

(4) The reach of a few large internet platforms—larger than any broadcast, satellite, or cable provider—has greatly facilitated the scope and effectiveness of disinformation campaigns. For instance, the largest platform has over 210,000,000 American users—over 160,000,000 of them on a daily basis. By contrast, the largest cable television provider has 22,430,000 subscribers, while the largest satellite television provider has 21,000,000 subscribers. And the most-watched television broadcast in United States history had 118,000,000 viewers.

(5) The public nature of broadcast television, radio, and satellite ensures a level of publicity for any political advertisement. These communications are accessible to the press, fact-checkers, and political opponents. This creates strong disincentives for a candidate to disseminate materially false, inflammatory, or contradictory messages to the public. Social media platforms, in contrast, can target portions

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of the electorate with direct, ephemeral advertisements often on the basis of private information the platform has on individuals, enabling political advertisements that are contradictory, racially or socially inflammatory, or materially false.

(6) According to comscore, 2 companies own 8 of the 10 most popular smart phone applications as of June 2017, including the most popular social media and email services which deliver information and news to users without requiring proactivity by the user. Those same 2 companies accounted for 99 percent of revenue growth from digital advertising in 2016, including 77 percent of gross spending. 79 percent of online Americans—representing 68 percent of all Americans—use the single largest social network, while 66 percent of these users are most likely to get their news from that site.

(7) Large social media platforms are the only entities in possession of certain key data related to paid online ads, including the exact audience targeted by those ads and their number of impressions. Such information, which cannot be reliably disclosed by the purchasers of ads, is extremely useful for informing the electorate, guarding against corruption,

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and aiding in the enforcement of existing campaign finance regulations.

(8) Paid advertisements on social media platforms have served as critical tools for foreign online influence campaigns—even those that rely on large amounts of unpaid content—because such ads allow foreign actors to test the effectiveness of different messages, expose their messages to audiences who have not sought out such content, and recruit audiences for future campaigns and posts.

(9) In testimony before the Senate Select Committee on Intelligence titled, ''Disinformation: A Primer in Russian Active Measures and Influence Campaigns'', multiple expert witnesses testified that while the disinformation tactics of foreign adversaries have not necessarily changed, social media services now provide ''platform[s] practically purpose-built for active measures[.]'' Similarly, as Gen. Keith B. Alexander (RET.), the former Director of the National Security Agency, testified, during the Cold War ''if the Soviet Union sought to manipulate information flow, it would have to do so principally through its own propaganda outlets or through active measures that would generate specific news: planting of leaflets, inciting of violence, creation of

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other false materials and narratives. But the news itself was hard to manipulate because it would have required actual control of the organs of media, which took long-term efforts to penetrate. Today, however, because the clear majority of the information on social media sites is uncurated and there is a rapid proliferation of information sources and other sites that can reinforce information, there is an increasing likelihood that the information available to average consumers may be inaccurate (whether intentionally or otherwise) and may be more easily manipulable than in prior eras.''.

(10) On November 24, 2016, The Washington Post reported findings from 2 teams of independent researchers that concluded Russians ''exploited American-made technology platforms to attack U.S. democracy at a particularly vulnerable moment *** as part of a broadly effective strategy of sowing distrust in U.S. democracy and its leaders.''.

(11) On January 6, 2017, the Office of the Director of National Intelligence published a report titled ''Assessing Russian Activities and Intentions in Recent U.S. Elections'', noting that ''Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election * *

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*''. Moscow's influence campaign followed a Russian messaging strategy that blends covert intelligence operation—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or ''trolls''.

(12) On September 6, 2017, the nation's largest social media platform disclosed that between June 2015 and May 2017, Russian entities purchased $100,000 in political advertisements, publishing roughly 3,000 ads linked to fake accounts associated with the Internet Research Agency, a pro-Kremlin organization. According to the company, the ads purchased focused ''on amplifying divisive social and political messages ***''.

(13) Findings from a 2017 study on the manipulation of public opinion through social media conducted by the Computational Propaganda Research Project at the Oxford Internet Institute found that the Kremlin is using pro-Russian bots to manipulate public discourse to a highly targeted audience. With a sample of nearly 1,300,000 tweets, researchers found that in the 2016 election's 3 decisive States, propaganda constituted 40 percent of the sampled election-related tweets that went to Pennsylvanians,

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34 percent to Michigan voters, and 30 percent to those in Wisconsin. In other swing States, the figure reached 42 percent in Missouri, 41 percent in Florida, 40 percent in North Carolina, 38 percent in Colorado, and 35 percent in Ohio.

(14) 2018 reporting by the Washington Post estimated that paid Russian ads received more than 37,000,000 impressions in 2016 and 2017.

(15) A 2019 Senate Select Committee on Intelligence's Report on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election Volume 2: Russia's Use of Social Media with Additional Views, the Committee recommended ''that Congress examine legislative approaches to ensuring Americans know the sources of online political advertisements. The Federal Election Campaign Act of 1971 requires political advertisements on television, radio and satellite to disclose the sponsor of the advertisement. The same requirements should apply online. This will also help to ensure that the IRA or any similarly situated actors cannot use paid advertisements for purposes of foreign interference.''.

(16) A 2020 study by researchers at New York University found undisclosed political advertisement

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purchases on a large social media platform by a Chinese state media company in violation of that platform's supposed prohibitions on foreign spending on ads of social, national, or electoral importance.

(17) The same study also found that ''there are persistent issues with advertisers failing to disclose political ads'' and that in one social media platform's political ad archive, 68,879 pages (54.6 percent of pages with political ads included in the archive) never provided a disclosure. Overall, there were 357,099 ads run on that platforms without a disclosure, accounting for at least $37,000,000 in spending on political ads.

(18) A 2020 report by the bipartisan and bicameral U.S. Cyberspace Solarium Commission found that ''Although foreign nationals are banned from contributing to U.S. political campaigns, they are still allowed to purchase U.S. political advertisements online, making the internet a fertile environment for conducting a malign influence campaign to undermine American elections.'' The Commission concluded that Russian interference in the 2016 election was and still is possible, ''because the FECA, which establishes rules for transparency in television, radio, and print media political adver-

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tising, has not been amended to extend the same political advertising requirements to internet platforms,'' and that ''[a]pplying these standards across all media of communication would, among other things, increase transparency of funding for political advertisements, which would in turn strengthen regulators' ability to reduce improper foreign influence in our elections.''

(19) On March 16, 2021, the Office of the Director of National Intelligence released the declassified Intelligence Community assessment of foreign threats to the 2020 U.S. Federal elections. The declassified report found: ''Throughout the election cycle, Russia's online influence actors sought to affect U.S. public perceptions of the candidates, as well as advance Moscow's longstanding goals of undermining confidence in US election processes and increasing sociopolitical divisions among the American people.'' The report also determined that Iran sought to influence the election by ''creating and amplifying social media content that criticized [candidates].''

(20) According to a Wall Street Journal report in April 2021, voluntary ad libraries operated by major platforms rely on foreign governments to self-

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report political ad purchases. These ad-buys, including those diminishing major human rights violations like the Uighur genocide, are under-reported by foreign government purchasers, with no substantial oversight or repercussions from the platforms.

(21) Multiple reports have indicated that online ads have become a key vector for strategic influence by the People's Republic of China. An April 2021 Wall Street Journal report noted that the Chinese government and Chinese state-owned enterprises are major purchasers of ads on the U.S.'s largest social media platform, including to advance Chinese propaganda.

(22) Large online platforms have made changes to their policies intended to make it harder for foreign actors to purchase political ads. However, these private actions have not been taken by all platforms, have not been reliably enforced, and are subject to immediate change at the discretion of the platforms.

(23) The Federal Election Commission has failed to take action to address online political advertisements and current regulations on political advertisements do not provide sufficient transparency to uphold the public's right to be fully informed about political advertisements made online.

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SEC. 4204. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the dramatic increase in digital political advertisements, and the growing centrality of online platforms in the lives of Americans, requires the Congress and the Federal Election Commission to take meaningful action to ensure that laws and regulations provide the accountability and transparency that is fundamental to our democracy;

(2) free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements, be they foreign or domestic, in order to make informed political choices and hold elected officials accountable; and

(3) transparency of funding for political advertisements is essential to enforce other campaign finance laws, including the prohibition on campaign spending by foreign nationals.

SEC. 4205. EXPANSION OF DEFINITION OF PUBLIC COMMUNICATION.

(a) IN GENERAL.—Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(22)) is amended by striking ''or satellite communication'' and inserting ''satellite, paid internet, or paid digital communication''.

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(b) TREATMENT OF CONTRIBUTIONS AND EXPENDITURES.—Section 301 of such Act (52 U.S.C. 30101) is amended—

(1) in paragraph (8)(B)(v), by striking ''on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising'' and inserting ''in any public communication''; and

(2) in paragraph (9)(B)—

(A) by amending clause (i) to read as follows:

''(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, print, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;''; and

(B) in clause (iv), by striking ''on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising'' and inserting ''in any public communication''.

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(c) DISCLOSURE AND DISCLAIMER STATEMENTS.—Subsection (a) of section 318 of such Act (52 U.S.C. 30120) is amended—

(1) by striking ''financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising'' and inserting ''financing any public communication''; and

(2) by striking ''solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising'' and inserting ''solicits any contribution through any public communication''.

(d) REGULATION.—Not later than 1 year after the date of the enactment of this Act, the Federal Election Commission shall promulgate regulations on what constitutes a paid internet or paid digital communication for purposes of paragraph (22) of section 301 of the Federal Election Campaign Act of 1971(52 U.S.C. 30101(22)), as amended by subsection (a), except that such regulation shall not define a paid internet or paid digital communication to include communications for which the only pay-

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ment consists of internal resources, such as employee compensation, of the entity paying for the communication.

SEC. 4206. EXPANSION OF DEFINITION OF ELECTIONEERING COMMUNICATION.

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND DIGITAL COMMUNICATIONS.—

(A) IN GENERAL.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking ''or satellite communication'' each place it appears in clauses (i) and (ii) and inserting ''satellite, or qualified internet or digital communication''.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

''(D) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—The term 'qualified internet or digital communication' means any communication which is placed or promoted for a fee on an online platform (as defined in subsection (k)(3)).''.

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(2) NONAPPLICATION OF RELEVANT ELECTORATE TO ONLINE COMMUNICATIONS.—Section 304(f)(3)(A)(i)(III) of such Act (52 U.S.C. 30104(f)(3)(A)(i)(III)) is amended by inserting ''any broadcast, cable, or satellite'' before ''communication''.

(3) NEWS EXEMPTION.—Section 304(f)(3)(B)(i) of such Act (52 U.S.C. 30104(f)(3)(B)(i)) is amended to read as follows:

''(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station or any online or digital newspaper, magazine, blog, publication, or periodical, unless such broadcasting, online, or digital facilities are owned or controlled by any political party, political committee, or candidate;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to communications made on or after January 1, 2022.

SEC. 4207. APPLICATION OF DISCLAIMER STATEMENTS TO ONLINE COMMUNICATIONS.

(a) CLEAR AND CONSPICUOUS MANNER REQUIREMENT.—Subsection (a) of section 318 of the Federal Elec-

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tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended—

(1) by striking ''shall clearly state'' each place it appears in paragraphs (1), (2), and (3) and inserting ''shall state in a clear and conspicuous manner''; and

(2) by adding at the end the following flush sentence: ''For purposes of this section, a communication does not make a statement in a clear and conspicuous manner if it is difficult to read or hear or if the placement is easily overlooked.''.

(b) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

(1) IN GENERAL.—Section 318 of such Act (52 U.S.C. 30120) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULES FOR QUALIFIED INTERNET OR DIGITAL COMMUNICATIONS.—

''(1) SPECIAL RULES WITH RESPECT TO STATEMENTS.—In the case of any qualified internet or digital communication (as defined in section 304(f)(3)(D)) which is disseminated through a medium in which the provision of all of the information specified in this section is not possible, the communication shall, in a clear and conspicuous manner—

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"(A) state the name of the person who paid for the communication; and

"(B) provide a means for the recipient of the communication to obtain the remainder of the information required under this section with minimal effort and without receiving or viewing any additional material other than such required information.

"(2) SAFE HARBOR FOR DETERMINING CLEAR AND CONSPICUOUS MANNER.—A statement in qualified internet or digital communication (as defined in section 304(f)(3)(D)) shall be considered to be made in a clear and conspicuous manner as provided in subsection (a) if the communication meets the following requirements:

"(A) TEXT OR GRAPHIC COMMUNICATIONS.—In the case of a text or graphic communication, the statement—

"(i) appears in letters at least as large as the majority of the text in the communication; and

"(ii) meets the requirements of paragraphs (2) and (3) of subsection (c).

"(B) AUDIO COMMUNICATIONS.—In the case of an audio communication, the statement

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is spoken in a clearly audible and intelligible manner at the beginning or end of the communication and lasts at least 3 seconds.

"(C) VIDEO COMMUNICATIONS.—In the case of a video communication which also includes audio, the statement—

"(i) is included at either the beginning or the end of the communication; and

"(ii) is made both in—

"(I) a written format that meets the requirements of subparagraph (A) and appears for at least 4 seconds; and

"(II) an audible format that meets the requirements of subparagraph (B).

"(D) OTHER COMMUNICATIONS.—In the case of any other type of communication, the statement is at least as clear and conspicuous as the statement specified in subparagraph (A), (B), or (C).".

(2) NONAPPLICATION OF CERTAIN EXCEPTIONS.—The exceptions provided in section 110.11(f)(1)(i) and (ii) of title 11, Code of Federal Regulations, or any successor to such rules, shall

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have no application to qualified internet or digital communications (as defined in section 304(f)(3)(D) of the Federal Election Campaign Act of 1971).

(c) MODIFICATION OF ADDITIONAL REQUIREMENTS FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such Act (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''which is transmitted through radio'' and inserting ''which is in an audio format''; and

(B) by striking ''BY RADIO'' in the heading and inserting ''AUDIO FORMAT'';

(2) in paragraph (1)(B)—

(A) by striking ''which is transmitted through television'' and inserting ''which is in video format''; and

(B) by striking ''BY TELEVISION'' in the heading and inserting ''VIDEO FORMAT''; and

(3) in paragraph (2)—

(A) by striking ''transmitted through radio or television'' and inserting ''made in audio or video format''; and

(B) by striking ''through television'' in the second sentence and inserting ''in video format''.

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SEC. 4208. POLITICAL RECORD REQUIREMENTS FOR ONLINE PLATFORMS.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amended by section 4002, is amended by adding at the end the following new subsection:

"(k) DISCLOSURE OF CERTAIN ONLINE ADVERTISEMENTS.—

"(1) IN GENERAL.—

"(A) REQUIREMENTS FOR ONLINE PLATFORMS.—

"(i) IN GENERAL.—An online platform shall maintain, and make available for online public inspection in machine readable format, a complete record of any request to purchase on such online platform a qualified political advertisement which is made by a person whose aggregate requests to purchase qualified political advertisements on such online platform during the calendar year exceeds $500.

"(ii) REQUIREMENT RELATING TO POLITICAL ADS SOLD BY THIRD PARTY ADVERTISING VENDORS.—An online platform that displays a qualified political advertisement sold by a third party advertising ven-

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dor as defined in (3)(C), shall include on its own platform an easily accessible and identifiable link to the records maintained by the third-party advertising vendor under clause (i) regarding such qualified political advertisement.

''(B) REQUIREMENTS FOR ADVERTISERS.—Any person who requests to purchase a qualified political advertisement on an online platform shall provide the online platform with such information as is necessary for the online platform to comply with the requirements of subparagraph (A).

''(2) CONTENTS OF RECORD.—A record maintained under paragraph (1)(A) shall contain—

''(A) a digital copy of the qualified political advertisement;

''(B) a description of the audience targeted by the advertisement, the number of views generated from the advertisement, and the date and time that the advertisement is first displayed and last displayed; and

''(C) information regarding—

''(i) the average rate charged for the advertisement;

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"(ii) the name of the candidate to which the advertisement refers and the office to which the candidate is seeking election, the election to which the advertisement refers, or the national legislative issue to which the advertisement refers (as applicable);

"(iii) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

"(iv) in the case of any request not described in clause (iii), the name of the person purchasing the advertisement, the name and address of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

"(3) ONLINE PLATFORM.—

"(A) IN GENERAL.—For purposes of this subsection, subject to subparagraph (B), the term 'online platform' means any public-facing website, web application, or digital application

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(including a social network, ad network, or search engine) which—

"(i)(I) sells qualified political advertisements; and

"(II) has 50,000,000 or more unique monthly United States visitors or users for a majority of months during the preceding 12 months; or

"(ii) is a third-party advertising vendor that has 50,000,000 or more unique monthly United States visitors in the aggregate on any advertisement space that it has sold or bought for a majority of months during the preceding 12 months, as measured by an independent digital ratings service accredited by the Media Ratings Council (or its successor).

"(B) EXEMPTION.—Such term shall not include any online platform that is a distribution facility of any broadcasting station or newspaper, magazine, blog, publication, or periodical.

"(C) THIRD-PARTY ADVERTISING VENDOR DEFINED.—For purposes of this subsection, the term 'third-party advertising vendor' includes,

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but is not limited to, any third-party advertising vendor network, advertising agency, advertiser, or third-party advertisement serving company that buys and sells advertisement space on behalf of unaffiliated third-party websites, search engines, digital applications, or social media sites.

''(4) QUALIFIED POLITICAL ADVERTISEMENT.—For purposes of this subsection, the term 'qualified political advertisement' means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

''(A) is made by or on behalf of a candidate; or

''(B) communicates a message relating to any political matter of national importance, including—

''(i) a candidate;

''(ii) any election to Federal office; or

''(iii) a national legislative issue of public importance.

''(5) TIME TO MAINTAIN FILE.—The information required under this subsection shall be made available as soon as possible and shall be retained by

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the online platform for a period of not less than 4 years.

"(6) SPECIAL RULE.—For purposes of this subsection, multiple versions of an advertisement that contain no material differences (such as versions that differ only because they contain a recipient's name, or differ only in size, color, font, or layout) may be treated as a single qualified political advertisement.

"(7) PENALTIES.—For penalties for failure by online platforms, and persons requesting to purchase a qualified political advertisement on online platforms, to comply with the requirements of this subsection, see section 309.".

(b) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Federal Election Commission shall establish rules—

(1) requiring common data formats for the record required to be maintained under section 304(j) of the Federal Election Campaign Act of 1971 (as added by subsection (a)) so that all online platforms submit and maintain data online in a common, machine-readable and publicly accessible format; and

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(2) establishing search interface requirements relating to such record, including searches by candidate name, issue, purchaser, and date.

(c) REPORTING.—Not later than 2 years after the date of the enactment of this Act, and biannually thereafter, the Chairman of the Federal Election Commission shall submit a report to Congress on—

(1) matters relating to compliance with and the enforcement of the requirements of section 304(k) of the Federal Election Campaign Act of 1971, as added by subsection (a);

(2) recommendations for any modifications to such section to assist in carrying out its purposes; and

(3) identifying ways to bring transparency and accountability to political advertisements distributed online for free.

SEC. 4209. PREVENTING CONTRIBUTIONS, EXPENDITURES, INDEPENDENT EXPENDITURES, AND DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS BY FOREIGN NATIONALS IN THE FORM OF ONLINE ADVERTISING.

Section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), as amended by section

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4101(b), is further amended by adding at the end the following new subsection:

"(d) RESPONSIBILITIES OF BROADCAST STATIONS, PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND ONLINE PLATFORMS.—

"(1) IN GENERAL.—Each television or radio broadcast station, provider of cable or satellite television, or online platform (as defined in section 304(k)(3)) shall make reasonable efforts to ensure that communications described in section 318(a) and made available by such station, provider, or platform are not purchased by a foreign national, directly or indirectly.

"(2) REGULATIONS.— Not later than 1 year after the date of the enactment of this subsection, the Commission shall promulgate regulations on what constitutes reasonable efforts under paragraph (1).".

SEC. 4210. REQUIRING ONLINE PLATFORMS TO DISPLAY NOTICES IDENTIFYING SPONSORS OF POLITICAL ADVERTISEMENTS AND TO ENSURE NOTICES CONTINUE TO BE PRESENT WHEN ADVERTISEMENTS ARE SHARED.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104), as amend-

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ed by section 4002 and section 4208(a), is amended by adding at the end the following new subsection:

"(l) ENSURING DISPLAY AND SHARING OF SPONSOR IDENTIFICATION IN ONLINE POLITICAL ADVERTISEMENTS.—

"(1) REQUIREMENT.—An online platform displaying a qualified political advertisement shall—

"(A) display with the advertisement a visible notice identifying the sponsor of the advertisement (or, if it is not practical for the platform to display such a notice, a notice that the advertisement is sponsored by a person other than the platform); and

"(B) ensure that the notice will continue to be displayed if a viewer of the advertisement shares the advertisement with others on that platform.

"(2) DEFINITIONS.—In this subsection—

"(A) the term 'online platform' has the meaning given such term in subsection (k)(3); and

"(B) the term "qualified political advertisement' has the meaning given such term in subsection (k)(4).".

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(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to advertisements displayed on or after the 120–day period which begins on the date of the enactment of this Act.

Subtitle D—Severability

SEC. 4301. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

TITLE V—CAMPAIGN FINANCE OVERSIGHT

Subtitle A—Stopping Super PAC–Candidate Coordination

SEC. 5001. SHORT TITLE.

This subtitle may be cited as the ''Stop Super PAC–Candidate Coordination Act''.

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SEC. 5002. CLARIFICATION OF TREATMENT OF COORDINATED EXPENDITURES AS CONTRIBUTIONS TO CANDIDATES.

(a) TREATMENT AS CONTRIBUTION TO CANDIDATE.—Section 301(8)(A) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(8)(A)) is amended—

(1) by striking ''or'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(iii) any payment made by any person (other than a candidate, an authorized committee of a candidate, or a political committee of a political party) for a coordinated expenditure (as such term is defined in section 325) which is not otherwise treated as a contribution under clause (i) or clause (ii).''.

(b) DEFINITIONS.—Title III of such Act (52 U.S.C. 30101 et seq.) is amended by adding at the end the following new section:

''SEC. 325. PAYMENTS FOR COORDINATED EXPENDITURES.

''(a) COORDINATED EXPENDITURES.—

''(1) IN GENERAL.—For purposes of section 301(8)(A)(iii), the term 'coordinated expenditure' means—

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"(A) any expenditure, or any payment for a covered communication described in subsection (d), which is made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, as defined in subsection (b); or

"(B) any payment for any communication which republishes, disseminates, or distributes, in whole or in part, any video or broadcast or any written, graphic, or other form of campaign material prepared by the candidate or committee or by agents of the candidate or committee (including any excerpt or use of any video from any such broadcast or written, graphic, or other form of campaign material).

"(2) EXCEPTION FOR PAYMENTS FOR CERTAIN COMMUNICATIONS.—A payment for a communication (including a covered communication described in subsection (d)) shall not be treated as a coordinated expenditure under this subsection if—

"(A) the communication appears in a news story, commentary, or editorial distributed through the facilities of any broadcasting sta-

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tion, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

"(B) the communication constitutes a candidate debate or forum conducted pursuant to regulations adopted by the Commission pursuant to section 304(f)(3)(B)(iii), or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

"(b) COORDINATION DESCRIBED.—

"(1) IN GENERAL.—For purposes of this section, a payment is made 'in cooperation, consultation, or concert with, or at the request or suggestion of,' a candidate, an authorized committee of a candidate, a political committee of a political party, or agents of the candidate or committee, if the payment, or any communication for which the payment is made, is not made entirely independently of the candidate, committee, or agents. For purposes of the previous sentence, a payment or communication not made entirely independently of the candidate or committee includes any payment or communication made pursuant to any general or particular under-

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standing with, or pursuant to any communication with, the candidate, committee, or agents about the payment or communication.

"(2) NO FINDING OF COORDINATION BASED SOLELY ON SHARING OF INFORMATION REGARDING LEGISLATIVE OR POLICY POSITION.—For purposes of this section, a payment shall not be considered to be made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, solely on the grounds that the person or the person's agent engaged in discussions with the candidate or committee, or with any agent of the candidate or committee, regarding that person's position on a legislative or policy matter (including urging the candidate or committee to adopt that person's position), so long as there is no communication between the person and the candidate or committee, or any agent of the candidate or committee, regarding the candidate's or committee's campaign advertising, message, strategy, policy, polling, allocation of resources, fundraising, or other campaign activities.

"(3) NO EFFECT ON PARTY COORDINATION STANDARD.—Nothing in this section shall be construed to affect the determination of coordination

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between a candidate and a political committee of a political party for purposes of section 315(d).

''(4) NO SAFE HARBOR FOR USE OF FIREWALL.—A person shall be determined to have made a payment in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate or committee, in accordance with this section without regard to whether or not the person established and used a firewall or similar procedures to restrict the sharing of information between individuals who are employed by or who are serving as agents for the person making the payment.

''(c) PAYMENTS BY COORDINATED SPENDERS FOR COVERED COMMUNICATIONS.—

''(1) PAYMENTS MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH CANDIDATES.—For purposes of subsection (a)(1)(A), if the person who makes a payment for a covered communication, as defined in subsection (d), is a coordinated spender under paragraph (2) with respect to the candidate as described in subsection (d)(1), the payment for the covered communication is made in cooperation, consultation, or concert with the candidate.

''(2) COORDINATED SPENDER DEFINED.—For purposes of this subsection, the term 'coordinated

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spender' means, with respect to a candidate or an authorized committee of a candidate, a person (other than a political committee of a political party) for which any of the following applies:

"(A) During the 4-year period ending on the date on which the person makes the payment, the person was directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of, the candidate (including an individual who later becomes a candidate) or committee or agents of the candidate or committee, including with the approval of the candidate or committee or agents of the candidate or committee.

"(B) The candidate or committee or any agent of the candidate or committee solicits funds, appears at a fundraising event, or engages in other fundraising activity on the person's behalf during the election cycle involved, including by providing the person with names of potential donors or other lists to be used by the person in engaging in fundraising activity, regardless of whether the person pays fair market value for the names or lists provided. For purposes of this subparagraph, the term 'election

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cycle' means, with respect to an election for Federal office, the period beginning on the day after the date of the most recent general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election) and ending on the date of the next general election for that office (or, if the general election resulted in a runoff election, the date of the runoff election).

"(C) The person is established, directed, or managed by the candidate or committee or by any person who, during the 4-year period ending on the date on which the person makes the payment, has been employed or retained as a political, campaign media, or fundraising adviser or consultant for the candidate or committee or for any other entity directly or indirectly controlled by the candidate or committee, or has held a formal position with the candidate or committee (including a position as an employee of the office of the candidate at any time the candidate held any Federal, State, or local public office during the 4-year period).

"(D) The person has retained the professional services of any person who, during the 2-

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year period ending on the date on which the person makes the payment, has provided or is providing professional services relating to the campaign to the candidate or committee, without regard to whether the person providing the professional services used a firewall. For purposes of this subparagraph, the term 'professional services' includes any services in support of the candidate's or committee's campaign activities, including advertising, message, strategy, policy, polling, allocation of resources, fundraising, and campaign operations, but does not include accounting or legal services.

"(E) The person is established, directed, or managed by a member of the immediate family of the candidate, or the person or any officer or agent of the person has had more than incidental discussions about the candidate's campaign with a member of the immediate family of the candidate. For purposes of this subparagraph, the term 'immediate family' has the meaning given such term in section 9004(e) of the Internal Revenue Code of 1986.

"(d) COVERED COMMUNICATION DEFINED.—

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"(1) IN GENERAL.—For purposes of this section, the term 'covered communication' means, with respect to a candidate or an authorized committee of a candidate, a public communication (as defined in section 301(22)) which—

"(A) expressly advocates the election of the candidate or the defeat of an opponent of the candidate (or contains the functional equivalent of express advocacy);

"(B) promotes or supports the election of the candidate, or attacks or opposes the election of an opponent of the candidate (regardless of whether the communication expressly advocates the election or defeat of a candidate or contains the functional equivalent of express advocacy); or

"(C) refers to the candidate or an opponent of the candidate but is not described in subparagraph (A) or subparagraph (B), but only if the communication is disseminated during the applicable election period.

"(2) APPLICABLE ELECTION PERIOD.—In paragraph (1)(C), the 'applicable election period' with respect to a communication means—

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"(A) in the case of a communication which refers to a candidate in a general, special, or runoff election, the 120-day period which ends on the date of the election; or

"(B) in the case of a communication which refers to a candidate in a primary or preference election, or convention or caucus of a political party that has authority to nominate a candidate, the 60-day period which ends on the date of the election or convention or caucus.

"(3) SPECIAL RULES FOR COMMUNICATIONS INVOLVING CONGRESSIONAL CANDIDATES.—For purposes of this subsection, a public communication shall not be considered to be a covered communication with respect to a candidate for election for an office other than the office of President or Vice President unless it is publicly disseminated or distributed in the jurisdiction of the office the candidate is seeking.

"(e) PENALTY.—

"(1) DETERMINATION OF AMOUNT.—Any person who knowingly and willfully commits a violation of this Act by making a contribution which consists of a payment for a coordinated expenditure shall be fined an amount equal to the greater of—

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"(A) in the case of a person who makes a contribution which consists of a payment for a coordinated expenditure in an amount exceeding the applicable contribution limit under this Act, 300 percent of the amount by which the amount of the payment made by the person exceeds such applicable contribution limit; or

"(B) in the case of a person who is prohibited under this Act from making a contribution in any amount, 300 percent of the amount of the payment made by the person for the coordinated expenditure.

"(2) JOINT AND SEVERAL LIABILITY.—Any director, manager, or officer of a person who is subject to a penalty under paragraph (1) shall be jointly and severally liable for any amount of such penalty that is not paid by the person prior to the expiration of the 1-year period which begins on the date the Commission imposes the penalty or the 1-year period which begins on the date of the final judgment following any judicial review of the Commission's action, whichever is later.".

(c) EFFECTIVE DATE.—

(1) REPEAL OF EXISTING REGULATIONS ON COORDINATION.—Effective upon the expiration of the

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90-day period which begins on the date of the enactment of this Act—

(A) the regulations on coordinated communications adopted by the Federal Election Commission which are in effect on the date of the enactment of this Act (as set forth under the heading ''Coordination'' in subpart C of part 109 of title 11, Code of Federal Regulations) are repealed; and

(B) the Federal Election Commission shall promulgate new regulations on coordinated communications which reflect the amendments made by this Act.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments made on or after the expiration of the 120-day period which begins on the date of the enactment of this Act, without regard to whether or not the Federal Election Commission has promulgated regulations in accordance with paragraph (1)(B) as of the expiration of such period.

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SEC. 5003. CLARIFICATION OF BAN ON FUNDRAISING FOR SUPER PACS BY FEDERAL CANDIDATES AND OFFICEHOLDERS.

(a) IN GENERAL.—Section 323(e)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30125(e)(1)) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(C) solicit, receive, direct, or transfer funds to or on behalf of any political committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of this Act (or to or on behalf of any account of a political committee which is established for the purpose of accepting such donations or contributions), or to or on behalf of any political organization under section 527 of the Internal Revenue Code of 1986 which accepts such donations or contributions (other than a committee of a State or local political party or a candidate for election for State or local office).''.

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(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1, 2022.

Subtitle B—Disposal of Contributions or Donations

SEC. 5101. TIMEFRAME FOR AND PRIORITIZATION OF DISPOSAL OF CONTRIBUTIONS OR DONATIONS.

Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) DISPOSAL.—

''(1) TIMEFRAME.—Contributions or donations described in subsection (a) may only be used—

''(A) in the case of an individual who is not a candidate with respect to an election for any Federal office for a 6-year period beginning on the day after the date of the most recent such election in which the individual was a candidate for any such office, during such 6-year period;

''(B) in the case of an individual who becomes a registered lobbyist under the Lobbying

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Disclosure Act of 1995, before the date on which such individual becomes such a registered lobbyist; or

"(C) in the case of an individual who becomes an agent of a foreign principal that would require registration under section 2 of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 612), before the date on which such individual becomes such an agent of a foreign principal.

"(2) MEANS OF DISPOSAL; PRIORITIZATION.—Beginning on the date the 6-year period described in subparagraph (A) of paragraph (1) ends (or, in the case of an individual described in subparagraph (B) of such paragraph, the date on which the individual becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or, in the case of an individual described in subparagraph (C) of such paragraph, the date on which the individual becomes a registered agent of a foreign principal under the Foreign Agents Registration Act of 1938, as amended), contributions or donations that remain available to an individual described in such paragraph shall be disposed of, not later than 30 days after such date, as follows:

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"(A) First, to pay any debts or obligations owed in connection with the campaign for election for Federal office of the individual.

"(B) Second, to the extent such contribution or donations remain available after the application of subparagraph (A), through any of the following means of disposal (or a combination thereof), in any order the individual considers appropriate:

"(i) Returning such contributions or donations to the individuals, entities, or both, who made such contributions or donations.

"(ii) Making contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986.

"(iii) Making transfers to a national, State, or local committee of a political party.".

SEC. 5102. 1-YEAR TRANSITION PERIOD FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—In the case of an individual described in subsection (b), any contributions or donations remaining available to the individual shall be disposed of—

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(1) not later than one year after the date of the enactment of this section; and

(2) in accordance with the prioritization specified in subparagraphs (A) through (D) of subsection (c)(2) of section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 5101.

(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, as of the date of the enactment of this section—

(1)(A) is not a candidate with respect to an election for any Federal office for a period of not less than 6 years beginning on the day after the date of the most recent such election in which the individual was a candidate for any such office; or

(B) is an individual who becomes a registered lobbyist under the Lobbying Disclosure Act of 1995; and

(2) would be in violation of subsection (c) of section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114), as amended by section 5101.

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Subtitle C—Recommendations to Ensure Filing of Reports Before Date of Election

SEC. 5201. RECOMMENDATIONS TO ENSURE FILING OF REPORTS BEFORE DATE OF ELECTION.

Not later than 180 days after the date of the enactment of this Act, the Federal Election Commission shall submit a report to Congress providing recommendations, including recommendations for changes to existing law, on how to ensure that each political committee under the Federal Election Campaign Act of 1971, including a committee which accepts donations or contributions that do not comply with the limitations, prohibitions, and reporting requirements of such Act, will file a report under section 304 of such Act prior to the date of the election for which the committee receives contributions or makes disbursements, without regard to the date on which the committee first registered under such Act, and shall include specific recommendations to ensure that such committees will not delay until after the date of the election the reporting of the identification of persons making contributions that will be used to repay debt incurred by the committee.

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Subtitle D—Severability

SEC. 5301. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

DIVISION C—ETHICS

TITLE VI—ETHICAL STANDARDS

Subtitle A—Foreign Agents Registration

SEC. 6001. DISCLOSURE OF TRANSACTIONS INVOLVING ITEMS OF FINANCIAL VALUE CONFERRED ON OFFICEHOLDERS.

(a) REQUIRING AGENTS TO DISCLOSE KNOWN TRANSACTIONS.—

(1) IN GENERAL.—Section 2(a) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612(a)) is amended—

(A) in the first sentence of the matter preceding paragraph (1)—

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(i) by striking ''unless he'' each place it appears and inserting ''unless the person''; and

(ii) by striking ''thereto as required by this section 2(a) and section 2(b) hereof or'' and inserting ''to that statement required under this subsection or subsection (b), or'';

(B) in each of paragraphs (1) through (10), by striking the semicolon at the end of the paragraph and inserting a period;

(C) in paragraph (8), by striking ''conection'' and inserting ''connection'';

(D) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(E) by inserting after paragraph (9) the following:

''(10) To the extent that the registrant has knowledge of any transaction that occurred during the preceding 60-day period, pursuant to which the foreign principal for whom the registrant is acting as an agent conferred on a Federal or State officeholder any item of financial value (including a gift, profit, salary, favorable regulatory treatment, or any

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other direct or indirect economic or financial benefit), a detailed statement describing that transaction.''.

(2) EFFECTIVE DATE.—The amendments made by subparagraphs (D) and (E) of paragraph (1) shall apply with respect to statements filed under section 2(a) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612(a)) on or after the date that is 90 days after the date of enactment of this Act.

(3) TECHNICAL CORRECTION.—Section 2(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612(b)) is amended by striking ''section 2(a) hereof'' each place it appears and inserting ''subsection (a)''.

(b) SUPPLEMENTAL DISCLOSURE FOR CURRENT REGISTRANTS.—Not later than 90 days after the date of enactment of this Act, each registrant who filed with the Attorney General a registration statement under section 2(a) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612(a)) before that date, and who has knowledge of any transaction described in paragraph (10) of that section (as amended by subsection (a)(1)) that occurred at any time during which the registrant was an agent of the foreign principal involved, shall submit to the Attorney General a supplement to the statement—

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(1) under oath;

(2) in such form as the Attorney General may prescribe; and

(3) containing a detailed statement describing that transaction.

SEC. 6002. ENSURING ONLINE ACCESS TO REGISTRATION STATEMENTS.

(a) DIGITIZED FORMAT REQUIRED.—Section 2(g) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612(g)) is amended by striking ''in electronic form'' and inserting ''in a digitized format in order to enable the Attorney General to meet the requirements of section 6(d)(1)''.

(b) REQUIREMENTS FOR ELECTRONIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—Section 6(d)(1) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 616(d)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''to the extent technically practicable,''; and

(2) in subparagraph (A), by inserting '', in a digitized format,'' after ''includes''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to statements, supplements, and amendments filed under section 2 of the For-

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eign Agents Registration Act of 1938 (22 U.S.C. 612) on or after the date that is 180 days after the date of enactment of this Act.

SEC. 6003. AUTHORITY TO IMPOSE CIVIL MONEY PENALTIES.

(a) ESTABLISHING AUTHORITY.—Section 8 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 618) is amended by inserting after subsection (c) the following:

''(d) CIVIL MONEY PENALTIES.—

''(1) REGISTRATION STATEMENTS.—Subject to paragraph (4), a person who fails to file timely, or to complete, a registration statement in accordance with section 2(a) shall be subject to a civil money penalty of not more than $10,000 per violation.

''(2) SUPPLEMENTS.—Subject to paragraph (4), a person who fails to file timely, or to complete, any supplement in accordance with section 2(b) shall be subject to a civil money penalty of not more than $1,000 per violation.

''(3) OTHER VIOLATIONS.—

''(A) DEFINITION OF COVERED INDIVIDUAL.—In this paragraph, the term 'covered individual' means a person who knowingly fails—

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"(i) to remedy a defective filing under this Act by the date that is 60 days after the date of receipt of a notice from the Attorney General describing the defect; or

"(ii) to comply with any other applicable provision of this Act.

"(B) PENALTY.—Subject to paragraph (4), on proof, by a preponderance of the evidence, of a knowing failure described in subparagraph (A), the applicable covered individual shall be subject to a civil money penalty of not more than $200,000, as determined based on the extent and gravity of the failure.

"(4) NO FINES PAID BY FOREIGN PRINCIPALS.—A civil money penalty under paragraph (1), (2), or (3)(B) may not be paid, directly or indirectly, by a foreign principal.

"(5) USE OF FINES.—All civil money penalties collected under this subsection shall be used to pay the costs of the enforcement unit established under subsection (i)(1).".

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

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SEC. 6004. ESTABLISHMENT OF FARA INVESTIGATION AND ENFORCEMENT UNIT WITHIN DEPARTMENT OF JUSTICE.

Section 8 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 618) is amended by adding at the end the following:

''(i) DEDICATED ENFORCEMENT UNIT.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall establish within the counterespionage section of the National Security Division of the Department of Justice a unit with responsibility for the enforcement of this Act (referred to in this subsection as the 'enforcement unit').

''(2) POWERS.—The enforcement unit may—

''(A) take appropriate legal action against any person suspected of violating this Act; and

''(B) coordinate any legal action under subparagraph (A) with the United States Attorney for the relevant jurisdiction.

''(3) CONSULTATION.—In operating the enforcement unit, the Attorney General shall consult with, as appropriate—

''(A) the Director of National Intelligence;

''(B) the Secretary of Homeland Security; and

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"(C) the Secretary of State.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the activities of the enforcement unit $10,000,000 for fiscal year 2021 and each fiscal year thereafter.".

Subtitle B—Recusal of Presidential Appointees

SEC. 6101. RECUSAL OF APPOINTEES.

Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e)(1) Any officer or employee appointed by the President, other than an officer or employee who serves in the Executive Office of the President, shall recuse himself or herself from any particular matter involving specific parties in which a party to that matter is—

"(A) the President who appointed the officer or employee, which—

"(i) shall include a party that is an entity in which the President has a substantial interest; and

"(ii) shall not include a particular matter in which—

"(I) the President is a party to litigation in his or her official capacity; or

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"(II) the outcome of the particular matter would have a direct bearing on the President's ability to carry out his or her constitutional duties; or

"(B) the spouse of the President who appointed the officer or employee, which shall include a party that is an entity in which the spouse of the President has a substantial interest.

"(2)(A)(i) Subject to subparagraph (B), if an officer or employee is recused under paragraph (1), a career appointee in the agency of the officer or employee shall perform the functions and duties of the officer or employee with respect to the matter.

"(ii) The most senior career appointee in the agency, or component of the agency if applicable, of an officer or employee recused under paragraph (1) (or the designee of such career appointee) shall perform the functions and duties of the recused officer or employee, and such career appointee shall perform those functions and duties until the particular matter concludes, unless the head of the agency determines in writing that good cause exists to reassign those functions and duties to a different career appointee.

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"(B)(i) In this subparagraph, the term 'Commission' means a board, commission, or other agency for which the authority of the agency is vested in more than 1 member.

"(ii) If the recusal of a member of a Commission from a matter under paragraph (1) would result in there not being a statutorily required quorum of members of the Commission available to participate in the matter, notwithstanding such statute or any other provision of law, the members of the Commission not recused under paragraph (1) may—

"(I) consider the matter without regard to the quorum requirement under such statute;

"(II) delegate the authorities and responsibilities of the Commission with respect to the matter to a subcommittee of the Commission; or

"(III) designate an officer or employee of the Commission who was not appointed by the President who appointed the member of the Commission recused from the matter to exercise the authorities and duties of the recused member with respect to the matter.

"(3) Any officer or employee who violates paragraph (1) shall be subject to the penalties set forth in section 216.

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"(f) For purposes of this section, the term 'particular matter' has the meaning given the term in section 207(i).".

Subtitle C—Foreign Lobbying

SEC. 6201. PROHIBITION ON FOREIGN LOBBYING.

(a) IN GENERAL.—The Lobbying Disclosure Act of 1995 is amended—

(1) by redesignating section 26 (2 U.S.C. 1614) as section 27; and

(2) by inserting after section 25 (2 U.S.C. 1613) the following:

"SEC. 26. PROHIBITION ON FOREIGN LOBBYING.

"(a) DEFINITIONS.—In this section:

"(1) COVERED LOBBYIST.—The term 'covered lobbyist' means—

"(A) a lobbyist that is registered, or is required to register, under section 4(a)(1);

"(B) an organization that—

"(i) employs 1 or more lobbyists; and

"(ii) is registered, or is required to register, under section 4(a)(2); and

"(C) an employee listed, or required to be listed, as a lobbyist by a registrant under section 4(b)(6) or 5(b)(2)(C).

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"(2) OTHER TERMS.—The terms 'information-service employee', 'public-relations counsel', and 'publicity agent' have the meanings given those terms in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611).

"(b) PROHIBITION.—Except as provided in subsection (c), a covered lobbyist may not accept any financial or other compensation for any service that includes a lobbying activity on behalf of a foreign entity.

"(c) EXEMPTIONS.—The prohibition under subsection (b) shall not apply to the following covered lobbyists:

"(1) DIPLOMATIC OR CONSULAR OFFICERS.—A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while the officer is engaged exclusively in activities that are recognized by the Department of State as being within the scope of the functions of the officer.

"(2) OFFICIALS OF FOREIGN GOVERNMENTS.—An official of a foreign government recognized by the United States—

"(A) who is not—

"(i) a public-relations counsel;

"(ii) a publicity agent;

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"(iii) an information-service employee; or

"(iv) a citizen of the United States;

"(B) whose name and status, and the character of whose duties as such an official, are of public record in the Department of State; and

"(C) who is engaged exclusively in activities that are recognized by the Department of State as being within the scope of the functions of the official.

"(3) STAFF MEMBERS OF DIPLOMATIC OR CONSULAR OFFICERS.—A member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government—

"(A) who is recognized by the Department of State as such a staff member or employee;

"(B) who is not—

"(i) a public-relations counsel;

"(ii) a publicity agent; or

"(iii) an information-service employee;

"(C) whose name and status, and the character of whose duties as such a staff member or employee, are of public record in the Department of State; and

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"(D) who is engaged exclusively in the performance of activities that are recognized by the Department of State as being within the scope of the functions of the staff member or employee.

"(4) PERSONS ENGAGING OR AGREEING TO ENGAGE IN SOLICITATION OR COLLECTION FUNDS FOR HUMANITARIAN RELIEF.—A person engaging, or agreeing to engage, only in the solicitation or collection of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, subject to the condition that the solicitation or collection shall be conducted in accordance with, and subject to, the Neutrality Act of 1939 (22 U.S.C. 441 et seq.) (including any regulations promulgated pursuant to that Act).

"(5) CERTAIN PERSONS QUALIFIED TO PRACTICE LAW.—

"(A) IN GENERAL.—A person qualified to practice law, to the extent that the person engages, or agrees to engage in, the legal representation of a disclosed foreign entity before—

"(i) a court of law; or

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"(ii) a Federal agency.

"(B) LEGAL REPRESENTATION.—For the purpose of this paragraph, legal representation shall not include any attempt to influence or persuade any agency personnel or official, other than in the course of—

"(i) a judicial proceeding;

"(ii) a criminal or civil law enforcement inquiry, investigation, or proceeding; or

"(iii) an agency proceeding required by law or regulation to be conducted on the record.

"(d) PENALTIES.—

"(1) IN GENERAL.—Any person or entity who knowingly violates this section shall be—

"(A) fined not more than $200,000;

"(B) imprisoned for not more than 5 years; or

"(C) both fined and imprisoned in accordance with subparagraphs (A) and (B).

"(2) DISGORGEMENT.—Any compensation received for engaging in an unlawful activity described in this section shall be subject to disgorgement.".

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(b) CONFORMING AMENDMENT.—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking ''Whoever'' each place it appears and inserting ''Except as otherwise provided in this Act, any person or entity that''.

Subtitle D—Presidential Conflicts of Interest

SEC. 6301. DIVESTITURE OF PERSONAL FINANCIAL INTERESTS OF PRESIDENT AND VICE PRESIDENT THAT POSE POTENTIAL CONFLICTS OF INTEREST.

(a) IN GENERAL.—The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''TITLE VI—FINANCIAL CONFLICTS OF INTERESTS OF PRESIDENT AND VICE PRESIDENT

''SEC. 601. DIVESTITURE OF PERSONAL FINANCIAL INTERESTS POSING CONFLICTS OF INTEREST.

''(a) APPLICABILITY TO THE PRESIDENT AND VICE PRESIDENT.—Subject to subsection (b), not later than 30 days after the date on which the President or Vice President assumes office, the President or Vice President, respectively, shall divest of all financial interests that pose

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a conflict of interest because the President or Vice President, the spouse, dependent child, or general partner of the President or Vice President, or any person or organization with whom the President or Vice President is negotiating or has any arrangement concerning prospective employment, has a financial interest, by—

"(1) converting each such financial interest to cash or another investment that meets such criteria as the Director of the Office of Government Ethics shall establish, by regulation, as being an interest so remote or inconsequential as not to pose a conflict; or

"(2) placing each such financial interest in—

"(A) a qualified blind trust (as defined in section 102(f)(3)); or

"(B) a diversified trust under section 102(f)(4)(B).

"(b) DISCLOSURE EXEMPTION.—Subsection (b) shall not apply in any case in which the President or Vice President achieves compliance with section 102.".

(b) ADDITIONAL DISCLOSURES.—Section 102(a) of the Ethics in Government Act of 1978 (5 U.S.C. App. 102(a)) is amended by adding at the end the following:

"(9) With respect to any report filed by the President or Vice President, for any corporation,

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company, firm, partnership, or other business enterprise in which the President or Vice President, or a spouse or dependent child of the President or Vice President, has a significant financial interest—

"(A) the name of each other person that holds a significant financial interest in the corporation, company, firm, partnership, or other business enterprise;

"(B) the value, identity, and category of each liability in an amount equal to more than $10,000; and

"(C) a description of the nature and value of any asset with a value equal to not less than $10,000.".

(c) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Government Ethics shall promulgate regulations to establish—

(1) the criteria required by section 601(a)(1) of the Ethics in Government Act of 1978 (as added by subsection (a)); and

(2) a definition of the term "significant financial interest" for purposes of paragraph (9) of section 102(a) of the Ethics in Government Act of

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1978 (5 U.S.C. App. 102(a)) (as added by subsection (b)).

SEC. 6302. INITIAL FINANCIAL DISCLOSURE.

Section 101(a) of the Ethics in Government Act of 1978 (5 U.S.C. App. 101(a)) is amended—

(1) by striking ''(a) Within'' and all that follows through ''subsection (f), an individual'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Not later than 30 days after the date on which an officer or employee described in subsection (f) assumes the position described in that subsection, the offer or employee'';

(2) in paragraph (1) (as so designated)—

(A) by striking ''within thirty days prior to assuming such new position or has already'' and inserting the following: ''during the 30-day period ending on the date of assumption of the new position; or

''(B) already''; and

(B) by striking ''section 102(b) unless the individual has left'' and inserting the following: ''section 102(b), unless, subject to paragraph (2), the officer or employee has—

''(A) left''; and

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(3) by adding at the end the following:

''(2) APPLICABILITY TO PRESIDENT AND VICE PRESIDENT.—The President and Vice President—

''(A) shall not be subject to the exceptions described in subparagraphs (A) and (B) of paragraph (1); and

''(B) shall file a new report by the applicable deadline described in that paragraph.''.

SEC. 6303. CONTRACTS BY THE PRESIDENT OR VICE PRESIDENT.

(a) AMENDMENT.—Section 431 of title 18, United States Code, is amended—

(1) in the section heading, by inserting ''**the President, Vice President, a Cabinet Member, or a**'' after ''**Contracts by**''; and

(2) in the first undesignated paragraph, by inserting ''the President, the Vice President, any Cabinet member,'' after ''Whoever, being''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 23 of title 18, United States Code, is amended by striking the item relating to section 431 and inserting the following:

''431. Contracts by the President, Vice President, a Cabinet Member, or a Member of Congress.''.

SEC. 6304. LEGAL DEFENSE FUNDS.

(a) DEFINITIONS.—In this section:

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(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Government Ethics.

(2) LEGAL DEFENSE FUND.—The term ''legal defense fund'' means a trust that—

(A) has only 1 beneficiary; and

(B) is subject to a trust agreement that—

(i) creates an enforceable fiduciary duty on the part of the trustee to the beneficiary, pursuant to the applicable law of the jurisdiction in which the trust is established;

(ii) provides for mandatory public disclosure of all donations to, and disbursements from, the trust;

(iii) prohibits the use of trust resources for—

(I) any purpose other than—

(aa) the administration of the trust;

(bb) the payment or reimbursement of legal fees or expenses incurred in an investigative, civil, criminal, or other legal proceeding relating to, or arising

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by virtue of, the service by the beneficiary as—

(AA) an officer or employee; or

(BB) an employee, contractor, consultant, or volunteer of a campaign of the President or Vice President; or

(cc) the distribution of unused resources to a charity that—

(AA) is selected by the trustee; and

(BB) has not been selected or recommended by the beneficiary; or

(II) any other purpose or personal legal matter, including tax planning, personal injury litigation, protection of property rights, divorce, or estate probate; and

(iv) prohibits the acceptance of donations, except in accordance with—

(I) this section; and

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(II) applicable regulations of the Director.

(3) OFFICER OR EMPLOYEE.—The term ''officer or employee'' means—

(A) an officer (as defined in section 2104 of title 5, United States Code) or employee (as defined in section 2105 of that title) of the Executive branch;

(B) the Vice President; and

(C) the President.

(4) RELATIVE.—The term ''relative'' has the meaning given the term in section 3110 of title 5, United States Code.

(b) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), an officer or employee may not accept or use any gift or donation for the payment or reimbursement of legal fees or expenses incurred in an investigative, civil, criminal, or other legal proceeding relating to, or arising by virtue of, the service by the officer or employee as—

(A) an officer or employee; or

(B) an employee, contractor, consultant, or volunteer of a campaign of the President or Vice President.

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(2) EXCEPTION.—A gift or donation described in paragraph (1) may be accepted and used only through a legal defense fund that is certified by the Director in accordance with this section.

(c) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Director shall promulgate regulations establishing limits with respect to gifts and donations described in subsection (b)(1), which shall, at a minimum—

(1) prohibit the receipt of such a gift or donation from—

(A) a single contributor (other than a relative of the applicable officer or employee) in an amount equal to more than $5,000 during any calendar year;

(B) a registered lobbyist;

(C) a foreign government or an agent of a foreign principal;

(D) a State government or an agent of a State government;

(E) any person seeking official action from, or conducting or seeking to conduct business with, the agency employing the officer or employee;

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(F) any person conducting activities regulated by the agency employing the officer or employee;

(G) any person the interests of which may be substantially affected by the performance or nonperformance of an official duty of the officer or employee;

(H) any other officer or employee of the Executive branch; or

(I) any organization a majority of the members of which are described in any of subparagraphs (A) through (H); and

(2) require that, in order to be certified by the Director under subsection (d), a legal defense fund may only permit distributions to the applicable officer or employee.

(d) CERTIFICATION BY DIRECTOR.—

(1) WRITTEN NOTICE.—An officer or employee who wishes to accept funds, or to have a representative accept funds, from a legal defense fund shall ensure that, before the acceptance, the proposed trustee of the legal defense fund submits to the Director a written notice containing the following information:

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(A) The name and contact information for any proposed trustee of the legal defense fund.

(B) A copy of any proposed trust document for the legal defense fund.

(C) The nature of each legal proceeding, investigation, and other matter in response to which the legal defense fund was established.

(D) An acknowledgment signed by the officer or employee and the trustee indicating an agreement to be bound by the regulations and limitations described in this section.

(2) CERTIFICATION.—On receipt of a written notice relating to a legal defense fund under paragraph (1), the Director shall—

(A) acknowledge the receipt;

(B) approve or disapprove—

(i) the information contained in the written notice; and

(ii) the structure of the legal defense fund; and

(C) on approval under subparagraph (B), certify, in writing, the legal defense fund.

(3) ACTION ON CERTIFICATION.—On receipt of a written certification of the Director under paragraph (2)(C), the officer or employee that is the ben-

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eficiary of the certified legal defense fund may accept any gift or donation described in subsection (b)(1) through that legal defense fund.

(e) REPORTING.—

(1) IN GENERAL.—An officer or employee who establishes a legal defense fund under this section may not directly or indirectly accept any distribution from the legal defense fund unless a trustee of the legal defense fund has submitted to the Director a quarterly report for each quarter during the period beginning on the date of establishment of the legal defense fund and ending on the date of acceptance of the distribution that describes, with respect to the quarter covered by the report—

(A) the source and amount of each contribution to the legal defense fund; and

(B) the amount, recipient, and purpose of each expenditure from the legal defense fund, including all distributions from the legal defense fund for any purpose.

(2) PUBLIC AVAILABILITY.—The Director shall make available on a public internet website, with respect to each legal defense fund under this section—

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(A) each report submitted under paragraph (1) relating to that legal defense fund, in a searchable, sortable, and downloadable form;

(B) each trust agreement relating to that legal defense fund, and any amendments to such an agreement;

(C) the written notice and acknowledgment relating to that legal defense fund under paragraphs (1) and (2)(A), respectively, of subsection (d); and

(D) the written certification of the legal defense fund by the Director under subsection (d)(2)(C).

(f) RECUSAL.—An officer or employee, other than the President and the Vice President, who is the beneficiary of a legal defense fund may not participate personally and substantially in any particular matter in which the officer or employee knows a donor of any source of a gift or donation to the legal defense fund has a financial interest during the 2-year period beginning on the date of the most recent gift or donation from that donor to the legal defense fund.

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Subtitle E—Severability

SEC. 6401. SEVERABILITY.

If any provision of this title or amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and amendments made by this title, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

TITLE VII—PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY

SEC. 7001. PRESIDENTIAL AND VICE PRESIDENTIAL TAX TRANSPARENCY.

(a) DEFINITIONS.—In this section:

(1) The term ''covered candidate'' means a candidate of a major party in a general election for the office of President or Vice President.

(2) The term ''income tax return'' means, with respect to an individual, any return (as such term is defined in section 6103(b)(1) of the Internal Revenue Code of 1986, except that such term shall not include declarations of estimated tax) of—

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(A) such individual, other than information returns issued to persons other than such individual; or

(B) of any corporation, partnership, or trust in which such individual holds, directly or indirectly, a significant interest as the sole or principal owner or the sole or principal beneficial owner (as such terms are defined in regulations prescribed by the Secretary).

(3) The term ''major party'' has the meaning given the term in section 9002 of the Internal Revenue Code of 1986.

(4) The term ''Secretary'' means the Secretary of the Treasury or the delegate of the Secretary.

(b) DISCLOSURE.—

(1) IN GENERAL.—

(A) CANDIDATES FOR PRESIDENT AND VICE PRESIDENT.—Not later than the date that is 15 days after the date on which an individual becomes a covered candidate, the individual shall submit to the Federal Election Commission a copy of the individual's income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

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(B) PRESIDENT AND VICE PRESIDENT.—With respect to an individual who is the President or Vice President, not later than the due date for the return of tax for each taxable year, such individual shall submit to the Federal Election Commission a copy of the individual's income tax returns for the taxable year and for the 9 preceding taxable years.

(C) TRANSITION RULE FOR SITTING PRESIDENTS AND VICE PRESIDENTS.—Not later than the date that is 30 days after the date of enactment of this section, an individual who is the President or Vice President on such date of enactment shall submit to the Federal Election Commission a copy of the income tax returns for the 10 most recent taxable years for which a return has been filed with the Internal Revenue Service.

(2) FAILURE TO DISCLOSE.—If any requirement under paragraph (1) to submit an income tax return is not met, the chairman of the Federal Election Commission shall submit to the Secretary a written request that the Secretary provide the Federal Election Commission with the income tax return.

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(3) PUBLICLY AVAILABLE.—The chairman of the Federal Election Commission shall make publicly available each income tax return submitted under paragraph (1) in the same manner as a return provided under section 6103(l)(23) of the Internal Revenue Code of 1986 (as added by this section).

(4) TREATMENT AS A REPORT UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971.—For purposes of the Federal Election Campaign Act of 1971 (32 U.S.C. 30101 et seq.), any income tax return submitted under paragraph (1) or provided under section 6103(l)(23) of the Internal Revenue Code of 1986 (as added by this section) shall, after redaction under paragraph (3) or subparagraph (B)(ii) of such section, be treated as a report filed under the Federal Election Campaign Act of 1971 (32 U.S.C. 30101 et seq.).

(c) DISCLOSURE OF RETURNS OF PRESIDENTS AND VICE PRESIDENTS AND CERTAIN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(23) DISCLOSURE OF RETURN INFORMATION OF PRESIDENTS AND VICE PRESIDENTS AND CER-

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TAIN CANDIDATES FOR PRESIDENT AND VICE PRESIDENT.—

"(A) IN GENERAL.—Upon written request by the chairman of the Federal Election Commission under section 7001(b)(2) of the Act entitled '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', not later than the date that is 15 days after the date of such request, the Secretary shall provide copies of any return which is so requested to officers and employees of the Federal Election Commission whose official duties include disclosure or redaction of such return under this paragraph.

"(B) DISCLOSURE TO THE PUBLIC.—

"(i) IN GENERAL.—The chairman of the Federal Election Commission shall make publicly available any return which is provided under subparagraph (A).

"(ii) REDACTION OF CERTAIN INFORMATION.—Before making publicly available

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under clause (i) any return, the chairman of the Federal Election Commission shall redact such information as the Federal Election Commission and the Secretary jointly determine is necessary for protecting against identity theft, such as social security numbers.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of the Internal Revenue Code of 1986 is amended—

(A) in the matter preceding subparagraph (A) by striking ''or (22)'' and inserting ''(22), or (23)''; and

(B) in subparagraph (F)(ii) by striking ''or (22)'' and inserting ''(22), or (23)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures made on or after the date of enactment of this Act.

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From: Dodd, Stacy <sdodd@sso.org>
To: Reynolds, Leslie <reynolds@sso.org>
Milhofer, John <jmilhofer@sso.org>
Maria Benson <mbenson@sso.org>
Allison Waltz <awaltz@sso.org>
Lindsey Forson <lforson@sso.org>
Date: 7/30/2021 12:49:16 PM
Subject: NASS Weekly Elections Mtg - 8/5/21

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From: KB Connolly <kb_c@yahoo.com>
To: John.Ashcroft <John.Ashcroft@sos.mo.gov>
rstream@stlouiscountymo.gov
Jim Murphy <jmmurphy8@me.com>
Michael ODonnell <michael.odonnell@house.mo.gov>
Milton Rudi <mrudi5545@sbcglobal.net>
Date: 3/19/2022 8:15:12 PM
Subject: Re: 3/18 Breaking News: MASSIVE Election Fraud Now Recognized in Wis. by Robin Vos- Speaker!!!

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None of that. They will just do it again, because there is no jeopardy for continuing the deceit.

Regards, Ken

On Saturday, March 19, 2022, 05:39:07 PM CDT, Milton Rudi <mrudi5545@sbcglobal.net> wrote:

THIS IS A MUST SEE!!!

From: Milton Rudi <mrudi5545@sbcglobal.net>
To: John.Ashcroft <John.Ashcroft@sos.mo.gov>
rstream@stlouiscountymo.gov
Jim Murphy <jmmurphy8@me.com>
Michael ODonnell <michael.odonnell@house.mo.gov>
Date: 3/19/2022 5:38:56 PM
Subject: 3/18 Breaking News: MASSIVE Election Fraud Now Recognized in Wis. by Robin Vos-Speaker!!!

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From: electionline <mmoretti@electionline.org>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 3/10/2022 11:00:30 AM
Subject: electionline Weekly--March 10, 2022

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electionline Weekly

March 10, 2022

In Focus This Week

Exit Interview

Orange County's Neal Kelley retires

By M. Mindy Moretti
Electionline.org

Orange County, California Registrar of Voters Neal Kelley is a bit of a Renaissance man.

Before joining the county as chief deputy registrar, Kelley worked in a variety of fields including retail, law enforcement and he'd served as an adjunct professor with Riverside Community College's Business Administration Department.

Kelley was hired as chief deputy registrar in 2004, got appointed acting registrar the following year and was named to the position permanently in 2006. He the longest serving Orange County election official and one of the most senior—in experience, not age!—election officials

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California.

"Neal Kelley has been a model and a courageous spokesperson for thoughtful reform. Under his leadership, Orange County's election office has become not only state of the art, but well ahead of the game. It's unfortunate he's leaving, but I wish him well," said California Secretary of State Shirley Weber.

According to the *Orange County Register,* Kelley has overseen 85 elections encompassing more than 20 million ballots.

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Election News This Week

One in Five: A new survey of local election officials released by the Brennan Center for Justice found that 1 in 5 local election administrators say they are likely to leave their jobs before the 2024 presidential election. "There's a crisis in election administration," said Larry Norden, the senior director of elections and government at the Brennan Center. "[Election administrators] are concerned, and they're not getting the support that they need." The Brennan Center worked with the Benenson Strategy Group, which has worked for a number of national Democratic political campaigns, to conduct the poll over two weeks in early February among 596 local election officials. Respondents were split fairly evenly across the political spectrum: 26% identified as Democrats, 30% as Republicans, and 44% said they were

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independent. The margin of error was about 4%. The poll results show that the 2020 election — specifically false attacks on the legitimacy of the voting process — is playing a large role in how voting officials feel about their work. Of those election officials who said they were likely to leave their jobs before 2024, the most common reasons why were that too many politicians were attacking "a system that they know is fair and honest," and that the job was too stressful.

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Legislative Updates

Delaware: A weird quirk to Delaware law requires voters to register to vote twice, once for state/federal races and again for some local races. A bill has been introduced to the General Assembly that would require Delaware's cities and towns to use the state's voter registration system rather than their own. Only 12 out of Delaware's 57 municipalities currently use the state Department of Elections database to determine voter eligibility. The rest run their own registration systems, meaning voters are turned away in at least some of the 45 municipalities that require voters to register separately. That's a big problem during election season, said the bill's sponsor, Sen. S. Elizabeth 'Tizzy' Lockman, a Democrat from Wilmington. "In some of our municipalities there is this divide between registration for elections on the state level and elections on a municipal level," Lockman said in an interview with Delaware LIVE News. "That has had the impact of disenfranchising voters who are not aware of what is a surprising and somewhat illogical system." Opponents of the bill say it goes too far and that municipalities should be allowed to decide whether or not they want to use the state's voter registration system.

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Legal Updates

Colorado: Mesa County Clerk Tina Peters and Deputy Clerk Belinda Knisley have been indicted by a grand jury. Peters faces 10 counts, including seven felony charges and three misdemeanors. The felony charges include attempting to influence a public servant, identity theft, criminal impersonation and conspiracy to commit criminal impersonation. The misdemeanors include first-degree official misconduct, violation of duty and failure to comply with the requirements of the secretary of state. Knisley has been indicted on six counts, including attempt to influence a public servant, conspiracy to commit criminal impersonation, violation of duty and failure to comply with the requirements of the secretary of state. The pair

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is accused of helping an unauthorized person make copies of sensitive voting-machine hard drives and attend an annual software update. Information from the machines and secure passwords were later shared with election conspiracy theorists online. Shortly after the data was leaked, Peters appeared at an event put on by MyPillow CEO Mike Lindell, one of the leading promoters of the conspiracy theory that the 2020 election was rigged.

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Opinions This Week

National Opinions: Protection for election workers | U.S. Supreme Court | Election security Automatic voter registration

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Upcoming Events

Social Media's Free Speech Problem: The prob-lem of misin-form-a-tion on social media has ballooned over the last few years, espe-cially in rela-tion to elec-tions. The result has been further polar-iz-a-tion of our already divided coun-try. There has been a bois-ter-ous debate about the de-plat-form-ing of former pres-id-ent Donald Trump, but how else are social media compan-ies able to combat those delib-er-ately spread-ing false inform-a-tion? How do we control this false speech while protect-ing the First Amend-ment — and our demo-cracy? Join us for a live discus-sion with one of the coun-try's lead-ing experts on elec-tion law, Richard L. Hasen, author of the upcom-ing bookCheap Speech: How Disin-form-a-tion Pois-ons Our Polit-ics — and How to Cure It, for a look into how social media compan-ies can solve this prob-lem without shut-ting down the essen-tial free flow of ideas and opin-ions. **When:** March 24, 6pm. **Where:** Online

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Job Postings This Week

Election Director, Montgomery County, Maryland– The Board of Elections for Montgomery

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County is seeking an innovative leader with demonstrated management experience and political acumen. It is crucial that the Election Director have excellent interpersonal skills and the ability to work effectively with a large and diverse community and employee population and a complex hierarchy. The Elections Director, will plan, coordinate and direct staff activities in all functions related to the conduct of voter registration and election administration. This is a senior-level management position with management responsibility for planning, developing, implementing, and evaluating policies and programs related to the electoral process, including the allocation of major financial and technical resources necessary to conduct election activities. The Elections Director reports to the County Board of Elections, which operates under the overall supervision of the State Board of Elections. In addition, as a merit system County employee under state law, the Elections Director also reports to the County's Chief Administrative Officer for operational purposes. Candidates should anticipate extended work hours and be able to manage staff and schedules in an occasionally stressful environment. **Salary:** Salary range – $107,000 to $190,042. **Application:** For the complete job listing and to apply, click here.

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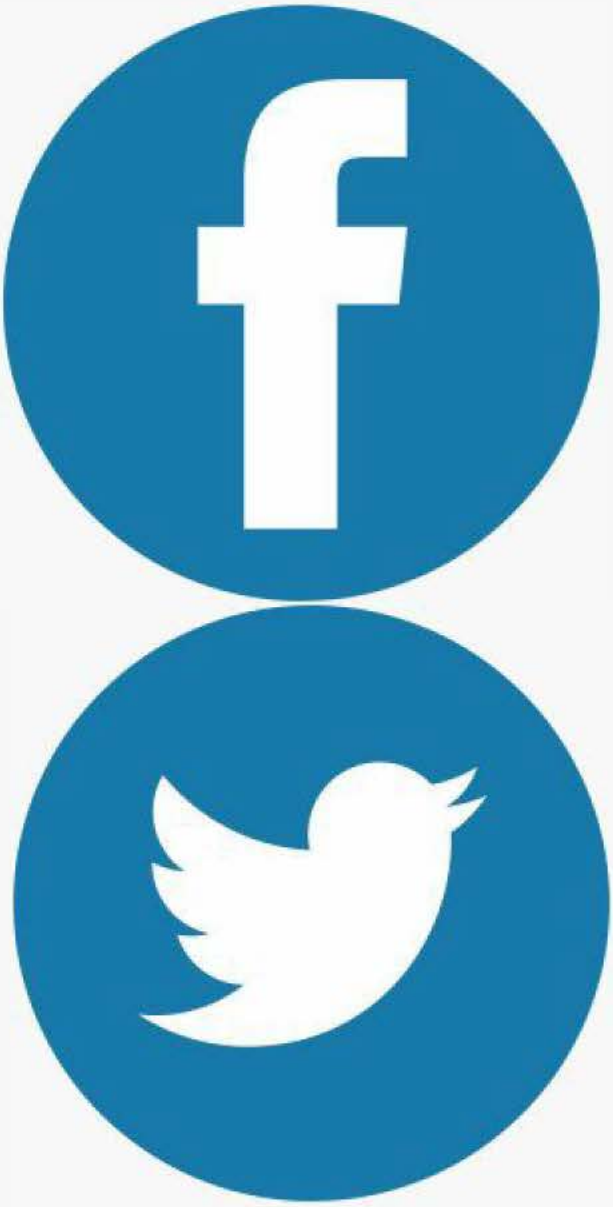
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From: Jung, Frank <Frank.Jung@sos.mo.gov>
To: Mahaney, Stacy <Stacy.Mahaney@sos.mo.gov>
Peters, Chrissy <chrissy.peters@sos.mo.gov>
Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 3/7/2022 2:30:44 PM
Subject: FW: Sunshine Law Request (MO-SOS-22-0229)
Attachments: MO-SOS-22-0229.pdf

Just as week finished responding to the last batch of Sunshine requests this one came in. Stacy – HELP!

Frank Jung
General Counsel
Missouri Secretary of State

From: SOSMain <sosmain@sos.mo.gov>
Sent: Monday, March 7, 2022 2:18 PM
To: Jung, Frank <Frank.Jung@sos.mo.gov>
Subject: FW: Sunshine Law Request (MO-SOS-22-0229)

From: AO Records <records@americanoversight.org>
Sent: Monday, March 7, 2022 2:10 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Sunshine Law Request (MO-SOS-22-0229)

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Dear Custodian of Records:

Please find a ached a request for records under Missouri's Sunshine Law.

Sincerely,
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Sunshine Law Request: MO-SOS-22-0229

AMERICAN OVERSIGHT

March 7, 2022

VIA EMAIL

Office of the Secretary of State
600 West Main Street
Jefferson City, MO 65101
info@sos.mo.gov

Re: Sunshine Law Request

Dear Custodian of Records:

Pursuant to the Missouri Sunshine Law, Mo. Rev. Stat. § 610.010 et seq., American Oversight makes the following request for records.

Immediately following the November 2020 election, officials in the Trump administration and members of the Trump campaign team coordinated attempts to reverse the results of the election, including in individual states.[1] Since that time, public officials and activists have continued to advocate for more restrictive voting laws or partisan "audits" of elections.[2]

American Oversight seeks records with the potential to shed light on whether or to what extent officials in the Office of the Secretary of State of Missouri have been in contact with individuals or entities seeking to restrict ballot access or conduct a partisan review of elections.

---

[1] Emma Brown *et al.*, *Election Denier Who Circulated Jan. 6 PowerPoint Says He Met with Meadows at White House*, Wash. Post (Dec. 11, 2021, 12:30 PM), https://www.washingtonpost.com/investigations/phil-waldron-mark-meadows-powerpoint/2021/12/11/4ea67938-59df-11ec-9a18-a506cf3aa31d_story.html.

[2] *See, e.g.*, Ray Stern, *Arizona Republicans Propose Dozens of Bills to Change Voting and Elections Following Audit, 2020 Election*, AZ Republic (updated Jan. 23, 2022, 7:27 PM), https://www.azcentral.com/story/news/politics/legislature/2022/01/18/arizona-legislature-dozens-gop-bills-alter-voting-elections/9188425002/; Patrick Marley, Jason Hancock, *Jay Ashcroft Touts Integrity of Missouri's 2020 Election, But Supports An Audit*, MO Independent (Nov. 22, 2021, 5:55 AM), https://missouriindependent.com/2021/11/22/jay-ashcroft-touts-integrity-of-missouris-2020-election-but-supports-an-audit/.

Requested Records

American Oversight requests that your office produce copies of the following records within three business days

All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (A) the listed officials in the Office of the Secretary of State of Missouri and (B) any of the external individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

A. Secretary of State Officials:
   1. Jay Ashcroft, Secretary of State, or anyone communicating on his behalf, such as a scheduler or assistant
   2. Trish Vincent, Executive Deputy Secretary of State and Chief of Staff

B. External Entities:
   1. Al Hartman, Jenny Limcher, and/or anyone communicating on behalf of Hartman REIT (@hi-reit.com)
   2. Anyone communicating from the email addresses arizonaaudit@gmail.com, arizonaaudit@protonmail.com, azaudit@gmail.com, azauditmedia@gmail.com, azauditpress@gmail.com, and/or info@arizonaaudit.com
   3. Boris Epshteyn (bepshteyn@gmail.com)
   4. Charles Bundren III (charles@bundrenlaw.net)
   5. Chris Witt, Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (@waketsi.com)
   6. Christina Bobb, Chanel Rion, Graham Ledger (grahamledger@yahoo.com), and/or anyone communicating on behalf of One America News Network, including anyone communicating from an email address ending in @oann.com
   7. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com, and/or email addresses ending in @bradleyfdn.org)
   8. Colonel Phil Waldron (phil@onewarrior.com or anyone communicating from an email address ending in @bonfiresearch.org)
   9. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
   10. Emily Newman (enewman@protonmail.com), Todd Sanders (todd@krknsys.com), and/or anyone communicating from an email address ending in @americaproject.com

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11. Former National Security Advisor Michael Flynn (@generalflynn.com), Joseph Flynn, Charles Flynn, Michael Flynn Jr., and/or anyone communicating on behalf of America's Future (@americasfuture.net)
12. Ivan Raiklin (ivan.raiklin@gmail.com, socialmediaraiklin@gmail.com)
13. Jacqueline Timmer, Mary Coran, and/or anyone communicating on behalf of the American Voter's Alliance (@got-freedom.org)
14. Jenna Ellis (jenna.ellis.esq@gmail.com), and/or anyone communicating on behalf of Liberty University's Falkirk Center (falkirkcenter.com) or the American Greatness Fund (@americangreatnessfund.com)
15. John Eastman (jeastman@claremont.org) and/or anyone communicating on behalf of Constitutional Counsel Group (@ccg1776.com)
16. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
17. Julie Fisher (aztrumplican@gmail.com, azwinos@gmail.com, and/or julie.fisher@az51.org)
18. Katherine Friess (kfriess@protonmail.com)
19. Ken Bennett (kbennettaz7@gmail.com, kbazsos@gmail.com, and/or kjbennettaz@gmail.com)
20. Kurt Olsen (kurtols@protonmail.com)
21. Matt Braynard, and/or anyone communicating on behalf of Look Ahead America (@lookaheadamerica.org)
22. Matthew DePerno (matthew@depernolaw.com)
23. Mike Lindell (mike@mypillow.com)
24. Mike Roman (mikeroman@protonmail.com)
25. Phill Kline (phillklineva@gmail.com), Luis Cornelio (lcornel001@citymail.cuny.edu) and/or anyone communicating on behalf of the Thomas More Society (@thomasmoresociety.org) or The Amistad Project
26. Rob Natelson (rob.natelson1@gmail.com)
27. Russell Ramsland (yrku9sqs@protonmail.com), J. Keet Lewis (keet@jkeetlewis.com), and/or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
28. Shiva Ayyadurai (vashiva@vashiva.com), and/or anyone communicating from an email address ending in @echomail.com
29. Sidney Powell (sp@seeking-justice.org, sidney@federalappeals.com)
30. Steve Montenegro (stevemontenegro@gmail.com, stevemontenegro@protonmail.com, steve@coronamconsulting.com)
31. William Olson (williamolson@lawandfreedom.com, wjo@mindspring.com)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if one of the listed officials received a mass-distribution news clip email from One America News Network, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own

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commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Fee Waiver Request

In accordance with Mo. Rev. Stat. § 610.026.1(1), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information "is likely to contribute significantly to public understanding of the operations or activities of [a] public governmental body."[3] The public has a significant interest in the administration of elections in Missouri.[4] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether elections officials have been in contact with individuals or entities seeking to undermine public confidence in elections. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.[5] As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.[6]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses

[3] Mo. Rev. Stat. § 610.026.1(1).
[4] *See supra*, note 2.
[5] Mo. Rev. Stat. § 610.026.1(1).
[6] American Oversight currently has approximately 15,720 page likes on Facebook and 117,800 followers on Twitter. American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 28, 2022); American Oversight (@weareoversight), Twitter, https://twitter.com/weareoversight (last visited Feb. 28, 2022).

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posted to its website.[7] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;[8] posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;[9] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[10] and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers.[11]

Accordingly, American Oversight qualifies for a fee waiver.

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[7] *See generally News*, American Oversight, https://www.americanoversight.org/blog.
[8] *See generally State Investigations*, American Oversight, https://www.americanoversight.org/states; *see, e.g.*, *State Government Contacts with Voting-Restriction Activists*, American Oversight, https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists; *Georgia's Voting Machines and Election Security*, American Oversight, https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security.
[9] *See, e.g.*, *The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records.
[10] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.
[11] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

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Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.[12] If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will

[12] Mo. Rev. Stat. § 610.024.1.

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accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or 202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

AMERICAN OVERSIGHT

From: Stream, Rick <RStream@stlouiscountymo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 2/18/2022 11:33:45 AM
Subject: FW: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Rick Stream
Republican Director of Elections

O: 314.615.1955
A: 725 Northwest Plaza Dr., St. Ann, MO 63074
E: rstream@stlouiscountymo.gov
W: stlouiscovotes.com

Saint Louis COUNTY ELECTION BOARD

From: Milton Rudi <mrudi5545@sbcglobal.net>
Sent: Thursday, February 17, 2022 3:19 PM
To: Stream, Rick <RStream@stlouiscountymo.gov>
Subject: [External Email] Fw: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

EXTERNAL EMAIL: Please exercise caution when opening links or attachments

Rick, Here's a memo I sent out prior to the previously cancelled Townhall at Mehlville.

----- Forwarded Message -----
From: Milton Rudi <mrudi5545@sbcglobal.net>
To: Christy Hessel <chessel52@protonmail.com>
Sent: Monday, December 20, 2021, 11:54:48 AM CST
Subject: Fw: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

----- Forwarded Message -----
From: Milton Rudi <mrudi5545@sbcglobal.net>
To: john.ashcroft@sos.mo.gov <john.ashcroft@sos.mo.gov>
Sent: Sunday, December 19, 2021, 06:04:56 PM CST
Subject: Fw: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

----- Forwarded Message -----
From: Milton Rudi <mrudi5545@sbcglobal.net>
To: michael.odonnell@house.mo.gov <michael.odonnell@house.mo.gov>; James Murphy <jim.murphy@house.mo.gov>
Sent: Sunday, December 19, 2021, 05:49:19 PM CST

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Subject: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

Gentlemen:

I'm sending you this article because of the Town Hall on Election Integrity you are hosting on 1/15 /22. As you can see, AP claims no fraud after an extensive investigation. However, Mike Lindell has un-adjudicated evidence of massive fraud in all 50 states. He even said he contacted all the AGs in every state to show them his evidence and this includes AG Jay Ashcroft. I hope you will be prepared to discuss all aspects of this conflict and show us a clear way forward to resolve these issues. If the 2020 election fraud is not exposed and adjudicated by SCOTUS then what other avenue do we have to settle this dispute other than take to the streets???!!! Please don't put our country in that position.

Looking forward to a full, revealing and complete discussion on where we're headed as a country. As you well know, Communists never let you vote them out of office, do they. So what do you suggest?? ?

Milton "Mick" Rudi
314-846-2533
532 Susan Rd., STL, MO 63129

Far too little vote fraud to tip election to Trump, AP finds | AP News



Far too little vote fraud to tip election to Trump, AP finds | AP News

ATLANTA (AP) — An Associated Press review of every potential case of voter fraud in the six battleground states ...

Disclaimer

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From: Stream, Rick <RStream@stlouiscountymo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 2/18/2022 11:32:57 AM
Subject: FW: WATCH THIS!!! PROOF of HUGE NUMBER of Votes Flipped by VOTING MACHINES!!!!!!

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

First of 4 emails.

Rick Stream
Republican Director of Elections

O: 314.615.1955
A: 725 Northwest Plaza Dr., St. Ann, MO 63074
E: rstream@stlouiscountymo.gov
W: stlouiscovotes.com

Saint Louis COUNTY ELECTION BOARD

From: Milton Rudi <mrudi5545@sbcglobal.net>
Sent: Thursday, February 17, 2022 12:36 PM
To: Stream, Rick <RStream@stlouiscountymo.gov>
Subject: [External Email] Fw: WATCH THIS!!! PROOF of HUGE NUMBER of Votes Flipped by VOTING MACHINES!!!!!!

EXTERNAL EMAIL: Please exercise caution when opening links or attachments

Hi Rick! Here's the info. I promised you last night. Dr. Frank shows EVERY voting machine was hacked with a specific algorithm and that every machine could be accessed by the internet. I can't judge but that's why we have your organization. Unless you can prove one way or the other that our machines were not hacked we still have an open question, don't we! And if we don't have confidence that your organization is looking out for our interests then why should we even support candidates, donate money or even vote???!!!! You have only one chance to clear this up and the time is NOW!

If it's a matter of money, I'll be happy to contribute to a FORENSIC audit. Anything less is a meaningless exercise. Now, I worked and contributed to your campaign for County Exec. So now it's your turn to stop the voter fraud that I'm sure had a negative impact on the results of your campaign! Please call or email me if you need more information or help in this regard.

My very best to you, sir and with deepest respect!!!
Milton, Mick, Rudi
532 Susan Rd.
St. Louis, MO 63129
mrudi5545@sbcglobal.net
314-846-2533

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PS: We both served in the military during Vietnam. Let's not waste the sacrifice we all made to defeat Communism! (Or, do they win in the end anyway?)

----- Forwarded Message -----
From: Milton Rudi <mrudi5545@sbcglobal.net>
Sent: Tuesday, February 1, 2022, 06:13:21 PM CST
Subject: WATCH THIS!!! PROOF of HUGE NUMBER of Votes Flipped by VOTING MACHINES!!!!!!

1/31/22-- Mike Lindell and Dr. Doug Frank reveal the number of votes flipped by ALL MAKES of electronic voter machines--ALL STATES!!!

Start at minute #30 when Dr. Frank is introduced.
Minute #50 CHINA STOLE OUR ELECTION!
Minute #57 Trump WON nationally--His 81 million votes to Biden's 69-70 million votes!!!
Minute #58 ES&S voting machine mentioned among others-- ALL WERE HACKED!!!

Here in Missouri we are STILL WAITING TO HEAR Jay Ashcroft's response to the information presented to him by Dr. Frank!!! It's time for this CRAP to be acknowledged and dealt with!!!

WHAT SAY YOU???????????

PA Court Rules 40% of 2020 Ballots Unconstitutional, Democrats Stole Military Ballots in 2020, and Update From Dr. Doug Frank | Frank Speech the Home of Free Speech



PA Court Rules 40% of 2020 Ballots Unconstitutional, Democrats Stole Mil...

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From: Milton Rudi <mrudi5545@sbcglobal.net>
To: John.Ashcroft <John.Ashcroft@sos.mo.gov>
Date: 12/19/2021 6:04:55 PM
Subject: Fw: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

----- Forwarded Message -----
From: Milton Rudi <mrudi5545@sbcglobal.net>
To: michael.odonnell@house.mo.gov <michael.odonnell@house.mo.gov>; James Murphy <jim.murphy@house.mo.gov>
Sent: Sunday, December 19, 2021, 05:49:19 PM CST
Subject: AP Says No Evidence 2020 Presidential Election Was Stolen!!!!!!

Gentlemen:

I'm sending you this article because of the Town Hall on Election Integrity you are hosting on 1/15 /22. As you can see, AP claims no fraud after an extensive investigation. However, Mike Lindell has un-adjudicated evidence of massive fraud in all 50 states. He even said he contacted all the AGs in every state to show them his evidence and this includes AG Jay Ashcroft. I hope you will be prepared to discuss all aspects of this conflict and show us a clear way forward to resolve these issues. If the 2020 election fraud is not exposed and adjudicated by SCOTUS then what other avenue do we have to settle this dispute other than take to the streets???!!! Please don't put our country in that position.

Looking forward to a full, revealing and complete discussion on where we're headed as a country. As you well know, Communists never let you vote them out of office, do they. So what do you suggest?? ?

Milton "Mick" Rudi
314-846-2533
532 Susan Rd., STL, MO 63129

Far too little vote fraud to tip election to Trump, AP finds | AP News



Far too little vote fraud to tip election to Trump, AP finds | AP News

ATLANTA (AP) — An Associated Press review of every potential case of voter fraud in the six battleground states ...

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From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Mahaney, Stacy <Stacy.Mahaney@sos.mo.gov>
Date: 9/23/2021 9:15:46 AM
Subject: FW: Election Fraud in Jackson County...
Attachments: Election Integrity.docx
Unisyn_Statement_Security.docx

FYI

From: Tammy Brown <tbrown@jcebmo.org>
Sent: Monday, August 23, 2021 3:10 PM
To: D E <dearley492@hotmail.com>
Cc: Dan.Stacy@house.mo.gov; Sara Zorich <szorich@jcebmo.org>
Subject: RE: Election Fraud in Jackson County...

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Debra:

I am attaching a response from me to this email along with a statement from Unisyn Voting Solutions and hope this will help clarify the laws, rules and procedures we must follow as Missouri Election Officials. I will also answer your questions in the body of your email in red.

Tammy

Tammy L. Brown
Director
Jackson County Election Board
816-325-4600
tbrown@jcebmo.org

From: D E <dearley492@hotmail.com>
Sent: Friday, August 20, 2021 12:55 PM
To: JacksonCountyBoardofElectionCommissioners@groups.outlook.com; JacksonCountyBoardofElectionCommissioners@groups.outlook.com
Cc: Dan.Stacy@house.mo.gov
Subject: Election Fraud in Jackson County...

Several attempts were made asking for someone from the Election Board to respond to my email. As concerned members of the community, we would like to speak with you:

Tammy Brown...

Mike Lindell's Cyber Symposium from August 10-12 proved the 2020 election was stolen. I saw it with my own eyes the night of the election. The symposium showed it live with massive evidence being presented. Every state was affected. The map showed Jackson County was heavily affected with fraud. Jackson County has two election boards. The Jackson County Election Board (using Unisyn) and the Kansas City Election Board (using ES&S). While we both fall in Jackson County we have two separate boards. Here is the link to the November Election official results:

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https://www.livevoterturnout.com/jacksonmo/LiveResults/en/Index_12.html

Ryan Derks who ran against Emanual Cleaver indicated that Kansas City is using ES&S Software, which is on the list of vote-switching software!..... We also found out that the Jackson County Election Board here APPROVED Unisyn Voting Solutions, which is owned by Berjaya Lottery Management, located in Hong Kong, China. You sent our votes to China.....I am not sure what this statement means. We are using approved voting equipment, conducted all hand and machine recounts and balanced every poll in our jurisdiction. The votes of Eastern Jackson County voters were tallied and reported out as required by law.Did you and the Board do any research at all on this company??? This is unacceptable! The Board did extensive research on the federally approved voting machines and I address this in my write-up.

Please forward this email to Mr. Michael Kenneth Whitehead(R) Chair, Mrs. Colleen M. Scott(R), Mr. Henry R. Carner(D), and Mr. Vernon E Scoville(D). I understand these board members terms are expiring in April 2022. We want this fixed immediately before their term ends! We demand a paper ballot only election with a strict chain of custody from now on. Get rid of all machines! This is out of the control of election authorities. The General Assembly would need to change the law to remove the use of all machines. We have paper ballots and have always utilized paper ballots since 1976 and probably before. If machines are disposed of and all paper ballots are required to be hand counted by bi-partisan teams the election results could take weeks to release.

Please respond by end of day Wednesday, August 18 what the Election Board is doing to ensure 2022 is a fair election.

The below 12 x 4 banner was displayed at a busy intersection in Independence. Thousands of people saw it. Many people appeared to be shocked and angry when they read it. I'm sure it will be displayed as the candidates start campaigning this fall.

Thank you for your prompt and courteous attention to this serious matter.

Debra Earley

Also, we would like these questions answered:

1. Did you receive my email and did you forward it to the other Board Members?
   Your email was sent to the Commissioners.
2. If you received my email, why didn't you respond or confirm that you received it?
   I was on vacation and am responding now.
3. How did it come about to choose the Chinese machines from Unisyn Voting Solutions?
   Please see attached responses.
4. Were you lobbied by anyone to use them?
   No, the Board did its own research.
5. Were you paid by anyone to use them? If so, how much?
   No
6. How much research was done before approving them?
   It took many months of research and demonstrations to choose a vendor.

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7. Were you or the Board aware these machines are from China?
   Please see attached document.

8. Were you aware that Jackson County has heavy fraud taking place in their elections?
   The Jackson County Election Board has not been alerted to or have they been provided with any evidence of fraud.

9. Being notified last week of this serious situation, what discussions and steps have taken place to look into this?
   Other than your email I have only received four other emails regarding this subject. The Board is aware and I have sent your email to the Missouri Secretary of State.

10. Are you willing to be interviewed live by video or audio on the Media Matters Show by a local reporter on this subject?
    I often talk to the press but I would need proof of fraud to address this issue.

The cyber data and packet captures for the en re country's elec on was captured electronically by cyber experts. The heavy fraud that took place in Jackson County was displayed and analyzed live for the world to see at Mike Lindell's Cyber Symposium from Aug 10-12....

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This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a safer and more useful place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

Thank you for your email regarding election security and integrity. I will do my best to explain the requirements for conducting safe/secure elections and practices regarding our equipment, ballot security and certification process while also sharing the history and requirements mandated by law for each Missouri election official to follow.

Also attached is a detailed response from Unisyn Voting Solutions.

HISTORY OF EQUIPMENT

There are basically four major election vendors providing equipment for all election officials throughout the United States. Unisyn Voting Solutions, which the Jackson County Board of Election Commissioners (JCEB) utilizes, Election Systems & Software (ES&S), Dominion Voting Systems and HART Intercivic.

When the punch card system of voting was questioned/challenged after the 2000 election debacle in Florida and the federal government's partial funding for the sole purpose of purchasing new voting equipment was passed in 2002, the Jackson County Election Board began investigating the available election equipment as it went through the required federal testing. While carefully looking into what each vendor had to offer JCEB continued to use the punch card system to conduct elections, but it was made clear to all election officials that the punch card system would not be supported, and election officials would need to make a choice of approved vendors and move forward.

In early 2006 the Commissioners (at that time) decided to purchase the Ink-A-Vote System which was created by Unisyn Voting Solutions and marketed by ES&S.

The Ink-A-Vote System was very similar to the punch card system JCEB had previously used and the voters seemed very comfortable with the switch to the new system. The only obvious change for the voter was that their ballot was no longer placed in a sealed metal box to be delivered to JCEB for central tabulation, but in a PBC (Precinct Ballot Counter) that tabulated the ballot immediately once deposited and stored internally on a TM (transferable media) which would be delivered by a bi-partisan team of deputies to the election board to be uploaded and reported out on election night.

JCEB utilized the Ink-A-Vote System until purchasing Unisyn's OpenElect Voting System in 2015. JCEB had to obtain a bank loan to purchase this equipment since there was no funding from the Federal, State or County government to update any equipment. This loan was paid for by each entity in our jurisdiction being charged rent for the equipment when participating in an election.

There are no plans from the Federal, State or County governments to provide funding for election equipment anytime soon so election officials are on our own.

EQUIPMENT REQUIREMENTS

All election vendors are required to submit all equipment and software for testing and certification through the U.S. Election Assistance Commission (EAC). They must meet strict federal guidelines to be certified. Here is the link for the EAC for your review:

https://www.eac.gov/voting-equipment/certified-voting-systems

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After being certified by the EAC on the federal level all election equipment and software must go through the approval process which is conducted by the Missouri Secretary of State as set forth in Missouri State Statute 115.225.

115.225. Automated equipment to be approved by secretary of state — standards to be met — rules, promulgation, procedure. — 1. Before use by election authorities in this state, the secretary of state shall approve the marking devices and the automatic tabulating equipment used in electronic voting systems and may promulgate rules and regulations to implement the intent of sections 115.225 to 115.235.

2. No electronic voting system shall be approved unless it:

(1) Permits voting in absolute secrecy;

(2) Permits each voter to vote for as many candidates for each office as a voter is lawfully entitled to vote for;

(3) Permits each voter to vote for or against as many questions as a voter is lawfully entitled to vote on, and no more;

(4) Provides facilities for each voter to cast as many write-in votes for each office as a voter is lawfully entitled to cast;

(5) Permits each voter in a primary election to vote for the candidates of only one party announced by the voter in advance;

(6) Permits each voter at a presidential election to vote by use of a single mark for the candidates of one party or group of petitioners for president, vice president and their presidential electors;

(7) Accurately counts all proper votes cast for each candidate and for and against each question;

(8) Is set to reject all votes, except write-in votes, for any office and on any question when the number of votes exceeds the number a voter is lawfully entitled to cast;

(9) Permits each voter, while voting, to clearly see the ballot label;

(10) Has been tested and is certified by an independent authority that meets the voting system standards developed by the Federal Election Commission or its successor agency. The provisions of this subdivision shall not be required for any system purchased prior to August 28, 2002.

3. The secretary of state shall promulgate rules and regulations to allow the use of a computerized voting system. The procedures shall provide for the use of a computerized voting system with the ability to provide a paper audit trail. Notwithstanding any provisions of this chapter to the contrary, such a system may allow for the storage of processed ballot materials in an electronic form.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of

AMERICAN OVERSIGHT

the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

ELECTION BOARD PROCEDURES

The Commissioners, Directors, and staff of JCEB have several mandated federal and state laws we must follow when conducting elections along with rule promulgated by the Missouri Secretary of State they are as follows:

TESTING

115.233 - https://revisor.mo.gov/main/OneSection.aspx?section=115.233

115.235 - https://revisor.mo.gov/main/OneSection.aspx?section=115.235

115.479 - https://revisor.mo.gov/main/OneSection.aspx?section=115.479

15 CSR 30-10.040 - https://www.sos.mo.gov/cmsimages/adrules/csr/current/15csr/15c30-10.pdf

15 CSR 30-10.140 – https://www.sos.mo.gov/cmsimages/adrules/csr/current/15csr/15c30-10.pdf

15 CSR 30-10.110 - https://www.sos.mo.gov/cmsimages/adrules/csr/current/15csr/15c30-10.pdf

CONDUCT OF ELECTIONS

Missouri State Statutes – Chapter 115 dictates how election officials in Missouri must prepare and conduct all elections held in this state. I have attached the link for Chapter 115.

https://revisor.mo.gov/main/OneChapter.aspx?chapter=115

CERTIFICATION

In addition to the machine and hand recount that is required by law, before any election is certified by JCEB the staff of JCEB balances each polling location. Meaning we make sure that the number of voted ballots, unvoted ballots and spoiled ballots matches the number to total ballots sent to the polling location. JCEB also compares the report of voters who signed the pollbook at each polling location to the number of voted ballots to ensure that number matches.

I hope this information is helpful and if you have any questions, you may contact me.

AMERICAN OVERSIGHT

JCEB does an outstanding job protecting our voters and have full confidence in our voting system, laws, and procedures.

Tammy Brown
Director
816-325-4600
tbrown@jcebmo.org

AMERICAN OVERSIGHT

2310 Cousteau Court
Vista, CA 92081, USA
Telephone: 1 (760) 734-3233
Fax: 1 (760) 598-0219

Unisyn Voting Solutions (Unisyn) is a proud partner to more than 250 election jurisdictions across the United States. We are grateful to all county election officials who stand on the front lines to make every election accurate, safe and secure, and who worked tirelessly to maintain the resiliency of our democratic process during the COVID-19 pandemic.
Unisyn is committed to election security. Our base Linux CentOS system is configured to exceed the National Institute of Standards and Technology Security Content Automation Protocol. These configurations enable our systems to detect intrusion, comprehensively log all transactions (separate from Unisyn applications) and prevent external connections. Additionally, the system does not allow log ins or terminal access at any permission level from any external device, nor are the devices configured to communicate, other than through air-gapped procedures, with any other system. The systems perform continuous health checks, using digital signatures, verifying the validity of both election data and compiled programs, to ensure that everything is running as certified and tested. More information can be found at https://scap.nist.gov/revision/

Unisyn is the first voting system manufacturer to submit to the Cybersecurity & Infrastructure Security Agency (CISA) Cybersecurity Product Assessment “end-to-end” vulnerability and penetration testing. Unisyn has also taken advantage of many other CISA enhanced cybersecurity services, including Cyber Hygiene Scanning and Risk and Vulnerability Assessment. Unisyn manufactures its products in the U.S. and its software is created exclusively in the U.S., with comprehensive peer reviews by both internal and external teams of developers and testers to ensure its validity.

For more information on Unisyn Products and Security, see:
https://unisynvoting.com/unisyn-openelect-system/
https://unisynvoting.com/security/unisyns-security-statement/

AMERICAN OVERSIGHT

From: SOSMain <sosmain@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 9/8/2021 7:56:19 AM
Subject: FW: Recent meeting

FYI

-----Original Message-----
From: Andrew Barr <adbarr@atcgltd.com>
Sent: Friday, September 3, 2021 6:11 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Recent meeting

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Secretary Ashcroft:

While listening to Steve Bannon's show Warroom Pandemic (which I highly recommend to you, for cutting edge commentary on election integrity and other matters) I noted that the interviewee Mike Lindell said he was recently in our State, and that he met with you and 14 other representatives and county clerks. Congratulations sir, those of us in the grassroots audit movement are very glad to hear it, as well as your recent decision to abstain from the annual SOS meeting's vote on a list of audit-related election reforms.

I was a delegate to Lindell's Cyber Symposium, for my Rep Bruce Sassmann, where I met Ann and Mike Kelley, and Bill White and his lovely wife Ellen. I believe you were on the phone with Mike when I was standing there, and he mentioned to you that he told me who he was on the phone with. I was quite impressed ;)

I am also the person who just sent you a physical letter about the imminent USC Cybersecurity workshop, which I hope to see you publicly criticize, and better yet soundly reject. From your actions at the SOS meeting you strike me as a man who will give people the benefit of the doubt, unlike myself, when it comes to the political left, so I will not be surprised if I see you take no action to prevent it, and instead allow it to happen, to then draw your own conclusions. I am working on my piety, but I still have a ways to go!

In any event, keep up the good work sir, and don't let up! And don't worry, we won't let you!

I will be attending the Sept 14th election hearing at the Capitol, on the matter of voter ID, and I hope you be in attendance. Your Deputy Secretary handled herself quite adroitly at the last one, but I know Ann Kelley wanted you there to tee her up, so she didn't get as beat up as she did during her testimony.

Best wishes,
Andrew Barr

From: Tammy Brown <tbrown@jcebmo.org>
To: D E <dearley492@hotmail.com>
Date: 8/23/2021 3:10:06 PM
Subject: RE: Election Fraud in Jackson County...
Attachments: Election Integrity.docx
Unisyn_Statement_Security.docx

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Debra:

I am attaching a response from me to this email along with a statement from Unisyn Voting Solutions and hope this will help clarify the laws, rules and procedures we must follow as Missouri Election Officials. I will also answer your questions in the body of your email in red.

Tammy

Tammy L. Brown
Director
Jackson County Election Board
816-325-4600
tbrown@jcebmo.org

From: D E <dearley492@hotmail.com>
Sent: Friday, August 20, 2021 12:55 PM
To: JacksonCountyBoardofElectionCommissioners@groups.outlook.com; JacksonCountyBoardofElectionCommissioners@groups.outlook.com
Cc: Dan.Stacy@house.mo.gov
Subject: Election Fraud in Jackson County...

Several attempts were made asking for someone from the Election Board to respond to my email. As concerned members of the community, we would like to speak with you:

Tammy Brown...

Mike Lindell's Cyber Symposium from August 10-12 proved the 2020 election was stolen. I saw it with my own eyes the night of the election. The symposium showed it live with massive evidence being presented. Every state was affected. The map showed Jackson County was heavily affected with fraud. Jackson County has two election boards. The Jackson County Election Board (using Unisyn) and the Kansas City Election Board (using ES&S). While we both fall in Jackson County we have two separate boards. Here is the link to the November Election official results:
https://www.livevoterturnout.com/jacksonmo/LiveResults/en/Index_12.html

Ryan Derks who ran against Emanual Cleaver indicated that Kansas City is using ES&S Software, which is on the list of vote-switching software!..... We also found out that the Jackson County Election Board here APPROVED Unisyn Voting Solutions, which is owned by Berjaya Lottery Management, located in Hong Kong, China. You sent our votes to China.....I am not sure what this statement means. We are using approved voting equipment, conducted all hand and machine recounts and balanced every poll in our jurisdiction. The

votes of Eastern Jackson County voters were tallied and reported out as required by law.Did you and the Board do any research at all on this company??? This is unacceptable! The Board did extensive research on the federally approved voting machines and I address this in my write-up.

Please forward this email to Mr. Michael Kenneth Whitehead(R) Chair, Mrs. Colleen M. Scott(R), Mr. Henry R. Carner(D), and Mr. Vernon E Scoville(D). I understand these board members terms are expiring in April 2022. We want this fixed immediately before their term ends! We demand a paper ballot only election with a strict chain of custody from now on. Get rid of all machines! This is out of the control of election authorities. The General Assembly would need to change the law to remove the use of all machines. We have paper ballots and have always utilized paper ballots since 1976 and probably before. If machines are disposed of and all paper ballots are required to be hand counted by bi-partisan teams the election results could take weeks to release.

Please respond by end of day Wednesday, August 18 what the Election Board is doing to ensure 2022 is a fair election.

The below 12 x 4 banner was displayed at a busy intersection in Independence. Thousands of people saw it. Many people appeared to be shocked and angry when they read it. I'm sure it will be displayed as the candidates start campaigning this fall.

Thank you for your prompt and courteous attention to this serious matter.

Debra Earley

Also, we would like these questions answered:

1. Did you receive my email and did you forward it to the other Board Members?
   Your email was sent to the Commissioners.
2. If you received my email, why didn't you respond or confirm that you received it?
   I was on vacation and am responding now.
3. How did it come about to choose the Chinese machines from Unisyn Voting Solutions?
   Please see attached responses.
4. Were you lobbied by anyone to use them?
   No, the Board did its own research.
5. Were you paid by anyone to use them? If so, how much?
   No
6. How much research was done before approving them?
   It took many months of research and demonstrations to choose a vendor.
7. Were you or the Board aware these machines are from China?
   Please see attached document.
8. Were you aware that Jackson County has heavy fraud taking place in their elections?
   The Jackson County Election Board has not been alerted to or have they been provided with any evidence of fraud.

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9. Being notified last week of this serious situation, what discussions and steps have taken place to look into this?
   Other than your email I have only received four other emails regarding this subject. The Board is aware and I have sent your email to the Missouri Secretary of State.

10. Are you willing to be interviewed live by video or audio on the Media Matters Show by a local reporter on this subject?
    I often talk to the press but I would need proof of fraud to address this issue.

The cyber data and packet captures for the en re country's elec on was captured electronically by cyber experts. The heavy fraud that took place in Jackson County was displayed and analyzed live for the world to see at Mike Lindell's Cyber Symposium from Aug 10-12....

Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd, an innovator in Software as a Service (SaaS) for business. Providing a safer and more useful place for your human generated data. Specializing in; Security, archiving and compliance. To find out more Click Here.

Thank you for your email regarding election security and integrity. I will do my best to explain the requirements for conducting safe/secure elections and practices regarding our equipment, ballot security and certification process while also sharing the history and requirements mandated by law for each Missouri election official to follow.

Also attached is a detailed response from Unisyn Voting Solutions.

HISTORY OF EQUIPMENT

There are basically four major election vendors providing equipment for all election officials throughout the United States. Unisyn Voting Solutions, which the Jackson County Board of Election Commissioners (JCEB) utilizes, Election Systems & Software (ES&S), Dominion Voting Systems and HART Intercivic.

When the punch card system of voting was questioned/challenged after the 2000 election debacle in Florida and the federal government's partial funding for the sole purpose of purchasing new voting equipment was passed in 2002, the Jackson County Election Board began investigating the available election equipment as it went through the required federal testing. While carefully looking into what each vendor had to offer JCEB continued to use the punch card system to conduct elections, but it was made clear to all election officials that the punch card system would not be supported, and election officials would need to make a choice of approved vendors and move forward.

In early 2006 the Commissioners (at that time) decided to purchase the Ink-A-Vote System which was created by Unisyn Voting Solutions and marketed by ES&S.

The Ink-A-Vote System was very similar to the punch card system JCEB had previously used and the voters seemed very comfortable with the switch to the new system. The only obvious change for the voter was that their ballot was no longer placed in a sealed metal box to be delivered to JCEB for central tabulation, but in a PBC (Precinct Ballot Counter) that tabulated the ballot immediately once deposited and stored internally on a TM (transferable media) which would be delivered by a bi-partisan team of deputies to the election board to be uploaded and reported out on election night.

JCEB utilized the Ink-A-Vote System until purchasing Unisyn's OpenElect Voting System in 2015. JCEB had to obtain a bank loan to purchase this equipment since there was no funding from the Federal, State or County government to update any equipment. This loan was paid for by each entity in our jurisdiction being charged rent for the equipment when participating in an election.

There are no plans from the Federal, State or County governments to provide funding for election equipment anytime soon so election officials are on our own.

EQUIPMENT REQUIREMENTS

All election vendors are required to submit all equipment and software for testing and certification through the U.S. Election Assistance Commission (EAC). They must meet strict federal guidelines to be certified. Here is the link for the EAC for your review:

https://www.eac.gov/voting-equipment/certified-voting-systems

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Tammy Brown
Director
816-325-4600
tbrown@jcebmo.org

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2310 Cousteau Court
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Telephone: 1 (760) 734-3233
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https://unisynvoting.com/unisyn-openelect-system/
https://unisynvoting.com/security/unisyns-security-statement/

AMERICAN OVERSIGHT

From: Chaney, JoDonn <JoDonn.Chaney@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/16/2021 11:18:12 AM
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Thanks, Trish

From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Sent: Monday, August 16, 2021 10:14 AM
To: Chaney, JoDonn <JoDonn.Chaney@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Here is the link we discussed. You can read the email and the link is safe to open. It is just graphs no audio.

Trish

From: Vincent, Trish
Sent: Wednesday, August 11, 2021 11:12 AM
To: Clevenger, Jack <jack.clevenger@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

See link below

From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Sent: Wednesday, August 11, 2021 11:00 AM
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

I will come around in a bit to talk with you about this. Thanks

From: Kay Brown <kaybrown@christiancountymo.gov>
Sent: Wednesday, August 11, 2021 9:57 AM
To: Straub, Dee Dee <deedee.straub@sos.mo.gov>
Cc: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Hi Dee Dee and Chrissy,
I got this in my inbox today. I did not look at this only to read the letter. I thought you would like to know what is being sent out to the County Clerk's. We don't do this.
Kay Brown

From: Nadine <nadineswims@startmail.com>
Sent: Tuesday, August 10, 2021 5:32 PM
To: Kay Brown <kaybrown@christiancountymo.gov>
Subject: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Dear Christian County Clerk Kay Brown,

I'm writing in regards to Mike Lindell's Cyber Symposium in Sioux Falls, SD this week on August 10th – 12th. You might be interested in watching it online, which you can do at Frankspeech.com, livestreamed24 hours a day, throughout the symposium. I'd recommend you sign up prior to the time you'd like to watch, just so you don't miss anything!

AMERICAN OVERSIGHT

I'd also like to show you a video made by Dr. Douglas G. Frank, who has worked with 30 different states, which shows irregularities in our Missouri voter registration, taken directly from the Secretary of State's voter database, which members of the Missouri First Audit Research group personally provided to him for the purpose of making this informative video.

Their team of only 5 people from Missouri, worked on the Voter database information for Dr. Frank's analysis, the results of which are shown in the video linked below. There are many other volunteers across Missouri working on different aspects of the 2020 election, but the database team was kept very small on purpose to ensure the integrity of the sensitive data. I can assure you the information in this video is 100% accurate and has not been inflated or altered in any way from the information received from the Secretary of State. This video shows that as of Dec1, 2020, only 45 counties out of 116 Missouri voting jurisdictions had reported their official election results. Missouri is the only state out of 30 that Dr. Frank has worked with, that allows 6 months to report official election results. That, in itself, should be concerning to all Missourians.

The video is in 2 parts, the first of which shows the counties that had reported official election results as of Dec 1, 2020. There is no audio in the video, it's a simple visual representation of election irregularities. In the first part, which only shows the 45 counties that had reported official election results as of Dec.1, 2020, the blue line represents total population, the black line represents the official Secretary of State's total voter registrations by age, the red line shows the total ballots received by age, and the gray line was Dr. Frank's predicted ballot returns. The 2nd part shows all Missouri counties, but only the blue and black lines. As in the first part, the blue line represents total population, the black line represents the official Secretary of State's total voter registrations by age. The only difference in the 2 parts, is the lack of official ballots, and predicted ballots by Dr. Frank in the second part, because so many counties had not reported that information as of Dec.1, 2020.

You can clearly see a vast majority of Missouri Counties have official voter registration that exceed the total population of the county in at least some age groups, and many counties have anomalies in multiple age groups. This is a simple, visual representation of election irregularities.

If, after watching the video, you have ANY questions at all about anything in it, please don't hesitate to let me know and I will forward your information to our Research group, who worked on the video and can answer any questions you might have about it. In fact, they would love to speak with you personally about it at your convenience! Please know, we are not accusing any of our wonderful County Clerks or Board of Election members of committing fraud in any way. We don't believe this was done on a local level in the vast majority of counties. I would greatly appreciate you taking a few minutes to watch this video and let me know if you have any questions or concerns, or just want to chat about it.

Thanks so much!

https://rumble.com/vkqt2o-the-registration-key-for-missouri.html

Kind regards,
Nadine Varga
summersally@protonmail.com

From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Chaney, JoDonn <JoDonn.Chaney@sos.mo.gov>
Date: 8/16/2021 10:14:19 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Trish

From: Vincent, Trish
Sent: Wednesday, August 11, 2021 11:12 AM
To: Clevenger, Jack <jack.clevenger@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

See link below

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From: Nadine <nadineswims@startmail.com>
Sent: Tuesday, August 10, 2021 5:32 PM
To: Kay Brown <kaybrown@christiancountymo.gov>
Subject: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Dear Christian County Clerk Kay Brown,

I'm writing in regards to Mike Lindell's Cyber Symposium in Sioux Falls, SD this week on August 10th – 12th. You might be interested in watching it online, which you can do at Frankspeech.com, livestreamed24 hours a day, throughout the symposium. I'd recommend you sign up prior to the time you'd like to watch, just so you don't miss anything!

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Thanks so much!

https://rumble.com/vkqt2o-the-registration-key-for-missouri.html

Kind regards,
Nadine Varga
summersally@protonmail.com

From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/11/2021 11:56:54 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri
Attachments: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri.msg

Kay's response below for your files. Thanks

From: Kay Brown <kaybrown@christiancountymo.gov>
Sent: Wednesday, August 11, 2021 11:55 AM
To: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Thank you Chrissy! I knew this was all lies but I wanted you to know to stop the misinformation.
Thank you!
Kay

From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
To: Kay Brown <kaybrown@christiancountymo.gov>
Date: 8/11/2021 11:40:44 AM
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Hi Kay,
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Before we review the link we have sent it to the Cyber Security team to ensure that the link is not malicious. If we receive information that the link is safe we will watch the information. Missouri will strive to increase trust, integrity and transparency in our elections. We appreciate all of your hard work. Thank you!

Chrissy Peters | Director of Elections
Missouri Secretary of State Jay Ashcroft
600 West Main Street | Jefferson City, MO 65102
Phone: (573) 526-3986 | 1-800-669-8683

Missouri Secretary of State
Elections

From: Kay Brown <kaybrown@christiancountymo.gov>
Sent: Wednesday, August 11, 2021 9:57 AM
To: Straub, Dee Dee <deedee.straub@sos.mo.gov>
Cc: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Kay Brown

From: Nadine <nadineswims@startmail.com>
Sent: Tuesday, August 10, 2021 5:32 PM
To: Kay Brown <kaybrown@christiancountymo.gov>
Subject: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/11/2021 11:53:05 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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From: Peters, Chrissy
Sent: Wednesday, August 11, 2021 11:41 AM
To: 'Kay Brown' <kaybrown@christiancountymo.gov>
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Missouri Secretary of State
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Cc: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Sent: Tuesday, August 10, 2021 5:32 PM
To: Kay Brown <kaybrown@christiancountymo.gov>
Subject: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Dear Christian County Clerk Kay Brown,

AMERICAN OVERSIGHT

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Kind regards,
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From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Clevenger, Jack <jack.clevenger@sos.mo.gov>
Date: 8/11/2021 11:25:18 AM
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

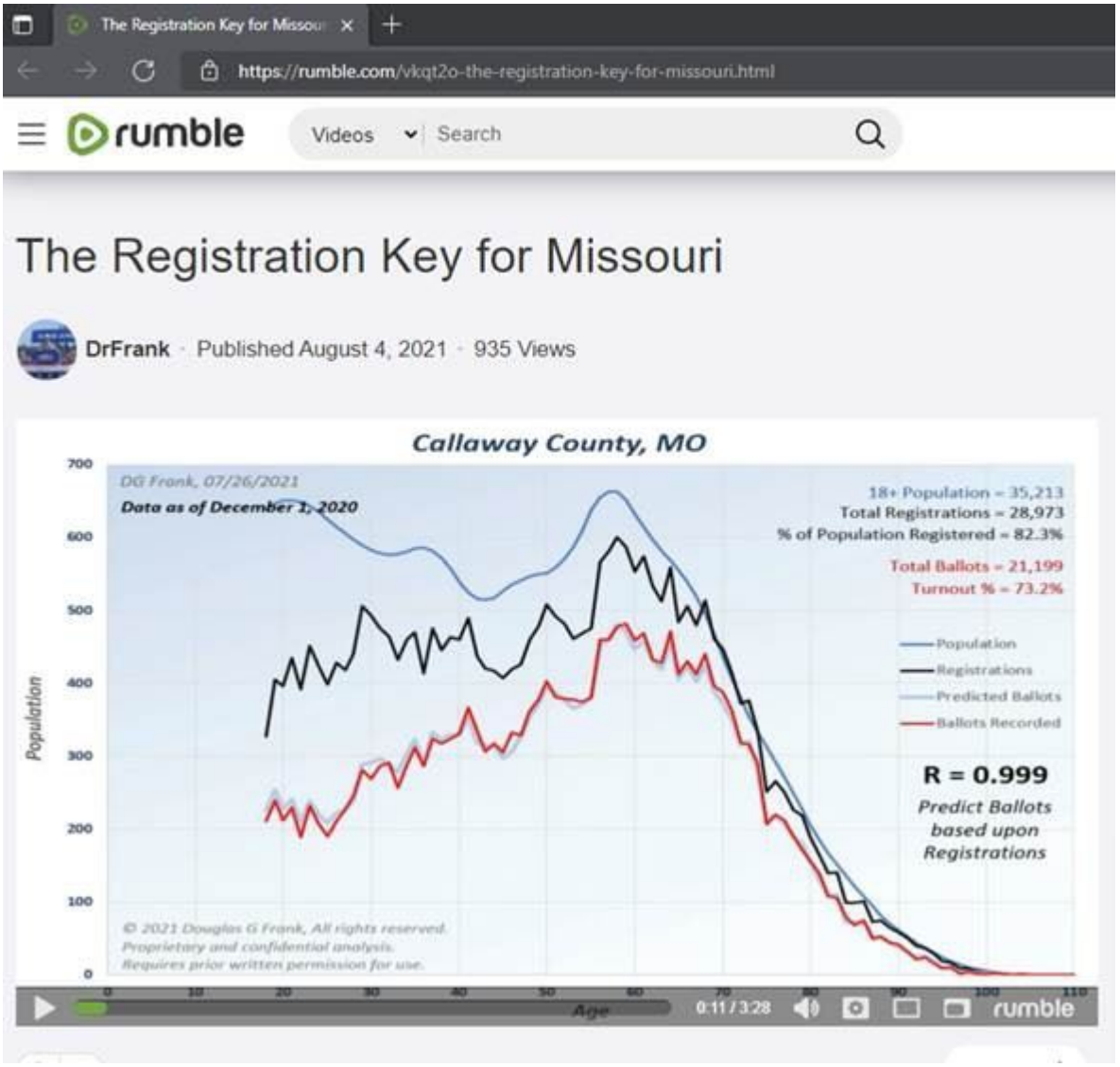
Thanks!

From: Clevenger, Jack <jack.clevenger@sos.mo.gov>
Sent: Wednesday, August 11, 2021 11:15 AM
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Trish,

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See link below

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Sent: Wednesday, August 11, 2021 11:00 AM
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summersally@protonmail.com

From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Mahaney, Stacy <Stacy.Mahaney@sos.mo.gov>
Date: 8/11/2021 11:25:11AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

FYI – disregard my email related to the link below, Jack took care of.

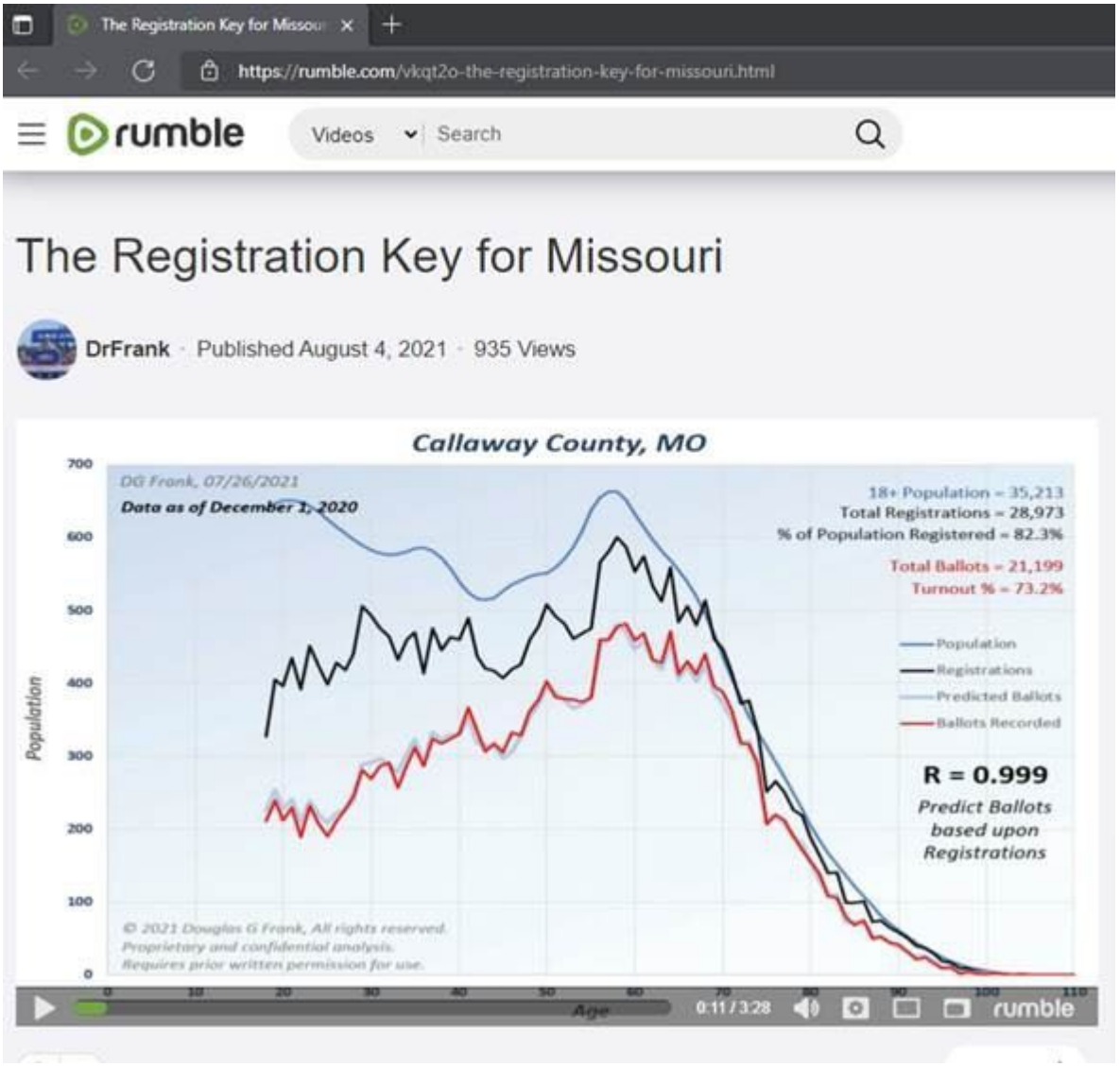
TV

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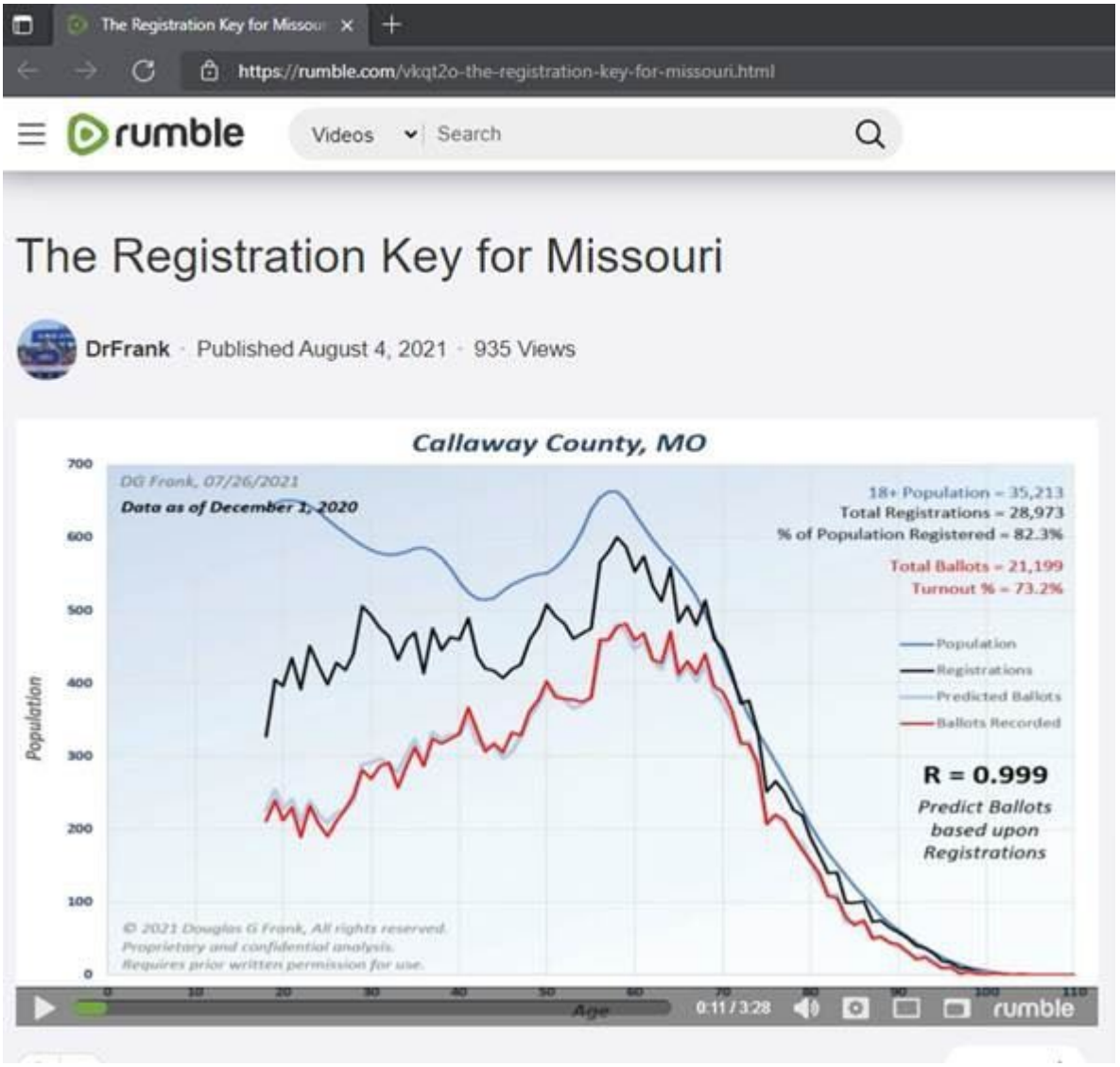
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From: Clevenger, Jack <jack.clevenger@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/11/2021 11:15:25 AM
Subject: RE: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Thanks so much!

https://rumble.com/vkqt2o-the-registration-key-for-missouri.html

Kind regards,
Nadine Varga
summersally@protonmail.com

From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Clevenger, Jack <jack.clevenger@sos.mo.gov>
Date: 8/11/2021 11:11:39 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

See link below

From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Sent: Wednesday, August 11, 2021 11:00 AM
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

I will come around in a bit to talk with you about this. Thanks

From: Kay Brown <kaybrown@christiancountymo.gov>
Sent: Wednesday, August 11, 2021 9:57 AM
To: Straub, Dee Dee <deedee.straub@sos.mo.gov>
Cc: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Hi Dee Dee and Chrissy,
I got this in my inbox today. I did not look at this only to read the letter. I thought you would like to know what is being sent out to the County Clerk's. We don't do this.
Kay Brown

From: Nadine <nadineswims@startmail.com>
Sent: Tuesday, August 10, 2021 5:32 PM
To: Kay Brown <kaybrown@christiancountymo.gov>
Subject: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Dear Christian County Clerk Kay Brown,

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Kind regards,
Nadine Varga
summersally@protonmail.com

From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Mahaney, Stacy <Stacy.Mahaney@sos.mo.gov>
Date: 8/11/2021 11:09:07 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

Can I open the link below?

From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
Sent: Wednesday, August 11, 2021 11:00 AM
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Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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From: Peters, Chrissy <chrissy.peters@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/11/2021 10:59:36 AM
Subject: FW: Cyber Symposium and Video Concerning Potential Election Fraud in Missouri

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Kind regards,
Nadine Varga
summersally@protonmail.com

From: Chaney, JoDonn <JoDonn.Chaney@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 8/3/2021 4:26:42 PM
Subject: FW: Election Fraud

Trish,
Please advise -

From: Missouri Secretary of State Communications <Communications@sos.mo.gov>
Sent: Tuesday, August 3, 2021 11:42 AM
To: Chaney, JoDonn <JoDonn.Chaney@sos.mo.gov>
Subject: FW: Election Fraud

From: Jenny Carr <jgcarr@lwind.com>
Sent: Tuesday, August 3, 2021 11:36 AM
To: Missouri Secretary of State Communications <Communications@sos.mo.gov>
Subject: Election Fraud

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Dear Honorable Secretary of State, Jay Ashcroft,

As a constituent who was terribly upset at the level of fraud in the 2020 election, I hope that you and your team are attending Mike Lindell's Cyber Symposium on 8/10 - 8/12 in Sioux Falls. Thank God for patriots like Mike Lindell, who despite losing sponsorships for his MyPillow business because of his commitment to fighting for TRUTH in the 2020 election. Mike has been deplatformed on every platform that can be traditionally monetized, including Facebook, Twitter, Square, Shopify, Google, etc. This, in and of itself, should be illegal in every state and in the nation. Mike should be a role model for all of us in the sacrifices he has made.

Mike Lindell's movies have all been very insightful into the many fraudulent methods that were used by local persons as well as international enemies that "flipped" votes against President Trump. This was documented by DNI

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Ratcliffe prior to him leaving office, and Mike has the evidence which shows the IP addresses targeted as well as where they originated and the packets that were exchanged.

Mr. Ashcroft, I know your family has a rich history in MO and national politics. I would imagine that there is great pressure on you because of this. While I have not seen any corruption on your part, I have seen it in many that occupy the state house. I hope you join me in fighting against this corruption. While I did not agree with everything that President Trump said or did, I have to give him credit for exposing the swamp and how corrupt politics are in both parties. Whether any party likes it or not, he "Trump" has awakened a Giant that will not go back to sleep. The government works for "We The People," and not the other way around.

Mr. Ashcroft, if you stand up and fight for what is right and what is honorable, I will stand up and fight for you in this and future elections. Otherwise, if you decide to pursue along the path of the good 'ol boys network, I will fight with my money and my voice against you and your pursuits. I pray to God that he impress upon your heart how our country hangs in the balance between freedoms granted by God and Marxist tyranny. We need Godly men and women to fight for our country. I'm counting on you.

Regards,
Jenny Carr
The Durham Company - Vice President
L&W Industries - President

AMERICAN OVERSIGHT

Jenny Carr
President
L&W Industries

3850 E Mustard Way
Springfield MO 65803
Phone: 417-864-5411 Mobile 417-496-6079
Fax: 417-864-4473
jgcarr@lwind.com

2019: Celebrating 50 Years of Manufacturing Rail Products in the USA

Email Disclaimer

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From: Vincent, Trish <Trish.Vincent@sos.mo.gov>
To: Schauffler, Susan <Susan.Schauffler@sos.mo.gov>
Date: 7/29/2021 8:08:14 AM
Subject: FW: Cyber Symposium

Chrissy and I talked about this group. SJA will not be going because he will be headed to NASS. Thanks!

From: SOSMain <sosmain@sos.mo.gov>
Sent: Thursday, July 29, 2021 7:39 AM
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Subject: FW: Cyber Symposium

Good morning Trish,

I wanted to let you know that this group also called and left a message inviting the Secretary to attend.

Susan

From: Symposium <symposium@frankspeech.com>
Sent: Wednesday, July 28, 2021 5:07 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Cyber Symposium

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CYBER SYMPOSIUM

A Data Analysis of the November 2020 Election

August 10-12, 2021

Dear Secretary of State Jay Ashcroft,

As a respected elected representative of the people of the United States, Mike Lindell is extending an invitation for you to attend the **Cyber Symposium** to see the cyber data from the November 2020 election captured from foreign sources, including China. The symposium will be held at the **ALLIANCE- South Dakota Military Heritage Alliance Center in Sioux Falls, South Dakota** on August 10th, 11th, and 12th, 2021. This will be a high-security event, with all invited attendees and guests cleared by Colorado Security. It will not be open to the public.

There will be presentations by recognized and credentialed cyber experts from throughout the country. These experts will also be available to answer any questions you may have. Cyber packet captures from the November 2020 election will be available for review. Private breakout sessions will be available for you to analyze your state specific data, if you choose. The event program will be held over 3 days to best facilitate your needs and schedule. You may attend part or all of the symposium. It will be interactive in nature, and you will be free to move between rooms and presentations at any time. The main stage area will be livestreamed, but there will also be private breakout and interview rooms. The event program will run between 9am-5pm; with doors open at 8am and closing at 6pm. Complimentary food and beverages will be available throughout the event.

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Invited attendees will include Governors, US Senators, Lieutenant Governors, Attorneys General, State Representatives, Secretaries of State, and State Auditors from both parties and all states in the United States; Cyber Experts; and Media Representatives.

Please **RSVP** as soon as possible to reserve your admittance to: symposium@frankspeech.com, including the **names** of any staff who will accompany you and the **day or dates** you plan to attend. We recommend any cyber expert you bring have, at a minimum, CISSP credentials. Registration is required for admittance. Blocks of rooms have been reserved for the convenience of symposium attendees at several nearby hotels; please coordinate your individual reservations. There will be complimentary shuttle service to the symposium from the nearby Sioux Falls Regional Airport.

We look forward to having you join other leaders and experts at this important event.

Best Regards,

The Cyber Symposium Team
symposium@frankspeech.com
1-952-777-8300

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From: SOSMain <sosmain@sos.mo.gov>
To: Vincent, Trish <Trish.Vincent@sos.mo.gov>
Date: 7/29/2021 7:38:46 AM
Subject: FW: Cyber Symposium

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The Cyber Symposium Team
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1-952-777-8300

AMERICAN OVERSIGHT

From: SOSMain <sosmain@sos.mo.gov>
To: Jung, Frank <Frank.Jung@sos.mo.gov>
Date: 3/7/2022 2:18:26 PM
Subject: FW: Sunshine Law Request (MO-SOS-22-0229)
Attachments: MO-SOS-22-0229.pdf

From: AO Records <records@americanoversight.org>
Sent: Monday, March 7, 2022 2:10 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Sunshine Law Request (MO-SOS-22-0229)

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Dear Custodian of Records:

Please find a ached a request for records under Missouri's Sunshine Law.

Sincerely,
Dylan Winters (he/him)
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

Sunshine Law Request: MO-SOS-22-0229

AMERICAN OVERSIGHT

March 7, 2022

VIA EMAIL

Office of the Secretary of State
600 West Main Street
Jefferson City, MO 65101
info@sos.mo.gov

Re: Sunshine Law Request

Dear Custodian of Records:

Pursuant to the Missouri Sunshine Law, Mo. Rev. Stat. § 610.010 et seq., American Oversight makes the following request for records.

Immediately following the November 2020 election, officials in the Trump administration and members of the Trump campaign team coordinated attempts to reverse the results of the election, including in individual states.[1] Since that time, public officials and activists have continued to advocate for more restrictive voting laws or partisan "audits" of elections.[2]

American Oversight seeks records with the potential to shed light on whether or to what extent officials in the Office of the Secretary of State of Missouri have been in contact with individuals or entities seeking to restrict ballot access or conduct a partisan review of elections.

---

[1] Emma Brown *et al.*, *Election Denier Who Circulated Jan. 6 PowerPoint Says He Met with Meadows at White House*, Wash. Post (Dec. 11, 2021, 12:30 PM), https://www.washingtonpost.com/investigations/phil-waldron-mark-meadows-powerpoint/2021/12/11/4ea67938-59df-11ec-9a18-a506cf3aa31d_story.html.

[2] *See, e.g.*, Ray Stern, *Arizona Republicans Propose Dozens of Bills to Change Voting and Elections Following Audit, 2020 Election*, AZ Republic (updated Jan. 23, 2022, 7:27 PM), https://www.azcentral.com/story/news/politics/legislature/2022/01/18/arizona-legislature-dozens-gop-bills-alter-voting-elections/9188425002/; Patrick Marley, Jason Hancock, *Jay Ashcroft Touts Integrity of Missouri's 2020 Election, But Supports An Audit*, MO Independent (Nov. 22, 2021, 5:55 AM), https://missouriindependent.com/2021/11/22/jay-ashcroft-touts-integrity-of-missouris-2020-election-but-supports-an-audit/.

Requested Records

American Oversight requests that your office produce copies of the following records within three business days

All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (A) the listed officials in the Office of the Secretary of State of Missouri and (B) any of the external individuals or entities listed below, including, but not limited to at the suggested email addresses or domains. In the case of emails and texts, the search should include those sent or received from the specified officials' personal accounts and/or devices if they were used to conduct official business, as well those sent from their official email addresses or government-issued devices.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

A. Secretary of State Officials:
   1. Jay Ashcroft, Secretary of State, or anyone communicating on his behalf, such as a scheduler or assistant
   2. Trish Vincent, Executive Deputy Secretary of State and Chief of Staff

B. External Entities:
   1. Al Hartman, Jenny Limcher, and/or anyone communicating on behalf of Hartman REIT (@hi-reit.com)
   2. Anyone communicating from the email addresses arizonaaudit@gmail.com, arizonaaudit@protonmail.com, azaudit@gmail.com, azauditmedia@gmail.com, azauditpress@gmail.com, and/or info@arizonaaudit.com
   3. Boris Epshteyn (bepshteyn@gmail.com)
   4. Charles Bundren III (charles@bundrenlaw.net)
   5. Chris Witt, Earl Eugene Kern, and/or anyone communicating on behalf of Wake Technology Services, Inc. (@waketsi.com)
   6. Christina Bobb, Chanel Rion, Graham Ledger (grahamledger@yahoo.com), and/or anyone communicating on behalf of One America News Network, including anyone communicating from an email address ending in @oann.com
   7. Cleta Mitchell (cleta@cletamitchell.com, cmitchell@foley.com, and/or email addresses ending in @bradleyfdn.org)
   8. Colonel Phil Waldron (phil@onewarrior.com or anyone communicating from an email address ending in @bonfiresearch.org)
   9. Doug Logan, and/or anyone communicating on behalf of Cyber Ninjas (@cyberninjas.com)
   10. Emily Newman (enewman@protonmail.com), Todd Sanders (todd@krknsys.com), and/or anyone communicating from an email address ending in @americaproject.com

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11. Former National Security Advisor Michael Flynn (@generalflynn.com), Joseph Flynn, Charles Flynn, Michael Flynn Jr., and/or anyone communicating on behalf of America's Future (@americasfuture.net)
12. Ivan Raiklin (ivan.raiklin@gmail.com, socialmediaraiklin@gmail.com)
13. Jacqueline Timmer, Mary Coran, and/or anyone communicating on behalf of the American Voter's Alliance (@got-freedom.org)
14. Jenna Ellis (jenna.ellis.esq@gmail.com), and/or anyone communicating on behalf of Liberty University's Falkirk Center (falkirkcenter.com) or the American Greatness Fund (@americangreatnessfund.com)
15. John Eastman (jeastman@claremont.org) and/or anyone communicating on behalf of Constitutional Counsel Group (@ccg1776.com)
16. Jovan Hutton Pulitzer (jovanhuttonpulitzer@gmail.com)
17. Julie Fisher (aztrumplican@gmail.com, azwinos@gmail.com, and/or julie.fisher@az51.org)
18. Katherine Friess (kfriess@protonmail.com)
19. Ken Bennett (kbennettaz7@gmail.com, kbazsos@gmail.com, and/or kjbennettaz@gmail.com)
20. Kurt Olsen (kurtols@protonmail.com)
21. Matt Braynard, and/or anyone communicating on behalf of Look Ahead America (@lookaheadamerica.org)
22. Matthew DePerno (matthew@depernolaw.com)
23. Mike Lindell (mike@mypillow.com)
24. Mike Roman (mikeroman@protonmail.com)
25. Phill Kline (phillklineva@gmail.com), Luis Cornelio (lcornel001@citymail.cuny.edu) and/or anyone communicating on behalf of the Thomas More Society (@thomasmoresociety.org) or The Amistad Project
26. Rob Natelson (rob.natelson1@gmail.com)
27. Russell Ramsland (yrku9sqs@protonmail.com), J. Keet Lewis (keet@jkeetlewis.com), and/or anyone communicating on behalf of Allied Security Operations Group (@alliedspecialops.us)
28. Shiva Ayyadurai (vashiva@vashiva.com), and/or anyone communicating from an email address ending in @echomail.com
29. Sidney Powell (sp@seeking-justice.org, sidney@federalappeals.com)
30. Steve Montenegro (stevemontenegro@gmail.com, stevemontenegro@protonmail.com, steve@coronamconsulting.com)
31. William Olson (williamolson@lawandfreedom.com, wjo@mindspring.com)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if one of the listed officials received a mass-distribution news clip email from One America News Network, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own

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commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Fee Waiver Request

In accordance with Mo. Rev. Stat. § 610.026.1(1), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information "is likely to contribute significantly to public understanding of the operations or activities of [a] public governmental body."[3] The public has a significant interest in the administration of elections in Missouri.[4] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether elections officials have been in contact with individuals or entities seeking to undermine public confidence in elections. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.[5] As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.[6]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses

[3] Mo. Rev. Stat. § 610.026.1(1).
[4] *See supra*, note 2.
[5] Mo. Rev. Stat. § 610.026.1(1).
[6] American Oversight currently has approximately 15,720 page likes on Facebook and 117,800 followers on Twitter. American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 28, 2022); American Oversight (@weareoversight), Twitter, https://twitter.com/weareoversight (last visited Feb. 28, 2022).

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posted to its website.[7] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;[8] posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;[9] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[10] and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers.[11]

Accordingly, American Oversight qualifies for a fee waiver.

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[7] *See generally News*, American Oversight, https://www.americanoversight.org/blog.
[8] *See generally State Investigations*, American Oversight, https://www.americanoversight.org/states; *see, e.g.*, *State Government Contacts with Voting-Restriction Activists*, American Oversight, https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists; *Georgia's Voting Machines and Election Security*, American Oversight, https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security.
[9] *See, e.g.*, *The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records.
[10] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.
[11] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

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Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.[12] If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will

[12] Mo. Rev. Stat. § 610.024.1.

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accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or 202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

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From: Jonathan David Mooers <jmooers49@gmail.com>

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mooers1804@mooersny.com
mooershistorian@mooersny.com
jbulriss@nycourts.gov

Date: 2/27/2022 10:04:01 PM

Subject: Re: LET'S FREE YOU and I FROM BIDEN-SHACKLED CRIMINAL HOOD

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

ttps://www.returntoorder.org/the-soviet-story-a-documentary-film-directed-by-edvins-snore/?pkg=rtoe1522 >>>

https://welovetrump.com/2022/02/27/massive-ukraine-press-release-exposes-entire-biden-crime-family/?utm_source=newsletter_randy&utm_medium=mix

ed&utm_campaign=newsletter_randy



UKRAINE: MORE EVIDENCE OF THE INTERNATIONAL "JOKE and COKE" BIDEN CRIME FAMILY...and every legal U.S. Citizen, you and me, is a criminal accomplice for letting this continue to exist with *zero law enforcement of existing prescribed laws.*

Joseph Stalin USSR Crime Boss
Joseph Biden USA Crime Boss



JD Mooers

On Sat, Feb 5, 2022 at 6:54 AM Jonathan David Mooers <jmooers49@gmail.com> wrote:

LET'S FREE YOU and I FROM BIDEN-SHACKLED CRIMINAL HOOD

https://www.thegatewaypundit.com/2022/02/no-amendment-absolute-biden-targets-gun-owners-uses-debunked-claim-2nd-amendment-banned-cannon-ownership-video/?utm_source=Email&utm_medium=the-gateway-pundit&utm_campaign=dailypm&utm_content=daily **>>> "There's no Amendment that's absolute,"** - Traitor Joe

What is a "criminal"?

A criminal is much like a wild animal in that neither of them obey written laws. - JD Mooers

And what are "laws"?

Laws are the jail cells of our minds, and when we bust-out of those mental cells, we risk residency inside the metal cells downtown. - JD Mooers

What is the duty-job of a United States President and Vice-President?

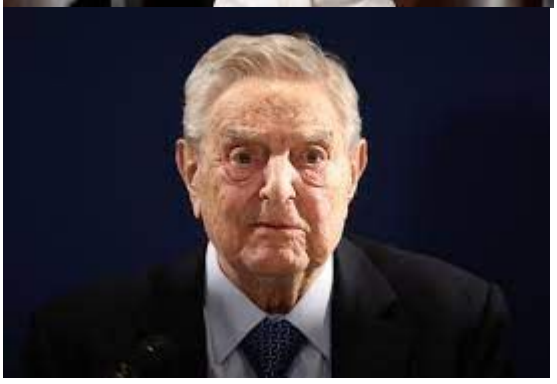
"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

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Look around, and all today's problems of the Satan oro "FUND A MENTAL TRANSFORMATION" Open Society of open borders, open budget, open unionized schooling, open family units, open gender, open law enforcement standing-down to rising crimes and "hands-off, don't shoot" BurnLootMurder rampages, open marriage, open transgenders in women's sports, open elections, open military, open justice, open Constitution, open prisons, et al, yet, all of these criminal happenings are merely *symptoms* of ONE SOURCE PROBLEM, being, THE UNITED STATES IS PRESENTLY LED BY CRIMINALS WHO ACT OUTSIDE THE LIMITS OF EXISTING PRESCRIBED LAWS, WE ENTRUSTED THEM WITH, SO AS TO MAKE US INTO THE *UNTIED* STATES!

IN 2021, UNITED STATES IS LED BY FUGITIVE CRIMINALS RUNNING FROM THE LAW













Criminal LINE-UP smug shots: Democriminals "Nanny" Pelosi, George "Satan Santa" oro, Joe "Talibiden" Biden (aka "China" Joe), Kamala "Jamaica Ho" Harris, Barry "Osama" Obama, Hillary "RICO" Clinton and Republicons Liz "Lizard" Cheney and "Canada" Cruz https://northamericanlawcenter.org/ted-cruz-not-legal-u-s-citizen-at-all/#.Yf5SCt_MKUk

REMEMBER 08-28-08...The start of a Legacy of Lunacy by criminals "Nanny" Pelosi and "Joke" Biden: https://www.youtube.com/watch?v=rXFwqUi3zR0&feature=youtu.be

AND ANY U.S. CITIZEN WHO FOLLOWS AND OBEYS THESE TOP CRIMINALS *BECOMES A SELF-CRIMINAL!*

Asshole Joe, he oughta know!

WE ARE WHERE WE ARE TODAY IN THE UNITED STATES BECAUSE THESE CRIMINALS LED US HERE and they criminalize every legal U.S. citizen on Main Street USA who complacently and complicitly let them lead us here!

Who doesn't see this...is it only those who use their brains to process drugs instead of dreams, being too duped and doped to see today's stark realities? - JD Mooers

What to do?

DO NOT FOLLOW TODAY'S TOP NATIONAL LEADERS;THEY ARE CRIMINAL CANDIDATES FOR THE GALLOWS

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LEGAL CITIZENS IN CA, AZ, NM AND TX SURROUND-SEIGE YOUR STATE CAPITALS AND DEMAND LAWMAKERS SEND ARMED SOLDIERS TO STOP ILLEGAL ALIEN BORDER CROSSINGS

"And if government still doesn't get the message, then it's time for a truck blockade of 50 state capitals and Washington DC."

>>> https://rootforamerica.com/its-time-for-the-mother-truckers-of-america-to-shutdown-the-vaccine-mandate-how-about-a-blockade-of-the-super-bowl/

EVERY STATE SECRETARY OF STATE and STATE ATTORNEY GENERAL and STATE GOVERNOR TO LEAD 2020 FORENSIC AUDITS AND ENACT LEGISLATION FOR 100% FRAUD-FREE ELECTIONS 2020- 2100; THAT'S THESE 166 FOLKS:

https://www.nass.org/membership + https://www.naag.org/find-my-ag/ + https://www.nga.org/governors/

Whenever any human head willfully refuses to stop drinking gallons and gallons of toxic liquors, the body will naturally organize its organs and puke in rebuke...IT IS TIME FOR WE THE PEOPLE ON MAIN STREET USA TO DO THE SAME TO OUR

AMERICAN OVERSIGHT

POWER-INTOXICATED HEAD LEADERS! - JD Mooers

At age 72, I have no trust whatsoever in my nation's head leaders nor the 2020 national election results nor any state-licensed attorney-criminal who defend$ open borders and illegal trespa$$ers, et al. They all are criminals who are fugitives from the laws we entrusted them with. Oh! Yes, they are..you will see this if you are awake or not a woke!

Let's now throw-off the Biden-shackles of the mind slavery of Negro dogshit dogmas (CRT in our classrooms and CRTv in our living rooms, "black privilege" BurnLootMurder, rip-off Reparation$ carpetbaggers, make-them-believe make-believe hoaxes and all other dogma waste) and throw-off our nation's head leadership who wants us to join them in their national campaigns of lawless-liberal lawfare = lawfear criminal hood!

Don't let them coax a hoax on you to get you to join their criminal hood: https://www.amazon.com/Book-Humanitarian-Hoaxes-Killing-Kindness/dp/098354252X?asin=B086R6GGH3&revisionId=cedfe287&format=1&depth=1

Free the JAN 6 "riot" patriots and make JAN 6 be a "REHEARSAL" for another Trump-assembled "JAN 6 2.0" Government "REVERSAL" DCeit Capitol siege-for-sanity! We don't need a wild Revolution, we need a Trump-designed government Renovation!
Repeal and Replace Congress with 535 state-legislature-voted like-party U.S. Senators and Representatives! Let's get set for Trump's Great Reset with a fully replaced head government!

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Thank you, for *acting*,

JD Mooers, LT (Ret.)- US Army Corps of Engineers, PE (Structural engineer- MA,ME,NH,NY), MBA, Fellow and Life Member- American Society of Civil Engineers, MADE IN USA

https://founders.archives.gov/documents/Madison/03-07-02-0331
https://www.waymarking.com/waymarks/WM12VFT_Benjamin_John_Mooers_Plattsburgh_NY
https://nutfieldgenealogy.blogspot.com/2012/07/surname-saturday-mooers-of-newbury.html
https://www.facebook.com/ClintonCountyHistoricalAssociation/photos/october-2-1780-general-benjamin-mooers-as-adjutant-was-present-and-saw-the-execu/10157545145705594/

Mooers have worked for America since 1638, and America has worked for Mooers.

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Subject: What Does BLM Stand For?

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https://www.thegatewaypundit.com/2022/02/breaking-suspect-arrested-attempted-assassination-louisville-mayoral-candidate-blm-activist-black-nationalist-championed-obama/

What does BLM kneel for?

ANSWER: Satan-Santa oro and his "FUND-A-MENTAL TRANSFORMATION" of Constitutional- thinking via the Negro mind slavery of BLM dogshit dogma

What does BLM stand for?

ANSWER: BurnLootMurder (A national Negro BoweL Movement)

JD Mooers, LT (Ret.)- US Army Corps of Engineers, PE (Structural engineer- MA,ME,NH,NY), MBA, Fellow and Life Member- American Society of Civil Engineers, MADE IN USA

https://founders.archives.gov/documents/Madison/03-07-02-0331 https://www.waymarking.com/waymarks/WM12VFT_Benjamin_John_Mooers_Plattsburgh_NY
https://nutfieldgenealogy.blogspot.com/2012/07/surname-saturday-mooers-of-newbury.html
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Mooers have worked for America since 1638, and America has worked for Mooers for 384 years.

Equality = CRT in our classrooms and CRTv in our living rooms = systemic racism. - JD Mooers

Which morons will pay rip-off Repartion$ today for anything others did yesterday?- JD Mooers

CANDIDATE FRAUD 101: 08-28-08
>>> https://www.youtube.com/watch?v=rXFwqUi3zR0&feature=youtu.be

ELECTION INTEGRITY: 2022 CANDIDATES FOR THE GALLOWS IN THIS CRIMINAL LINE-UP:

DEMOCRIMINAL SMUG SHOTS







"SATAN-SANTA ORO" "NANNY PELOSI"
"CHINA JOE" ("JOKE BIDEN","TALIBIDEN") "OSAMA" OBAMA ("BO[ZO]")
HILLARY "RICO" CLINTON

https://www.breitbart.com/politics/2022/02/15/gop-backs-donald-trump-against-biggest-crime-in-u-s-history-calls-for-total-clean-out-of-washington-political-class/

REPUBLICON SMUG SHOTS



LIZ "LIZARD" CHENEY



MIKE "JAN 666" PENCE

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LET'S FREE YOU and ME FROM BIDEN-SHACKLED CRIMINAL HOOD -Part 2

America 1620- 2021: from puritanical self-government experiment to satanical selfish-government reality. - JD Mooers

Time to stop fingerpointing, time to start fingerprinting. - JD Mooers

Much like all the petitions sent to King George III some 250 years ago, all today's letters, articles, television broadcasts, blogs, books, et al, ARE NOT BEING RESPONDED TO BY OUR FUGITIVE U.S. GOVERNMENT. It's like 1776 all over again! The cost of today's fugitive government: https://www.usdebtclock.org/

We have a lawless government **leadership in need of careful replacement**, lest we simply obey our fugitive government leadership today and shackle ourselves into a nation-wide bondage of shared criminal hood, all at the same time.

When a government becomes a willful fugitive from the confines of its own laws, then, the non-consenting governed must rise-up periodically to govern their own government. - JD Mooers

It is time to rise-up from cowering subjects to towering Citizens and look down on our fugitive government! - JD Mooers

I HAVE A DREAM- PLAN WILL YOU JOIN ME?

Our goal is pure and simple: fully secure our national borders and fully secure our national elections 2020- 2100

How will we get there with today's invasive criminal-enemy government leadership, and reversing the narratives and directives of our nations **INTOLS** (intolerant tyranny-minded persons) and **INTELS** (intelligence folks of Big Tech, Big Media, Big Mortarboard/college administrations, et al)? **ANSWER:**

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1. NEUTRALIZE NATIONAL DIVISIVENESS BY OVER-EMPHASIZING OUR NATURAL HUMAN COMMONALITIES- everything today all over the planet is planned divisiveness. Divide and conquer to make way for the victor of the spoils, Grand Globalism. We know CNN and Satan-Santa oro and Communist China leadership and so many others on the "Left" are pumping out daily toxic doses of divisiveness around the planet to foment a titanic planet panic. Even the good guys on the "Right", like Newsmax, Trump, Marc Levin, and you and me on this email, et al, are personally profiting or are rewarded ourselves in other ways by publishing divisiveness, because **"Divisivene$$ $ells".**

To **neutralize-naturalize and defeat organized divisiveness**, bring all human U.S. citizens together, regardless of all our natural and life-acquired mindful differences, with all these natural commonalities we share: we are all designed identically in the womb (two eyes, one brain, two legs, et al) that naturally began with the same Race of the Sperms to the Egg before being naturally born into the Human Race; we all breathe the same air and experience the same attractive gravitational forcefulness all over planet Earth, and we must all eat, drink, sleep, excrete and procreate to keep all humanity alive, before we all expire; we all normally have the same five senses: sight-sound-smell-taste-touch; we all share similar primitive emotions like greed, love and kindness, hate and jealousy, anger, empathy, et al.

Everything is relative. - Albert Einstein
Everything is natural. - JD Mooers

Which U.S. citizens do not want secure borders and secure elections 2020- 2100?
ANSWER: only the criminal-citizens with selfish personal or political motives

See this visual: every legal U.S. citizen stacking all their differences outside before entering a glorious enormous well-lighted and comfortable national Room of Reason to engineer, procure, construct and maintain an exemplary world-class borders and elections structures 2020- 2100.

2. EDUCATE EVERY SINGLE LEGAL U.S. CITIZEN WITH REAL TIME 3D OBSERVATIONS OF REALITY- Tom Fitton's Youtube weekly chats, Jaeson Jones on Newsmax covering actual border crossings on tunnel vision television, Catherine Englebrecht of True the Vote presenting Youtube and C-SPAN presentations of actual factual incidents of election fraud, Wendy Rogers on various visual platforms de-constructing election fraud and proposing Arizona legislation to end this fraud, up-to-date websites of Sharon Rondeau and Linda Goudsmit and Orly Taitz that contain visual downloads of actual frauds and deceits being visually and verbally exposed. Here are some examples of this raw reality to truthfully sensitize the U.S. citizen-senses:

Tom Fitton/Judicial Watch https://www.youtube.com/watch?v=pByGUuw81BI&list=PL3e0wqbn5DdwCbOE4SqK6KhZyTZ5t1cro&index=1
https://www.judicialwatch.org/

Jaeson Jones /Newsmax https://www.jaesonjones.com

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/ https://www.youtube.com/watch?v=1xD_RaV5I2E

Wendy Rogers/Arizona Senator https://www.youtube.com/watch?v=T63NtrJUTCw https://wendyrogers.org/

Dinesh DiSousa https://www.youtube.com/watch?v=xki5HlFV66A

The eyes cannot see what the mind does not know.

One cannot redo previous observations of reality nor reimagine common sense. - JD Mooers

3. SHOW TO EVERY SINGLE U.S. CITIZEN THAT OUR NATION'S PROBLEMS CAN NOT BE TERMINATED WITH FEDERAL PLOYS OF EMPLOYMENT and DEPLOYMENT

It is a government fallacy-policy to terminate problems with programs because terminating the problem risks terminating the programs' employment ploys. - JD Mooers

I'm 72, but I can still recall an event as a third-grader reading my Weekly Reader in northern Maine, that showed a picture of a "wetback", with clothes held over his head, crossing the Rio Grande River to trespass into USA. That curious memory was formed some 62 years ago, and, yet, this massive trespassing problem still occurs today, only worse than 62 years ago.

Why is that problem still occurring, and getting accelerated?

We have Homeland Security, ICE, U.S. Customs and Border Patrol, U.S. military, and, yet, the problem we taxpayers pay so much to terminate, never gets terminated. It's as if our heart-earned monies are used to fund our own demise. Why is that?

And now we see, after decades of decadence on our faithfully neglected southern border, the "problem" isn't these millions of trespassers, no, they are the symptom of the "problem", which is, our invasive U.S. Government. By simple and natural observations of reality, we see, our oath-taking tax-taking U.S.GOVERNMENT DOES NOT INTEND AND WILL ONLY PRETEND TO INTEND TO FULLY SECURE ITS SOUTHERN BORDER; IT ONLY INTENDS TO PRETEND TO "END" ILLEGAL IMMIGRATION AT THE BORDER BY "MESSAGING" AND "MONITORING" AND "FUNDING" THIS NATIONAL "PROBLEM".

Our government leaders are candidates for the gallows for actively promoting "open borders"; our government workers associated with "managing" this man-made border "problem" are pawns of employment ploys that have them apprehending and deporting illegals and building a border Wall of Sovereignty under the

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Trump Administration and, later, changing diapers and doing day care for unaccompanied children under the criminal Biden-Harris Administration; and, finally, every single legal U.S. citizen is rendered a criminal, as well, by doing nothing by aiding Biden-Harris with passive citizen-indifference instead of active citizen-insurrection! **How does it feel to be a CRIMINAL...and paying taxes for it?**

WHAT U.S. CITIZEN DOES NOT WANT TO REMOVE THEIR CURRENT CRIMINAL STATUS?

We remain a nation of criminal leaders, of criminal government worker-pawns and of accessory-criminal U.S. citizens on Main Street USA until SUFFICIENT citizens-unite to end federal "ployment" along our southern border!

It's not a problem, it's a well-paying ploy with benefits, that only pretends to intend to end the problem via forever serious-sounding "ployment" programs.
https://dictionary.cambridge.org/us/dictionary/english/ploy

4. BUSINESS-AS-USUAL WILL NOT WORK TO *END* BORDER AND ELECTION PROBLEMS 2020- 2100

These two "problems" never get solved, as in, *ended done fini*, because too many U.S. citizens are making a living keeping these "problems" in-place and unsolved, I believe. How much do these two problems, open national border and open election security, actually contribute to America's GDP (gross domestic product)? All the commenters, like "good guys" Huckabee, Levin, O'Reilly and so many other commentators, newscasters, book authors, et al, make in dollars of self-enrichment for every finger pointing lecture they publish? Likely, hundreds of thousands or millions of dollars "finger pointing" *but never leading to the termination of these two "problems".* All these "good guy" finger pointers, including Tom Fitton/Judicial Watch, have been at corruption finger pointing employment for several years, if not for several decades! AND YET THESE PROBLEMS ARE NEVER SOLVED /ENDED! Same with True the Vote. Same with the TeaParty. Same with so many "conservative" websites. ALL TALK AND NO SHOCK!

Over-used water pipes and career politicians naturally corrode and corrupt; without scheduled replacement, both will progressively fail in their intended utility! - JD Mooers
https://verityvote.us/wordpress/wp-content/uploads/2022/01/Maricopa-Chain-of-Custody-Failure.pdf
http://www.flimen.org/Section274felonies.htm

5. CAREFULLY APPLY FORCE TO FULLY SECURE U.S. BORDERS AND U.S. ELECTIONS 2020- 2100

I am an engineer (PE), trained to solve problems, as in, *to end them*. I have worked with harnessing or resisting forces all my 40-year career (wind forces, snow loads, water

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containment, impact forces, ground shaking and ground settlement forces, et al). Forces are sketched in structural engineering calculations as directed arrows, and, similarly, archers' arrows launched at an opponent have rendered so many deadly results upon impact; a launched missile is an arrow-force awaiting impact. Ejaculated sperms are life-arrows in motion, are they not? With all my force-arrows designs over the decades, I have now tended to see God as the all-knowing and all-present Supreme Assembly of Forces throughout the Universe; and the practice of engineering itself as being *a spiritual endeavor* due to its intimacy with the forever non-negotiable laws and forces of Nature to assemble Earth's 4,500,000,000 year-old limited natural elements.

Engineers optimize the assemblies of Earth's limited resources in order to harness or resist the forces of Nature. - JD Mooers
https://en.wikipedia.org/wiki/Force https://en.wikipedia.org/wiki/Arrow https://physics.aps.org/articles/v10/6 https://www.physicsclassroom.com/class/sound/u11l1c.cfm https://www.space.com/four-fundamental-forces.html

Today, we see force being applied by civil-disobedient truckers to force Trudeau's Canadian government to yield to natural common sense. The U.S. must now do the same by siege-surrounding all 50 state capitals and, again, the Capitol Building in Washington, DC. Our criminal government is out of control with a life all its own. Only by the use of carefully applied force of these siege-surrounds of our nation's 51 capital buildings of concentrated power-thinking can we remove our own Biden-shackled citizen-criminal hoods. Civilian force is now needed at the DC Capitol Building to wrest away 535 existing U.S. Senators and U.S. Representatives, the good/the bad/the ugly, from the DC Capitol Building, forever, and replace them concurrently with 535 like-party Congressmen duly voted-in by the 50 state-legislatures. It's time to take out the garbage of DC's Gangster Garbage Government!



Harness the **"REHEARSAL" forces** of JAN 6, 2021 to **set-in-motion** the **"REVERSAL" forces** from 50 state capital and DC Capitol Building siege-surrounds to force security of our nation's 2,000 mile southern border 2020- 2100 and 39 remaining national elections 2020- 2100
THE GREAT RESET: https://www.youtube.com/watch?v=3efKaFVBcMU

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Thank you, for *acting*,

JD Mooers, LT (Ret.)- US Army Corps of Engineers, PE (Structural engineer- MA,ME,NH,NY), MBA, Fellow and Life Member- American Society of Civil Engineers, MADE IN USA
https://founders.archives.gov/documents/Madison/03-07-02-0331 https://www.waymarking.com/waymarks/WM12VFT_Benjamin_John_Mooers_Plattsburgh_NY
https://nutfieldgenealogy.blogspot.com/2012/07/surname-saturday-mooers-of-newbury.html
https://www.facebook.com/ClintonCountyHistoricalAssociation/photos/october-2-1780-general-benjamin-mooers-as-adjutant-was-present-and-saw-the-execu/10157545145705594/
Mooers have worked for America since 1638, and America has worked for Mooers for 384 years.

On Sat, Feb 5, 2022 at 9:11 AM Priscilla M Gray <pgray911@gmail.com> wrote:

> Thank you! I was about to send the same message. I grind my teeth about this everyday. We had learned this by 4th grade.
> Priscilla Gray
>
> On Sat, Feb 5, 2022, 7:03 AM Jonathan David Mooers <jmooers49@gmail.com> wrote:
>
> > CORRECTION: **LET'S FREE YOU and ME FROM BIDEN-SHACKLED CRIMINAL HOOD**
> >
> > Jon
> >
> > On Sat, Feb 5, 2022 at 6:54 AM Jonathan David Mooers <jmooers49@gmail.com> wrote:
> >
> > > **LET'S FREE YOU and I FROM BIDEN-SHACKLED CRIMINAL HOOD**
> > >
> > > https://www.thegatewaypundit.com/2022/02/no-amendment-absolute-biden-targets-gun-owners-uses-debunked-claim-2nd-amendment-banned-cannon-ownership-video/?utm_source=Email&utm_medium=the-gateway-pundit&utm_campaign=dailypm&utm_content=daily **>>> "There's no Amendment that's absolute,"** - Traitor Joe
> > >
> > > **What is a "criminal"?**
> > >
> > > ***A criminal is much like a wild animal in that neither of them obey written laws.*** - JD Mooers
> > >
> > > **And what are "laws"?**

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Laws are the jail cells of our minds, and when we bust-out of those mental cells, we risk residency inside the metal cells downtown. - JD Mooers

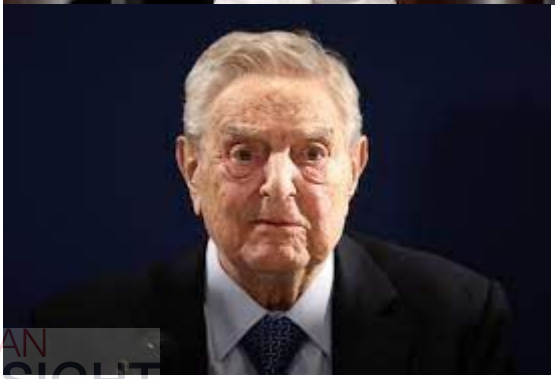
What is the duty-job of a United States President and Vice-President?

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Look around, and all today's problems of the Satan oro "FUND A MENTAL TRANSFORMATION" Open Society of open borders, open budget, open unionized schooling, open family units, open gender, open law enforcement standing-down to rising crimes and "hands-off, don't shoot" BurnLootMurder rampages, open marriage, open transgenders in women's sports, open elections, open military, open justice, open Constitution, open prisons, et al, yet, all of these criminal happenings are merely *symptoms* of ONE SOURCE PROBLEM, being, THE UNITED STATES IS PRESENTLY LED BY CRIMINALS WHO ACT OUTSIDE THE LIMITS OF EXISTING PRESCRIBED LAWS, WE ENTRUSTED THEM WITH, SO AS TO MAKE US INTO THE *UNTIED* STATES!

IN 2021, UNITED STATES IS LED BY FUGITIVE CRIMINALS RUNNING FROM THE LAW





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Criminal LINE-UP smug shots: Democriminals "Nanny" Pelosi, George "Satan Santa" oro, Joe "Talibiden" Biden (aka "China" Joe), Kamala "Jamaica Ho" Harris, Barry "Osama" Obama, Hillary "RICO" Clinton and Republicons Liz "Lizard" Cheney and "Canada" Cruz https://northamericanlawcenter.org/ted-cruz-not-legal-u-s-citizen-at-all/#.Yf5SCt_MKUk

REMEMBER 08-28-08...The start of a Legacy of Lunacy by criminals "Nanny" Pelosi and "Joke" Biden: https://www.youtube.com/watch?v=rXFwqUi3zR0&feature=youtu.be

AND ANY U.S. CITIZEN WHO FOLLOWS AND OBEYS THESE TOP CRIMINALS *BECOMES A SELF-CRIMINAL!*

Asshole Joe, he oughta know!

WE ARE WHERE WE ARE TODAY IN THE UNITED STATES BECAUSE THESE CRIMINALS LED US HERE and they criminalize every legal U.S. citizen on Main Street USA who complacently and complicitly let them lead us here!

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Who doesn't see this...is it only those who use their brains to process drugs instead of dreams, being too duped and doped to see today's stark realities? - JD Mooers

What to do?

DO NOT FOLLOW TODAY'S TOP NATIONAL LEADERS;THEY ARE CRIMINAL CANDIDATES FOR THE GALLOWS

LEGAL CITIZENS IN CA, AZ, NM AND TX SURROUND-SEIGE YOUR STATE CAPITALS AND DEMAND LAWMAKERS SEND ARMED SOLDIERS TO STOP ILLEGAL ALIEN BORDER CROSSINGS
"And if government still doesn't get the message, then it's time for a truck blockade of 50 state capitals and Washington DC." >>> https://rootforamerica.com/its-time-for-the-mother-truckers-of-america-to-shutdown-the-vaccine-mandate-how-about-a-blockade-of-the-super-bowl/

EVERY STATE SECRETARY OF STATE and STATE ATTORNEY GENERAL and STATE GOVERNOR TO LEAD 2020 FORENSIC AUDITS AND ENACT LEGISLATION FOR 100% FRAUD-FREE ELECTIONS 2020-2100; THAT'S THESE 166 FOLKS:
https://www.nass.org/membership + https://www.naag.org

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/find-my-ag/ + https://www.nga.org/governors/

Whenever any human head willfully refuses to stop drinking gallons and gallons of toxic liquors, the body will naturally organize its organs and puke in rebuke...IT IS TIME FOR WE THE PEOPLE ON MAIN STREET USA TO DO THE SAME TO OUR POWER-INTOXICATED HEAD LEADERS! - JD Mooers

At age 72, I have no trust whatsoever in my nation's head leaders nor the 2020 national election results nor any state-licensed attorney-criminal who defend$ open borders and illegal trespa$$ers, et al. They all are criminals who are fugitives from the laws we entrusted them with. Oh! Yes, they are..you will see this if you are awake or not a woke!

Let's now throw-off the Biden-shackles of the mind slavery of Negro dogshit dogmas (CRT in our classrooms and CRTv in our living rooms, "black privilege" BurnLootMurder, rip-off Reparation$ carpetbaggers, make-them-believe make-believe hoaxes and all other dogma waste) and throw-off our nation's head leadership who wants us to join them in their national campaigns of lawless-liberal lawfare = lawfear criminal hood!

Don't let them coax a hoax on you to get you to join their criminal

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hood: https://www.amazon.com/Book-Humanitarian-Hoaxes-Killing-Kindness/dp/098354252X?asin=B086R6GGH3&revisionId=cedfe287&format=1&depth=1

Free the JAN 6 "riot" patriots and make JAN 6 be a "REHEARSAL" for another Trump-assembled "JAN 6 2.0" Government "REVERSAL" DCeit Capitol siege-for-sanity! We don't need a wild Revolution, we need a Trump-designed government Renovation!
Repeal and Replace Congress with 535 state-legislature-voted like-party U.S. Senators and Representatives! Let's get set for Trump's Great Reset with a fully replaced head government!

Thank you, for *acting*,

JD Mooers, LT (Ret.)- US Army Corps of Engineers, PE (Structural engineer- MA,ME,NH,NY), MBA, Fellow and Life Member- American Society of Civil Engineers, MADE IN USA
https://founders.archives.gov/documents/Madison/03-07-02-0331
https://www.waymarking.com/waymarks/WM12VFT_Benjamin_John_Mooers_Plattsburgh_NY
https://nutfieldgenealogy.blogspot.com/2012/07/surname-saturday-mooers-of-newbury.html https://www.facebook.com/ClintonCountyHistoricalAssociation/photos/october-2-1780-general-benjamin-mooers-as-adjutant-was-present-and-saw-the-execu/10157545145705594/
Mooers have worked for America since 1638, and America has worked for Mooers.

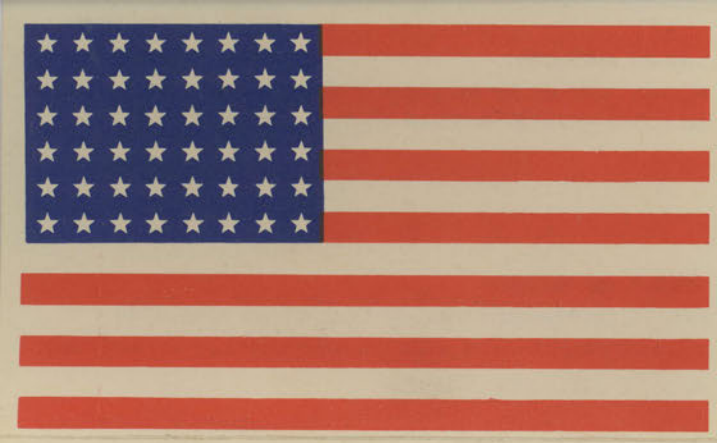


V4-2565c

Portrait of Benjamin MOSES
(Copy of the original, late 1960's)

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MO-SOS-22-0229-A-000506



U.S. ARMY AIR FORCE



IDENTIFICATION CARD

УПОСТОВЕРЕНИЕ ЛИЧНОСТИ

DOWOD OSOBISTY

LEGITIMACE

LEGITIMACIJA

SZEMELYAZONOSSAGI IGAZOLVÁNY

LEGITIMATION

SIGNATURE

I AM AN AMERICAN AIRMAN.
PLEASE TAKE ME TO YOUR COMMANDING OFFICER AND NOTIFY NEAREST AMERICAN OR BRITISH MILITARY MISSION IN BELGRADE, BUCHAREST, POLTAVA OR OTHER NEARBY PLACE. ALSO, PLEASE ARRANGE FOR TRANSPORTATION.

Sgt. John A. Morris THANK YOU

SHOW THIS TO RUSSIANS:

Я АМЕРИКАНСКИЙ ЛЕТЧИК
ПОЖАЛУЙСТА ПРЕДСТАВТЕ МЕНЯ ВАЩЕМУ КОМАНДИРУ И УВЕДОМИТЕ БЛИЖАЙШУЮ АМЕРИКАНСКУЮ ИЛИ БРИТАНСКУЮ ВОЕННУЮ МИССИЮ В БЕЛГРАДЕ, БУХАРЕСТЕ, ПОЛТАВЕ ИЛИ В ДРУГОМ БЛИЖАЙШЕМ МЕСТЕ. ТАКЖЕ РАСПОРЯДИТЕСЬ О ПЕРЕДВИЖЕНИИ.
БОЛЬШОЕ СПАСИБО!

THIS AIRMAN WILL WRITE OUT AN OBLIGATION TO REWARD YOU FOR THE HELP YOU HAVE GIVEN HIM. UPON PRESENTATION IT WILL BE HONOURED BY ALLIED MILITARY AUTHORITIES. WITH IT IS EXPRESSED THE EXTREME GRATITUDE OF THE ALLIES FOR ANY ASSISTANCE WHICH YOU HAVE GIVEN OUR AIRMEN.

RUSSIAN

ЭТОТ ЛЁТЧИК ДАСТ ВАМ УПОЛНОМОЧЕНИЕ НА ПОЛУЧЕНИЕ НАГРАДЫ ЗА ВАШУ ПОМОЩЬ ОКАЗАНОЮ ЕМУ. ПО ПРЕДСТАВЛЕНИЮ ЭТОГО УПОЛНОМОЧЕНИЕ СОЮЗНОМУ ВОЕННОМУ НАЧАЛЬСТВУ ВАМ БУДЕТ ВЫДАНА НАГРАДА!
С ЭТИМ ВАМ ВЫРАЖАЕТСЯ ИСКРЕННАЯ БЛАГОДАРНОСТЬ ЗА ВАШУ ПОМОЩЬ НАШИМ ЛЁТЧИКАМ.

SERBO-CROAT

ОВАЈ ВАЗДУХОПЛОВАЦ ЋЕ НАПИСАТИ ПРИЗНАНИЦУ КАО НАГРАДУ ЗА ПОМОЋ КОЈУ СТЕ МУ ПРУЖИЛИ. КАД СЕ ПРЕДАЈЕ САВЕЗНИЧКИМ ВОЈНИМ ВЛАСТИМА ОВА ПРИЗНАНИЦА ЋЕ БИТИ ИСПЛАЋЕНА.
С ЊИМЕ СЕ ИЗРАЖАВА ВЕЧИТА ЗАХВАЛНОСТ САВЕЗНИКА ЗА СВУ ПОМОЋ КОЈУ СТЕ ПРУЖИЛИ НАШИМ ВАЗДУХОПЛОВЦИМА.

OVAJ ZRAKOPLOVAC ĆE NAPISATI PRIZNANICU KAO NAGRADU ZA POMOĆ KOJU STE MU PRUŽILI. KAD SE PREDAJE SAVEZNIČKIM VOJNIM VLASTIMA OVA PRIZNANICA ĆE BITI ISPLAĆENA.
S NJIME SE IZRAŽAVA VEČITA ZAHVALNOST SAVEZNIKA ZA SVU POMOĆ KOJU STE PRUŽILI NAŠIM ZRAKOPLOVCIMA.

CZECHOSLOVAK

TENTO LETEC VYSTAVÍ VÁM POUKAZ NA ODMĚNU ZA POMOC KTERÁ MU BYLA VÁMI POSKYTNUTA. KTERÝKOLIV SPOJENECKÝ VOJENSKÝ ÚŘAD JE OCHOTEN TENTO POUKAZ HONOROVATI.
SOUČASNĚ VYSLOVUJEME VÁM NEJÚPŘIMNĚJŠÍ VDĚČNOST SPOJENCŮ ZA JAKOUKOLIV POMOC KTEROU MŮŽETE NAŠÍM LETCŮM POSKYTNOUTI.





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MO-SOS-22-0229-A-000508



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From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 12/20/2021 1:08:31 PM
Subject: FW: Mike LIndell

From: rcfaccount@yahoo.com <rcfaccount@yahoo.com>
Sent: Monday, December 20, 2021 1:04 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Mike LIndell

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Secretary of State,
I want to take a moment to thank you for the job you are doing and equally for being willing to review and work with the election integrity members relating to the canvassing. I will voice some concern in my recent revelation that you have backed somewhat in your support as many of the ghost votes have proven to be valid, however there is still a percentage of fraud occurring and we both know it is an issue that can be fixed.

The cons tuents of Missouri support you in this endeavor. This isn't about the results of the last elec on, nor the results of future elections, it is about the peoples vote being valid. As long as the people vote for it, the result is what it is. However we all know that this is not the case and any fraud is not OK.

Please pray and do what is right. Some mes we all must take a stand that isn't easy, however you signed up for the job and thus have a responsibility to stand for what is right that surpasses that of the common citizen.

We will pray for you and you have our support, however the en re state is more aware than most think of today's events and all politicians are being evaluated for their fortitude, Patriotism and moral convictions.

Thank you for serving our state and God bless!

Very truly yours,
Ryan Fullerton
RC Fullerton, LLC
Consulting and Sales
Office: (417) 682-3056
Fax: (417) 682-2487
Mobile: (417) 850-7159
Email: rcfaccount@yahoo.com
Please consider the environment before printing this email. This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify RC Fullerton, LLC at (417) 682-3056.

From: SOSMain <sosmain@sos.mo.gov>
To: Jung, Frank <Frank.Jung@sos.mo.gov>
Gamble, Shannon <Shannon.Gamble@sos.mo.gov>
Date: 11/29/2021 11:36:49 AM
Subject: FW: Sunshine Law Request (MO-SOS-21-1696)
Attachments: MO-SOS-21-1696.pdf

From: AO Records <records@americanoversight.org>
Sent: Monday, November 29, 2021 10:41 AM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Sunshine Law Request (MO-SOS-21-1696)

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Custodian of Records:

Please find a ached a request for records under Missouri's Sunshine Law.

Sincerely,
--
Sarah Wishingrad
Pronouns: she/her
Paralegal
American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

PRR: MO-SOS-21-1696

AMERICAN OVERSIGHT

November 29, 2021

VIA EMAIL

Office of the Secretary of State
600 West Main Street
Jefferson City, MO 65101
info@sos.mo.gov

Re: Sunshine Law Request

Dear Custodian of Records:

Pursuant to the Missouri Sunshine Law, Mo. Rev. Stat. § 610.010 *et seq.*, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce copies of the following records within three business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, notes taken during or summaries of any meetings, materials exchanged during meetings, or other materials) between (a) the officials listed below, and (b) Mike Lindell, or anyone communicating on Lindell's behalf.

    a. Secretary of State John R. Ashcroft
    b. Anyone serving in the capacity of Chief of Staff, assistant, or scheduler to Secretary of State Ashcroft
    c. The senior-most person in the Office of the Secretary of State tasked with managing election security or integrity.

2. All communications of the officials listed in part 1 of this request regarding Mike Lindell, his claims of election fraud, and/or his effort to conduct canvassing regarding the 2020 election.

Please provide all responsive records from November 3, 2020, through the date the search is conducted.

Fee Waiver Request

In accordance with Mo. Rev. Stat. § 610.026.1(1), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information "is likely to contribute significantly to public understanding of the operations or activities of [a] public governmental body."[1] The public has a significant interest in potential communications or meeting between Mike Lindell and Missouri state officials.[2] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent state officials are communicating with Mike Lindell. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request is primarily and fundamentally for non-commercial purposes.[3] As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.[4]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.[5] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in

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[1] Mo. Rev. Stat. § 610.026.1(1).
[2] Zachary Petrizzo, *Mike Lindell's New Genius Plan: Knock on Your Door and Ask Whether You're Dead*, Salon (Oct. 5, 2021, 2:01 PM), https://www.salon.com/2021/10/05/mike-lindells-new-genius-plan-knock-on-your-door-and-ask-whether-youre/.
[3] Mo. Rev. Stat. § 610.026.1(1).
[4] American Oversight currently has approximately 15,600 page likes on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Nov. 10, 2021); American Oversight (@weareoversight), Twitter, https://twitter.com/weareoversight (last visited Nov. 10, 2021).
[5] *See generally News*, American Oversight, https://www.americanoversight.org/blog.

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state governments;[6] posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;[7] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[8] and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers.[9]

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

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[6] *See generally State Investigations*, American Oversight, https://www.americanoversight.org/states; *see, e.g.*, *State Government Contacts with Voting-Restriction Activists*, American Oversight, https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists; *Georgia's Voting Machines and Election Security*, American Oversight, https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security.

[7] *See, e.g.*, *The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records.

[8] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.

[9] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

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- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.[10] If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American

[10] Mo. Rev. Stat. § 610.024.1.

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Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or 202) 848-1320. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

AMERICAN OVERSIGHT

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 9/9/2021 2:31:16 PM
Subject: FW: Election Integrity

From: Carol Schultz <sisflower18@yahoo.com>
Sent: Thursday, September 9, 2021 2:19 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Election Integrity

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Mr. Ashcroft, I'd like write to you to express my opinion that I believe Missouri needs a full forensic audit. All states were shown to have fraud at Mike Lindell's symposium. Based on all the fraud in other states, we need to get on board & do our own investigation. I've heard that Missouri is thinking about doing it and I'd like to encourage you to do so.

Also, please stand up for our state and push back against whatever you can against the unelected White House administration. They're trying to ruin America.

Thank you,
Carol Schultz

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 9/8/2021 7:51:22 AM
Subject: FW: Election audit

From: Thomas Foy <thomasfoy@gmail.com>
Sent: Monday, September 6, 2021 7:16 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Election audit

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Secretary Ashcroft,

I am writing to request that Missouri perform an full forensic audit of the November 2020 election. You may have already begun this process, and if so, I support your work. You are likely aware that there was much valuable information revealed during the recent symposium by Mike Lindell, including work by Dr. Douglas Frank showing that the 2010 census was used in all 50 states (by alteration of the results of the electronic voting machines) as a basis for deciding what the distribution of alleged voter registrations was to be used.

I, like many of my fellow Missourians, have no faith in any election of the past 20 years using electronic voting machines. The evidenceof fraud is now overwhelming. Please begin the process of showing how Missouri was affected in 2020. Then we can begin correcting the problems.

Sincerely,
Thomas Foy, MD

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From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/20/2021 7:51:04 AM
Subject: FW: Audit MO

From: cstriegel85@gmail.com <cstriegel85@gmail.com>
Sent: Thursday, August 19, 2021 4:19 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Audit MO

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Secretary of State,

Thank you for taking the time to read my email.

I am a tax paying resident of Missouri, and I am requesting that you fight for fair and transparent elections. As someone that supported you in the last election, I want to see Missouri's 2020 Election results forensically audited to show the fraud that took place on November 3, 2020.

There is plenty of evidence that shows the irregularities and interference, for instance,https://rumble.com/vkqt2o-the-registration-key-for-missouri.html Mike Lindell has also shared videos on this as well.

I want to see "PHOTO ID ONLY" voting on PAPER BALLOTS, just think of all the taxpayer money saved by not using those machines! And no more Mail In Ballots!!

Will you make a stand and fight for Missouri?

Thank you,

Chelsi Striegel

Sent from Mail for Windows

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/16/2021 7:41:49 AM
Subject: FW: Voter Integrity

From: kimmieswards <kimmieswards@protonmail.com>
Sent: Friday, August 13, 2021 5:10 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Voter Integrity

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Good afternoon. It's not enough for me to send to just my state senate and house representative in MO. I want you to also understand what the MO First Audit group is asking of our representatives and that includes our SOS AG. Please use your office and the law to impact the below. Thank you!

Please start by taking a hard look at Cape Girardeau. The actual clerk did not have access to the passwords and a third party voting machine company ran that election as we are told by Patriots that already investigated this county. That county requires a full forensic audit along with Greene, Clay and St Charles. See Capt Seth Keshel's data analysis on history and trends. He predicted almost 100% the 2016 election results by county. He has the data for Missouri and he has worked with MO First Audit group to get public available data.

What the members of the MO First Audit Group expects our legislators to do is the following:
Repeal "Help America Vote Act" of 2002

1. Full Forensic Audit
2. Legislation for 100% paper ballets (100% voiting machines are accessed remotely via wireless cellular and moving thumb drives and embedded web access code). there is just no question of that!
3. Legislation for no 3rd Party Vote Machine company employees involved in our elections what-so-ever!
4. No 6 month time period to report vote results - that's ridiculous.
5. 100% voter ID that does not include a bill, invoice or statement - a real easily obtained state issued ID

I urge you to learn about the brave county clerk in Mesa Colorado who at great peril to herself exposed what her constituents asked her to look into and what it revealed. The people pursuing the truth are risking everything. The least we can expect each of our representatives to do is to give this your full attention. There is simply *nothing* more important. The trust has been broken and if it does not get restored here and now regarding the 2020 election, we lose this great Democratic Republic. I'm a parent. I am not going to let that happen. I support any candidate in the next election that vows to put Patriots first and not either of the 2 parties in this country.

Sources of information:

Dr. Shiva Ayyadurai Cyber Symposium Presentation "Government with Big Tech destroys Free Speech - link below - a must watch
https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Frumble.com%2Fvl151q-mike-lindell-cyber-symposium-dr.-shiva-ayyadurai-government-with-big-tech-d.html&data=04%7C01%7C%7C928d8bdef8814f824d4908d95e6d9cc2%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637644647131223026%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%

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7C1000&sdata=iKCL%2BVI8RoN%2BswG%2BloyQjxFaoOhx2U%2FrhO%2BtRdoFPBY%3D&reserved=0

Professor David Clements Cyber Symposium Presentation "The Vote Traffic Parable" - link below - an even greater MUST SEE (also see the Professor's Report "Math Wars")

https://na01.safelinks.protection.outlook.com/?url=https%3A%2F%2Frumble.com%2Fvl2qbo-mike-lindell-cyber-symposium-professor-david-clements-the-vote-trafficking-.html&data=04%7C01%7C%7Cefffb8a24647400daffc08d95e650089%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637644610156472561%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=9SJpcTULhjrzq5GU2l5LQ4oh4EcH%2BZ5zeWGsOhHgP2U%3D&reserved=0

Visit Frankspeech.com to find the video of "Absolute Proof" every single elected official should look at all of this compelling information. If you don't, you are failing "We The People" who are extremely concerned the power block is winning and the people are losing. And, what we are losing is a future for our children. That is something we will fight for and no consequence for that fight is too great.

The best explanation of the national voter fraud in 2020:

Ok, so there are two chapters to this massive voter fraud. Chapter One. The criminals did not want Our Votes to be counted fairly because Pres Trump would win again. Step 1: criminals inflated registered voter rolls nationwide by preventing voters from being removed (moved away, dead etc.), by adding back previously removed voters, allowing new voters to be registered without I.D. check, mailing new absentee ballots, delivering drop box ballots without chain-of-custody, etc. Net result, criminals created over 8 million extra fake voters to add to actual biden vote count which they thought would beat Our real votes for Pres. Trump. Step 2: program vote count machines to use formula for counting votes. The formula begins by multiplying 90% times 2010 Census reported voting age citizens to create fake total registered voter count for 2020 election. Next, formula multiplies fake total registered voter count by 86% to create fake total ballot count for each age group (e.g. 18 yr old, 19,20,21,22 etc. up to 100 yr old). Finally, formula sets biden to receive 53 votes for every 47 votes Pres Trump gets. Now, in targeted precincts, IF actual Pres Trump votes get to 47 but actual biden vote counts fall short, say 40, then machine formula will deduct 13 votes from the fake register voter pool (8 million) and add it to actual biden vote count so that biden is ahead, again, with 53 [i.e. 40 real votes plus 13 fake votes=53 fake biden total) against Pres Trump's 47 actual votes. Criminals thought they had the race fixed. Chapter Two. BUT Patriots turned Out in Historic breaking numbers to vote for Our Pres Trump, along with Patriots who never voted before (e.g. Pennsylvania Amish, former blue collar dems, so called rednecks, Evangelical Christians, etc.) Bottom line Pres Trump's actual ballot vote count exceeded biden actual ballot count by 15 million which is 7 million more than the 8 million fake registered voter pool that the criminals were counting on to win election. Criminals had BIG problem, criminals had to create another 8 million fake votes to beat Pres Trump on election night. Mike Lindell will show how criminals instructed their vote count machines, on election night and and days after, to 'switch actual votes from Pres. Trump to biden, and add new fake ballots, etc. So the answer is the criminals had to resort to two different fraudulent vote count schemes. See when the criminal's first fraudulent vote count scheme failed, the criminals had to enter the vote count machines to do a second fraudulent vote count. But Mike Lindell's whistleblower sources caught these criminals red-handed with PCAPs doing all this fraud. It is good to ask questions, because WE have to develop an easy-to-understand explanation. We will have to explain all this soon to get Our Representatives to clean the registered voter rolls, and do forensic audit on vote count machines, etc. In fact, Pennsylvania Senate fired the private company that was used to 'manage' Pennsylvania voter registration rolls, and hired a new company to completely overhaul voter rolls statewide. We need to do the same here.

Our group is growing by the day and we are all in the same boat waging the same fight to save our children's futures.

Respectfully,
Kim Edwards

AMERICAN OVERSIGHT

913-579-5620

Sent with ProtonMail Secure Email.

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/12/2021 12:19:18 PM
Subject: FW: Audit of 2020 election is Missouri

From: Darrin K <darrinkrum@gmail.com>
Sent: Thursday, August 12, 2021 11:17 AM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Audit of 2020 election is Missouri

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Good Morning,

After a few months of digesting this past election, my family and friends have been very disgruntled about this past election. This 3 day period with Mike Lindell and seeing other states pushing forward to get audits going, I want to see Missouri go this direction. I feel so much needs to be opened in Missouri to see how much fraud is here. Even if your democrat or republican we need to get to the bottom of this. I ask for you to support an audit in missouri. I will be reaching out to all people in this district to help push this. I will reach out until something happens. Please know, we will not let down. Missouri and all states will get to this.

Thank you,

Darrin Krumn
Kansas city, mo

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/12/2021 7:41:02 AM
Subject: FW: Election Audit

From: Sandy Nicholson <sandysnj4@gmail.com>
Sent: Wednesday, August 11, 2021 5:23 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Re: Election Audit

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Hello,

I've written multiple times with NO RESPONSE from this office. I understand "someone" from Missouri is in South Dakota at Mike Lindell's Cyber-Symposium at this time; can you say who is there?

And can you explain why there has been no response to my repeated requests? Look, we ALL know what happened in the November 2020 election. We ALL know. The question is how bad was the electronic tinkering in Missouri and are the people across the state in office the ones who really won?

Full forensic audits "cost money." I'd put in $20 and I bet tens, or even hundreds, of thousands of Missourians would do the same. But the actual reply should be another question: What's the cost of FREEDOM??

I'm the daughter of TWO Korean War veterans, wife of an Air Force veteran, and mother of an Army veteran. My family fully understands the cost of freedom. What I DO NOT understand is why the crickets? I'm truly hoping the silence is not malevolent, but is instead awaiting the release of information.

Please don't disappoint millions of fellow Missourians. **We need to know the TRUTH.**

On Sun, Jul 25, 2021 at 8:13 PM Sandy Nicholson <sandysnj4@gmail.com> wrote:

> #4: Still need a full forensic audit for Nov 2020 for Missouri; still crickets.
> Thanks.
>
> On Sun, Jul 18, 2021 at 8:02 PM Sandy Nicholson <sandysnj4@gmail.com> wrote:
>
> > Mr. Ashcroft -
> >
> > I've written twice already with zero response. We need a FULL FORENSIC AUDIT for the November 2020 election. We need you to step up to the plate and just do the audit.
> > Thanks.
> > Sandy Nicholson

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/11/2021 2:53:28 PM
Subject: FW: Election Integrity

From: Hal Hanstein <hal@cardinalrealtygroup.com>
Sent: Wednesday, August 11, 2021 2:52 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Election Integrity

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Mr. John Ashcroft-Secretary of State,

I have been watching Mike Lindell's Cyber Symposium for the past two days, and the evidence that the machine vendors and foreign governments have manipulated our election machines is overwhelming. Today they presented the data from a county in Colorado where the hard drives were "wiped clean after Dominion came in," removing all election data. In Missouri, the Show-Me State, it is imperative that our state government shows its citizens that our elections are secured. We must perform a forensic backup of our elections machines before companies like Dominion come in and remove the data to cover their ass. Another fact mentioned today was that all security controls, which protect the election, were removed before the election, making the machine vulnerable to outsiders-China.

The State must provide free, fair elections. We cannot trust our vote at the ballot box, then who can we trust. We are fortunate that the amount of fraud appears to be so significant and widespread, they have gotten caught. But you, as my legislator, must take steps now to protect future elections and validate the2020 election.

I don't want to live in a Communist Country. Too many of our young people have died in the Middle East to give people free, fair elections. I am counting on you to help protect our Republic.

Regards,

Hal Hanstein

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Hal Hanstein, President
Cardinal Realty Group, Inc.
1739 Harmony Lane
St. Louis, MO 63010
636-225-0385 office
636-203-5569 direct
636-238-1378 fax
314-607-2928 cell

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From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/11/2021 2:07:39 PM
Subject: FW: Forensic imaging of election servers

From: karenkoz@charter.net <karenkoz@charter.net>
Sent: Wednesday, August 11, 2021 1:55 PM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Forensic imaging of election servers

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Sir/Madam

I am an engineer/software engineer in St Louis. I am a former Hughes Aircraft Co Fellow at Caltech. I am watching the Mike Lindell symposium, where some IT folks are looking at a before and after forensic image of an adjudication server. They are looking thru logs before and after, showing the Dominion most certainly wiped all logs when they were supposed to only be doing “maintenance”. This is something I have done in the past in support of Air Force programs. There were also batch scripts to de-harden the SQL databases, which is not a smoking gun – its fire.

I’d like to request that MO stop any and all access of any elec on machine companies to machines used in MO.

Coincidentally, the state of CO is actively trying to silence these folks, live on the stream.

Something big is going to have to change.

Karen Sheeley
2357 Gross Point
Wildwood MO

From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 8/11/2021 10:36:36 AM
Subject: FW: Election Fraud

From: Boriches <boriches@yahoo.com>
Sent: Wednesday, August 11, 2021 10:33 AM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Election Fraud

CAUTION: This email originated from OUTSIDE of the SOS organization. Do not click on links or open attachments unless you are expecting the email and know that the content is safe. If you believe this to be a malicious or phishing email, please use Phish Alert to report it.

Dear Secretary Ashcroft,

After watching the cyber-security experts during patriot Mike Lindell's Cyber Forum about the 2020 election -- there apparently is definitive evidence of election fraud in the state of Missouri.

Please conduct a forensic audit of the election and the election machines.

Thank you,

Michael & Lynn Borich
4050 N. Haven St
Springfield, Mo 65803

MichaeLynn (417) 818-4585

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From: SOSMain <sosmain@sos.mo.gov>
To: Elections-1 <Elections-1@sos.mo.gov>
Date: 7/26/2021 7:37:00 AM
Subject: FW: Election Integrity - MISSOURI NEEDS A FULL FORENSIC AUDIT OF NOVEMBER 3, 2020 ELECTIONS!

-----Original Message-----
From: Amy Mackowiak <tamack@swbell.net>
Sent: Monday, July 26, 2021 12:46 AM
To: SOSMain <sosmain@sos.mo.gov>
Subject: Election Integrity - MISSOURI NEEDS A FULL FORENSIC AUDIT OF NOVEMBER 3, 2020 ELECTIONS!

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Secretary of State Ashcroft,

As a citizen of Missouri, I have a vested interest in all elections in this state and in this country.

It has become evident that fraudulent activity, by various means, has affected the November 3, 2020 elections in many, if not all, of the states in this country.

Recent discoveries in Arizona, Georgia, and Michigan (to name but a few), indicate that voting fraud occurred in the November 3, 2020 elections.

Recent national polls show that more than 50% of all US citizens believe the November 3, 2020 elections were fraught with fraud that possibly led to the certification of the wrong candidates. This is not a partisan issue. It is an American issue.

Who can say with certainty that substantial fraud did not affect their state's election results? Without free, fair and transparent elections, our beloved country, the beacon of hope for the rest of the world, will not survive.

This is why I urge you to take swift and decisive actions to perform a FULL INDEPENDENT FORENSIC AUDIT in every county in Missouri. I also believe a full independent forensic audit should be performed in every state in the US. We must methodically and scientifically dissect what occurred during the November 3, 2020 elections and make any necessary corrections to ensure all future elections are safe and secure.

If fraudulent activity is discovered in Missouri via a full independent forensic audit, it will:

1. Highlight the need for new election integrity legislation in Missouri. Any election integrity legislation should, among other things, require photo voter ID's, put reasonable limitations on absentee voting, ban drop boxes, ban extended early voting, and ban 'black box' electronic voting systems and related software. New election integrity legislation should be passed in the House and Senate and made into law as quickly as possible. I stress: banning the use of any 'black box' electronic voting systems and related software is of utmost importance! Paper ballots only, or open source election software and

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hardware systems, should be employed in our elections.

2. Lend credence to, and stress the necessity of full independent forensic audits of the November 3, 2020 elections in the remaining 49 states, especially the swing states that so vehemently oppose election transparency and full independent forensic audits.

These audits must be performed up and down ballot. Audit everything once and audit it right.

In addition to initiating a full independent forensic audit in every county in Missouri, I urge you to attend, or send a qualified representative to, the Cyber Symposium being hosted by Mike Lindell in Sioux Falls, SD, August 10 -12.(Event details included below). The information to be presented should be taken into consideration in conjunction with the full independent forensic audit.

I fear a full independent forensic audit in every state will show that our country has been hijacked. As I mentioned before, more than 50% of this country agrees with me. This is not the time to sit on your hands and turn a blind eye to potential nefarious activity. You were elected to act for the people you serve. It is your duty to summon the courage, rise to the occasion, and ensure a full independent forensic audit is performed in Missouri. We must verify that the certified results of the November 3, 2020 election are accurate, or make the necessary corrections if they are proven inaccurate. Regaining voter confidence is worth the price and I would gladly donate to funding a full independent forensic audit.

I have already ceased all donations to the RNC for their lack of attention to this matter. In the future I will only support candidates that truly work for their constituents and push for a full independent forensic audit of the November 3, 2020 elections.

Thank you,
Amy Mackowiak
Glendale, MO

Sent from my iPad

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From: daniel schlueter <dm_schlueter@yahoo.com>
To: John R. Ashcroft <John.R.Ashcroft@sos.mo.gov>
Date: 3/3/2022 8:31:47 AM
Subject: ERIC info
Attachments: osc-second-interim-report (2).pdf
Interim Report FINAL_cwl4_cwl5.pdf

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Dear Secretary Ashcroft

Thanks for meeting with me yesterday and i hope i didn't mess up your lunch.

i am forwarding the 1st an 2nd interim reports from Justice Gableman and will forward the Gateway pundit article that was published on ERIC a while back.

will try and forward any other items that will be helpful for you.

Very Truly Yours,

Daniel M. Schlueter
314-620-6063

301 E. Governor Ct
St Charles MO 63301



Office of the Special Counsel

Second Interim Investigative Report

On the Apparatus & Procedures of the Wisconsin Elections System

Delivered to the Wisconsin State Assembly on March 1, 2022

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Introduction

The Office of the Special Counsel files this Investigative Report on Wisconsin's administration of the 2020 elections as a first step to begin restoring faith in America's elections. This effort is undertaken because Americans' faith in its election system was shaken by events both before and after the November 2020 Presidential election. For example, a January 2022 ABC/Ipsos poll revealed that only 20% of the public is very confident about the integrity of our national election system. This 20% number is a significant drop from 37% from a similar ABC poll conducted one year earlier. America's doubts about its election system crosses partisan lines. Among Democrats, only 30% say they are "very confident" in the U.S. election systems overall. Among independents, only 20% consider themselves "very confident" in the nation's elections. Among Republicans, only 13% are "very confident" with America's elections.

This shaken faith is not a result of legitimate legislative inquiries into election administration, nor is it a result of lawful contests lodged by any candidate or party. Rather, it is largely a function of opaque, confusing, and often botched election processes that could have been corrected, and still can be corrected, with concerted effort on the part of lawmakers and conscientious civil servants who work for Wisconsin State government. Helping correct these processes for future elections is the major purpose of this Report.

On November 10, 2021, the Office of the Special Counsel (OSC) outlined the preliminary steps it had taken to undertake a fully comprehensive review of the 2020 elections in the State of Wisconsin. That document outlined the constitutional authority of the people of the State of Wisconsin, through their Legislature, to investigate their own

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government. That Interim Report also outlined the initial roadblocks to a full investigation, and expressed the expectation that the information necessary to provide democratic accountability for and oversight of Wisconsin election proceedings was forthcoming. As outlined in Appendix I, OSC and the Assembly continue to be blocked from investigating portions of the Wisconsin government. Not only has the Wisconsin Attorney General intervened (and lost) in court to block certain subpoenas, and not only have left-wing groups provided support adverse to Wisconsin taxpayers—for instance by providing legal support to government employees seeking to keep their work secret, filing dilatory open records requests, and advancing frivolous complaints before various boards—but the Administrator of the Wisconsin Elections Commission (WEC) has explicitly stated to the Chairwoman of the Assembly Committee on Campaigns and Elections that she is prohibited by law and by private contract from turning over certain public records. Until these lawsuits are resolved, there appears to be no way to fully vindicate the right of the people of the State of Wisconsin to know how their government is run. Such lawsuits have proved a costly and time-wasting exercise.

Nevertheless, the OSC has continued to investigate available records, interview witnesses, and make substantial headway on several issues contained in this report. Further, good work by citizens' groups has provided the Assembly and the OSC with useful leads on how best to cure various systemic problems in the State.

While WEC and the State Attorney General have refused to cooperate with the Legislature's investigation and actively obstructed it, this Report is final in the sense that

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it provides a list of recommendations with enough time for the Legislature to act before the close of its session in March. However, the Assembly continues to authorize the OSC to operate past the final adjudication, on the merits, of the various legal challenges to the valid legislative subpoenas we have issued. Following any favorable adjudication, the OSC will manage and process the voluminous responsive records, and will facilitate any available audits.

Despite this cover-up, or perhaps because of it, the OSC can still reach certain conclusions about the integrity of election administration in the State of Wisconsin, and we can still make baseline recommendations. While we cannot, for example, recommend certain server protocols because we have been unable to obtain government records detailing precisely what the numerous electronic systems entail (Wisconsin uses numerous machine and system vendors) or precisely how the existing systems were used in 2020, we do have information relating to how confusing and opaque the system is. It is beyond doubt that no single governmental person or entity in the State of Wisconsin has a handle on these systems—that is a damning indictment on its own. Elections systems must be readily understandable by voters and newly elected county clerks—confusing systems harm voter confidence and tend to facilitate fraud.

The facts contained in this report are substantiated by records the OSC has made available to the Assembly and other public information. To the extent that any of these facts are disputable, the OSC encourages any individual named in this Report, any subject

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of validly issued legislative subpoenas, or any other fact witness to make themselves available to the OSC for interview.

Accordingly, at this stage, the recommendations included in this Report largely fall within the umbrella of enabling oversight and transparency of our election systems. It draws no conclusions about specific, unauthorized outside interference or insider threats to machine voting, but it does provide numerous examples of security gaps that tend to enable bad actors to operate in the shadows. Absent access to these systems, it would not be unfair for any citizens to conclude the worst, however. It is a commonplace in the law for it to assume the worst about the nature and impact of hidden or destroyed evidence, and it is up to government to justify its actions to the people, not the other way around.

A few additional recommendations in this Report fall within the second umbrella—maintaining political accountability. While it is clear that the outside groups and the bureaucrats in Madison who run our elections have not been accountable to the voters or the state government, there are some measures that can help return our State to a functional democracy.

This Report has another purpose: to catalog the numerous questionable and unlawful actions of various actors in the 2020 election.

Some unlawful conduct and irregularities outlined in this Report include:

1. Election officials' use of absentee ballot drop boxes in violation of Wis. Stat. § 6.87(4)(b)1 and § 6.855;

2. The Center for Tech and Civic Life's $8,800,000 Zuckerberg Plan Grants being run in the Cities of Milwaukee, Madison, Racine,

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Kenosha and Green Bay constituting Election Bribery Under Wis. Stat. § 12.11;

3. WEC's failing to maintain a sufficiently accurate WisVote voter database, as determined by the Legislative Audit Bureau;

4. The Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay engaging private companies in election administration in unprecedented ways, including tolerating unauthorized users and unauthorized uses of WisVote private voter data under Wisconsin Elections Commission (WEC) policies, such as sharing voter data for free that would have cost the public $12,500;

5. As the Racine County Sheriff's Office has concluded, WEC unlawfully directed the municipal clerks not to send out the legally required special voting deputies to nursing homes, resulting in many nursing homes' registered residents voting at 100% rates and many ineligible residents voting, despite a guardianship order or incapacity;

6. Unlawful voting by wards-under-guardianship left unchecked by Wisconsin election officials, where WEC failed to record that information in the State's WisVote voter database, despite its availability through the circuit courts—all in violation of the federal Help America Vote Act.

7. WEC's failure to record non-citizens in the WisVote voter database, thereby permitting non-citizens to vote, even though Wisconsin law requires citizenship to vote—all in violation of the Help America Vote Act. Unlawful voting by non-citizens left unchecked by Wisconsin election officials, with WEC failing to record that information in the State's WisVote voter database; and

8. Wisconsin election officials' and WEC's violation of Federal and Wisconsin Equal Protection Clauses by failing to treat all voters the same in the same election.

It is important to state what this Report is not. This Report is not intended to re-analyze the re-count that occurred in late 2020. And the purpose of this Report is not to challenge certification of the Presidential election, though in Appendix II we do sketch how that might be done. Any decisions in that vein must be made by the elected

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representatives of the people, that is, the Wisconsin Legislature. Yet it is clear that Wisconsin election officials' unlawful conduct in the 2020 Presidential election casts grave doubt on Wisconsin's 2020 Presidential election certification. This Report thus does surface very big questions: how should Presidential election certification occur in Wisconsin going forward and would the Legislature have any remedies to decertify if it wanted to do so?

In 2020 in Wisconsin, the certification of its Presidential election spanned two steps and to a large extent operated in a legal vacuum. *First*, on November 30, 2020, Wisconsin Elections Commission (WEC) Chairperson Ann Jacobs, on her own and without a full Commission vote, signed the "determination of the recount and the presidential contest." This unilateral action led one of the sidelined Commissioners to call for Jacobs' resignation. *Second*, a few hours later, Governor Tony Evers certified the results of the state's November 3 election by signing the Certificate of Ascertainment that approved the slate of electors for President-elect Joe Biden and Vice President-elect Kamala Harris.

Neither the WEC Chairperson nor the Governor had an incentive to proceed with greater deliberation and address the serious concerns of citizens and other Commissioners. This is a serious gap in the legal structure governing elections that should be corrected as far in advance of the 2024 presidential election as possible. In the meantime, many of the doubts relating to large categories of ballots are continuing to be both broadened and deepened. Recently, a Wisconsin court invalidated the use of drop boxes. Additionally,

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this Report flags systematic problems with voting in elder care facilities, an issue that was also recently blown wide open by the Racine County Sheriff.

There are other issues outlined in this Report, many of which could justify post-election administrative correction by WEC under Wis. Stat. § 5.06, which authorizes exactly such a post-certification process to correct mistakes made by election officials. Administrative corrections under Wis. Stat. § 5.06 would flush out election officials' unlawful conduct. Such a post-certification administrative correction will not de-certify the election on a self-executing basis, but these challenges, which can be filed by any voter in an election (or by district attorneys or the Attorney General of the State), are a worthwhile step to take. However, as noted, these complaints are directed *to* WEC. But complaints *about* WEC cannot fairly be adjudicated by this body—another legal gap.

It is the duty of all citizens of our State and our nation to work hard to secure our democracy for this generation and the next. This Report is one small step towards fulfilling that duty we all share. And without the tireless work of concerned citizens, and dedicated public servants such as the Sheriff of Racine County, much of what is made public in this Report would not have been exposed to the light. In our own way, we can each do our part, whether by voting, or by volunteering, or by leading campaigns to improve the integrity of our elections. The true story of the 2020 elections in Wisconsin might never be fully known—as noted, the constitutional duty of the Legislature is still imperiled in the state courts—but the recommendations in this Report constitute a good beginning.

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Statement of Progress

The Special Counsel has been maintaining an active investigation and continuing to fight for the Legislature's right to conduct an election-integrity investigation. Since the first Interim report, the Special Counsel has issued 76 new subpoenas. This brings the total subpoenas issued by the OSC to 90. These subpoenas were served upon entities named in this report, including Dominion Voting Systems, Inc., Electronic System and Software, LLC (ESS), Quickbase, Inc., USDR, CTCL, NVAHI, The Elections Group, and others.

The subpoenas were also served upon or sent to some of the persons who had the most information about the role of private companies and individuals in Wisconsin's election. This included Michael Spitzer Rubenstein, Tiana Epps-Johnson, Ari Steinberg, and Harrison Hersch. Finally, the subpoenas were served on local persons such as Hannah Bubacz, a Milwaukee city employee, and Sarah Linske, an IT employee for WEC.

To the extent that individuals responded to subpoena, it was to produce documents. Some recipients, including the major private companies and individuals, did not comply at all. They either informed the OSC that they would not comply with the subpoena or attend the depositions or embroiled the OSC in litigation. As of the writing of this Report, the litigation surrounding the investigation of the 2020 election has been pervasive and time-consuming.

The Special Counsel has been sued three different times in three different cases in Dane County Circuit Court. The OSC has defended against a lawsuit brought by the Wisconsin Attorney General in which he asked the court to declare that the OSC did not have the authority to conduct the investigation. Two additional lawsuits related to open

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MO-SOS-22-0229-A-000541

records requests to the OSC were filed by organizations supported by Democrat-backed labor unions.

In Waukesha County, the OSC filed a petition to enforce the legislative subpoenas. Initially, the lawsuit included only four defendants. Six additional defendants were later added, bringing the total to ten. Two attorneys from the OSC are assigned to that case and briefing is underway. Prosecuting the enforcement action detracts from the OSC's ability to conduct and complete its investigation.

The OSC did receive a large quantity of documents from the Zuckerberg 5. Those documents were electronic in form. The process of organizing and reviewing them has required a significant expenditure of time and resources, and that will continue to be the case as OSC receives additional documents.

The OSC launched a major investigation into nursing home abuse. Attorneys and investigators were dispatched to multiple nursing homes across the State. They identified and met with multiple residents who voted, despite the fact they were clearly incapable of voting and/ or not legally permitted to vote because of a guardianship order. The OSC representatives made detailed notes and videos of these residents for evidentiary purposes.

The Special Counsel intended to use a professional statistician in the nursing home setting. Using a controlled environment, the OSC could take a detailed sampling of nursing home abuse and voting irregularities to determine, statewide, the number of improperly cast ballots in residential care facilities. The OSC was not able to complete this task by the time this Report was due. Instead, the personnel conducting the nursing home investigation were also repurposed to assist in the drafting of this Report.

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The OSC received information that an entity had cellphone pinging data related to the City of Milwaukee and its absentee ballot drop boxes. As of the time of this Report, the OSC has not been able to run to ground all the issues relating to obtaining this data.

The OSC consulted with multiple computer security experts regarding voting machines. Two major machine manufacturers were identified in Wisconsin, Dominion Voting and ESS. The OSC viewed extensive reporting about the integrity of the machines. The OSC learned that some Dominion machines are extremely vulnerable to hacking and manipulation. These specific machines can be manipulated to alter actual votes cast—either surreptitiously or by the machine technicians.

The Special Counsel reviewed extensive reporting of a Dominion machine failure event in another State. The OSC was able to identify, through the reports of experts, that the failed machine recorded two anonymous and unauthorized access events from its VPN. This means, contrary to what Dominion has publicly stated, that at least some machines had access to the internet on election night. Shortly after the unauthorized access was recorded, the machine failed and was reset, wiping all voting history and forcing that election administrator to rely on unverifiable paper printouts from the failed machine.

ESS machines were equally problematic. The central problem is that several of the machines are made with a 4G wireless modem installed, enabling them to connect to the internet through a Wi-Fi hotspot. One municipality under investigation in Wisconsin by the OSC admitted that these machines had these modems and were connected to the internet on election night. The reason given was to "transmit data" about votes to the county clerks.

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The OSC learned that all machines in Green Bay were ESS machines and were connected to a secret, hidden Wi-Fi access point at the Grand Hyatt hotel, which was the location used by the City of Green Bay on the day of the 2020 Presidential election. The OSC discovered the Wi-Fi, machines, and ballots were controlled by a single individual who was not a government employee but an agent of a special interest group operating in Wisconsin.

The OSC began a comprehensive investigation of voting machines in Wisconsin. As part of that investigation, subpoenas were sent to Dominion, ESS, and Command Central, LLC, a Dominion reseller and servicer. The information sought included information about who, when, where, and what updates the machines were provided. The OSC learned that one machine company representative stated that the voting machines were "wiped" during updates, meaning they did not retain federally required voter data.

It was discovered that Command Central, LLC, received images of cast ballots on election night using the internet. Command Central is alleged to be holding actual ballots cast on election night at its offices in Minnesota in violation of Wisconsin law. The OSC was not able to complete this portion of its investigation, however.

As of the date of this Report, the voting machine companies have refused to comply with the OSC's legislative subpoenas, and have provided no data. The OSC considers this investigation incomplete but ongoing.

The OSC also sought information about the machines in Wisconsin used on election night from the clerks. The clerks either did not possess the data sought by the OSC or refused to provide it, with Green Bay and Madison insinuating that providing secure voting machine data to the OSC would somehow compromise election integrity. In other words,

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these cities claim that it is impossible to verify the integrity of the voting machines because doing that would jeopardize the integrity of both the machines and future elections. The Special Counsel intends to resolve this issue as the investigation moves forward.

The OSC's investigation discovered the use of a ballot tracking and harvesting application in Wisconsin. An extensive amount of time and effort went into this portion of the investigation. The OSC became attuned to the possibility of an application when reviewing email exchanges between the Zuckerberg 5 and third parties. This involved tracking applications in Georgia and Pennsylvania.

The OSC discovered ballot tracking programs in both Georgia and Pennsylvania. The OSC was able to locate and identify the developer of both programs in those States. The OSC obtained the source code for the Pennsylvania application. Ultimately, that data and source code would not prove to be helpful to discovering information about the Wisconsin application.

However, the OSC still located the Wisconsin application and its developers. In the course of that investigation, the OSC documented multiple misrepresentations of material facts by WEC administrator Meagan Wolfe. For example, Ms. Wolfe told the Assembly Committee on Campaigns and Elections both that she did not know about the CTCL grants and that cities did not have access to statewide WisVote or BadgerBooks data. Both of these statements are demonstrably untrue.

Ms. Wolfe also told the Commission that there was no API (Application Programming Interface that allows direct access) into the WisVote or BadgerBooks system. Yet cities have provided information that they *do* have access to statewide WisVote and BadgerBooks data. At least one city apparently provided an API to the WisVote and

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BadgerBooks systems, which provided real time, free information to special interest groups who used that information for selective, racially-targeted get-out-the-vote purposes under the contracts. That application may still have an active API and may remain viable, so that it might be used by the private groups in future elections.

Moving forward, the OSC will continue working to obtain answers to the important questions raised by these findings. The tasks remaining include:

1. Vindicating the legislature's subpoena and investigative authority through ongoing litigation;
2. Compelling witnesses (individual or institutional) with crucial information about Wisconsin elections to provide testimony. This includes Meagan Wolfe, Ann Jacobs, Michael Spitzer Rubenstein, Tiana Epps-Johnson, Trina Zanow, Sarah Linske, Hannah Bubacz, Harrison Hersch, Dominion, ESS, and the Zuckerberg 5 through ongoing litigation.
3. Determining the identities of any groups or individuals engaged in ballot harvesting in Wisconsin;
4. Verifying the integrity of Wisconsin's voting machines;
5. Identifying additional votes cast unlawfully as a consequence of WEC's directives to clerks regarding SVDs;
6. Providing additional reporting as necessary, possibly including a more robust roadmap to the outside groups and leadership that interfered with the administration of past Wisconsin elections.

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Chapter 1

The Center for Tech and Civic Life's $8,800,000 Zuckerberg Plan Grant with the Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay (the Zuckerberg 5) Facially Violates Wisconsin Law Prohibiting Election Bribery.

The Cities of Milwaukee, Madison, Racine, Kenosha and Green Bay entered into an agreement with Center for Tech and Civic Life (CTCL). In the agreement, the Cities took CTCL's money to facilitate in-person and absentee voting within their respective city. The agreement documents included the Wisconsin Safe Voting Plan (WSVP), the CTCL worksheets and the CTCL acceptance letters, which were conditioned on the Cities spending CTCL's transferred money in accordance with the WSVP. These documents are in the accompanying appendix: App. 7-27 (WSVP); App. 513-519, (CTCL worksheet blank form), 520-537 (Green Bay worksheet), 538-551 (Kenosha worksheet), 552-563 (Madison worksheet), 564-575 (Milwaukee worksheet), 576-587 (Racine worksheet); 588-601 (CTCL grant application acceptance letters for Milwaukee, Madison, Kenosha, Green Bay and Racine).

Any Agreement Where a City's Election Officials Receive CTCL or Other's Private Money to Facilitate In-Person and Absentee Voting Within a City Facially Violates Wis. Stat. § 12.11's Prohibition on Election Bribery Under Wis. Stat. § 12.11.

The CTCL agreement facially violates the election bribery prohibition of Wis. Stat. § 12.11 because the participating cities and public officials received private money to facilitate in-person or absentee voting within such a city. Any similar agreements in the 2022 and 2024 election cycle would also be prohibited election bribery.

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Wis. Stat. § 12.11, in relevant part, prohibits a city from receiving money to facilitate electors going to the polls or to facilitate electors to voting by absentee ballot:

> Election bribery
>
> (1) In this section, "anything of value" includes any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds $1…
>
> (1m) Any person who does any of the following violates this chapter:
>
> 1. Offers, gives, lends or promises to give or lend, or endeavors to procure, anything of value, or any office or employment or any privilege or immunity to, or for, any elector, or *to or for any other person, in order to induce any elector to*:
>
> 1. *Go to … the polls*.
>
> 2. *Vote*….

Wis. Stat. § 12.11 (emphasis added). Although the word "person" is not defined in section 12.11, it is defined elsewhere to include "bodies politic," which also includes municipalities. *See* Wis. Stat. § 990.01(26). Although the word "induce" is not defined in Wis. Stat. § 12.11, it is commonly defined to mean "to call forth or bring about by influence or stimulation."

Wis. Stat. § 12.11 requires three elements for a municipality or its officials to engage in "election bribery:" (1) the definition of "anything of value" must be met; (2) the thing of value must be received by a municipality or its election officials; and (3) the municipality must receive the thing of value in order to facilitate electors going to the polls or voting by absentee ballot. With respect to the first element, Wis. Stat. § 12.11 defines "anything of value" to mean "any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds $1." To

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meet the second element, Wis. Stat. § 12.11 requires that the item of value be received by a municipality. Finally, the city must receive the item of value in order to facilitate electors to go to the polls or in order to facilitate electors to vote.

1. Conception of the Election Bribery Scheme

The record created by public document requests shows that CTCL, a private company headquartered in Chicago[3], engaged in an election bribery scheme. CTCL reached out to the City of Racine to allow CTCL to provide grant money to certain handpicked cities in Wisconsin to facilitate increased in-person and absentee voting in the cities. App. 402. This first grant of $100,000 was to be split among the five largest cities in Wisconsin at $10,000 per city, plus an extra $50,000 to Racine for organizing the five cities. App. 402. This first grant required the mayors of the five largest cities in Wisconsin and their respective staffs to complete CTCL election administration forms, including goals and plans to facilitate increased in-person and absentee voting in their respective cities and "communities of color" and develop a joint plan for elections only in these cities and not statewide. App. 297.

Christie Baumel (a City of Madison employee) wrote on June 9, 2020, regarding CTCL and "Election Cost Grant:"

> My understanding is that this is a small planning grant that Racine received from the Center for Tech & Civic Life to produce, by June 15th, a proposal for safe and secure election administration, according to the **needs identified by the five largest municipalities**. In other words, this information informs the Center for Tech & Civic Life in their consideration of where and how to support complete, safe, secure [sic] elections in Wisconsin.

App. 603 (emphasis added.)

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As part of the election bribery scheme, CTCL was reaching out to the five largest cities in Wisconsin, and CTCL wanted information from those cities in determining how to provide money to those cities to facilitate increased in-person and absentee voting. *Id.* This program and the larger amount of grant money was not available to any cities or counties in Wisconsin other than the five largest cities. These five cities began to identify themselves and to be identified by CTCL as the "Zuckerberg 5," including a letterhead with the five cities' seals.[4] App. 7, 141-143. Whitney May, Director of Government Services at CTCL, wrote to representatives of the other Zuckerberg 5 cities on August 18, 2020, stating, "You are the famous WI-5 … excited to see November be an even bigger success for you and your teams." *Id.*; App. 375-376.

The attempt of CTCL to target the five largest cities in Wisconsin for election support to facilitate increased in-person and absentee voting had been ongoing since early 2020, as indicated in emails and invitations from Vicky Selkowe, a Racine employee who opposed Trump and those that voted for him,[5] to Kenosha, Madison, Milwaukee, and Green Bay mayors, and a few other city officials from the Zuckerberg 5. App. 331-349; 392-401; 481-487. Only those four cities plus Racine were invited to "[a]pply for a COVID-19 grant" from CTCL and to thus be in on the "plan" to accept CTCL's private money to facilitate increased in-person and absentee voting in the 2020 election. App. 603-604.

The CTCL Agreement required the Zuckerberg 5 Mayors and their respective staffs to develop a joint plan for the Zuckerberg 5's elections pursuant to the agreement by June 15, 2020:

> The City of Racine, and any cities granted funds under paragraph 4, shall produce, by June 15th, 2020, a plan for a safe and secure election

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> administration in each such city in 2020, including election administration needs, budget estimates for such assessment, and an assessment of the impact of the plan on voters.

App. 2. The carrot for the Zuckerberg 5 to provide this information for CTCL was to get part of a $100,000 grant. Once the Zuckerberg 5 expressed interest in receiving the $10,000 grants from CTCL, they quickly provided information to Ms. Selkowe and CTCL on CTCL's form so they could develop a "comprehensive plan" for election administration for their "national funding partner, the Center for Tech & Civic Life" by June 15, 2020. App. 604 (emphasis added).

Following the expected "Council approval" on June 2, Ms. Selkowe of Racine sought to "immediately" connect with "municipal clerks and other relevant staff" to "swiftly gather information about" the cities' "election administration needs." App. 604. Ms. Selkowe obtained the information from the Zuckerberg 5 through the five completed CTCL forms, then either Racine or CTCL used that information to prepare the WSVP, as requested by CTCL. App. 513-519, (CTCL blank form), 520-537 (Green Bay), 538-551 (Kenosha), 552-563 (Madison), 564-575 (Milwaukee), 576-587 (Racine). Ms. Selkowe made clear that she was the point person for communicating with the different city staffs to gather information to prepare this plan. *Id.* at 604.

2. The First Contract Between CTCL and the Zuckerberg 5

On about May 28, 2020, the Racine Common Council approved, and signed, the CTCL conditional grant in the amount of $100,000 to recruit and later coordinate with the Zuckerberg 5 to join the WSVP 2020 submitted to CTCL on June 15, 2020. App. 325-349, 402-405. The grant and distribution to the Zuckerberg 5 was not random, rather it was the

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intentional culmination of meetings or virtual meetings on May 16, 2020, June 13, 2020, and August 14, 2020. *Id.* These meetings were also secretive. The mayors and their staff were invited to the meeting. However, neither the Common Council members nor the public were informed that the meetings were even set to occur. *Id.* The Common Council members of Racine were later asked to vote only to approve what was decided at the secret meetings. App. 486-487.

It is not believed that the Common Councils of the other four cities of the Zuckerberg 5 were asked to vote on the $100,000 grant, except perhaps long after they had already received the money and committed to accepting the larger grant and its conditions. *Id.* For example, the City of Madison received the $10,000 even though on July 13, 2020, Maribeth Witzel-Behl, the Madison City Clerk, wrote that "Common Council has yet to accept the $10,000" from CTCL. App. 605-606.

The grant approved by the Racine Common Council stated, "[t]he grant funds must be used exclusively for the public purpose of planning safe and secure election administration in the City of Racine in 2020 and coordinating such planning." App. 404. Thus, the consideration for the Zuckerberg 5 to receive the first, small grant, was that they provide information for CTCL to use in preparing the WSVP for the large grant. *Id.*

3. The WSVP and CTCL's Grant Acceptance Letter Incorporating the WSVP Is the Agreement Where the City Agreed to Take CTCL's Private Money to Facilitate Increased In-Person Voting and to Facilitate Absentee Voting.

The WSVP and CTCL's grant acceptance letter incorporating the WSVP is the agreement in which the City agreed to take CTCL's private money to facilitate increased

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in-person voting and to facilitate absentee voting. The WSVP was developed ostensibly "in the midst of the COVID-19 Pandemic" to ensure voting could be "done in accordance with prevailing public health requirements" to "reduce the risk of exposure to coronavirus." Further, it was intended to assist with "a scramble to procure enough PPE to keep polling locations clean and disinfected." App. 7-27.

However, another election purpose existed as evidenced by the documents obtained by the Special Counsel. That other election purpose was to fuse together the CTCL, their allied private corporations, the Zuckerberg 5, and $8.8 million of private funding into joint operations in that group of cities, where the focus would be on facilitating increased in-person and absentee voting, particularly in their "communities of color." *See, e.g., App*. 7-27 (WSVP). From the beginning, the purpose of the WSVP contract and its private funding was for the Zuckerberg 5 to use CTCL's private money to facilitate greater in-person voting and greater absentee voting, particularly in targeted neighborhoods.

4. Having Agreed to the Initial $10,000 Per City Grants (Plus $50,000 Extra for Racine), the Zuckerberg 5 Entered New Grant Agreements for Larger Grants Which Included CTCL's "Conditions" and Performance Requirements Under WSVP.

On or about July 6, 2020, Ms. Selkowe announced that the WSVP had been fully approved for funding by the Center for Tech & Civic Life; the initial $10,000 grant was just the first step for the Zuckerberg 5 to get an even larger grant from CTCL. *See, e.g.,* App. 1-27. Also, on July 6, Tiana Epps-Johnson of CTCL emailed Ms. Selkowe stating CTCL intends to fund each of the Zuckerberg 5 with far larger sums of money: Green Bay—$1,093,400; Kenosha—$862,779; Madison—$1,271,788; Milwaukee—

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$2,154,500; and Racine—$942,100. App. 11. This brought the total grants to the Zuckerberg 5 to $6,324,567.00. *Id.* Each of the Zuckerberg 5, expressly or impliedly, accepted the large grant money. For example, sometime in July 2020 the City of Madison accepted $1,271,788 by vote of Common Council. App. 605.

Concurrently with CTCL's plans to provide the Zuckerberg 5 with $6,324,567.00 in grant money, CTCL agents began to inform the Zuckerberg 5 of the conditions and the consideration for that grant money. App. 588-601. In other words, the grants were not for purely altruistic purposes as "strings" were clearly attached. On July 10, 2020, Ms. Selkowe started contacting each of the Zuckerberg 5 to let them know Tiana Epps-Johnson would contact them to start introducing the Zuckerberg 5 to CTCL's "partners." App. 463-464. "Tiana and her team have arranged for extensive expert technical assistance from fantastic and knowledgeable partners across the country, to help each City implement our parts of the Plan." *Id.* Tiana will send a "draft grant agreement" for the city's review and "approval on Monday." *Id.* It was assumed that each City would vote to accept the money, and the terms of the agreement were not important. *Id.*

On July 10, 2020, Ms. Selkowe sent an email to Celestine Jeffreys and copied Tiana Epps-Johnson, stating that Green Bay should work with CTCL, along with several of the other largest Wisconsin cities, to "implement our parts of the Plan," and to allow the City of Green Bay to "understand the resources she's [Tiana Epps-Johnson of CTCL] bringing to each of our Cities [the "cities" of Milwaukee, Racine, Madison, Kenosha and hopefully Green Bay] to successfully and quickly implement the components of our Plan." App. 261-262. By approximately July 24, 2020, each of the Zuckerberg 5 had agreed to contracts with CTCL, along with the conditions, rules, and regulations CTCL attached to the grants.

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App. 32-33 (Green Bay), 3-5 (Racine), 371-373 (Kenosha), 392-401 (Milwaukee), 406-410 (Madison).

5. The Grant Agreements and the WSVP Between CTCL and the Zuckerberg 5 Contain Conditions Regarding the City Facilitating Increased In-Person and Absentee Voting.

In addition to being informed that the Zuckerberg 5 should work with CTCL's "partners," the grant agreement contained express conditions that each of the Zuckerberg 5 had to follow in order to receive and keep the grant funds. *Id.* The grant agreement incorporated the WSVP and its provisions:

> The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of _____ in accordance with the Wisconsin Safe Voting Plan 2020.

Id. The consideration for the second contract heavily implied that the Zuckerberg 5 were to use CTCL's "partners" for election administration. By the time the second contracts and grants came to be issued, the Zuckerberg 5 were deeply embedded in election administration, especially in Green Bay and Milwaukee. Michael Spitzer Rubenstein was listed as a "CTCL grant mentor" who was directing election administration in Green Bay. The contracts for the Zuckerberg 5 required the cities to report to CTCL its spending, not make changes to their spending, or pay the grant money back to CTCL. *Id.*

Specifically, the conditions in the second contract included:

a. The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in the City of _____ in accordance with the Wisconsin Safe Voting Plan 2020.

b. Requiring each city or county receiving the funds to report back to CTCL by January 31, 2021 regarding the moneys used to conduct federal elections;

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> c. The City of _____shall not reduce or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of _____ ('the Clerk') or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
>
> d. The City of _____ shall not use any part of this grant to give a grant to another organization unless CTCL agrees to the specific sub-recipient in advance, in writing.

App. 588-589 (Milwaukee), 591-592 (Madison), 595-596 (Kenosha), 598-599 (Green Bay), 3-4 (Racine). CTCL provided a grant tracking form to the Zuckerberg 5 to keep track of their expenditures, which they would later have to report to CTCL. App. 609.

Thus, the text of the grant document provides the conditions clearly: the grant funds had to be used for "planning and operationalizing … election administration." App. 3-4, 588-589, 591-592, 595-596, 598-599. The Zuckerberg 5 had to "report back to CTCL by January 31, 2021" regarding the moneys they used. Any moneys used "in contravention" of the grant agreement would have to be "repaid to CTCL" up to the whole amount of the grant. *Id.* The Zuckerberg 5 were not allowed to pay any part of the grant money to another organization "unless CTCL agrees … in advance, in writing." *Id.*

The Zuckerberg 5 have admitted that these were "conditions" and that generally the money from CTCL was "conditional." To underscore the conditions on the grant money, on July 24, 2020, Dennis Granadas of CTCL wrote Celestine Jeffreys of Green Bay:

> Please find attached the revised grant agreement for review and signature. Please note that we made a few edits to clean up language, but this did not change the substance of the agreement, unless an update was requested. If you have any concerns please let me know. In addition, we also updated Section 7 for clarity to the following (changes highlighted in bold): "**The City of Green Bay shall not reduce** or otherwise modify planned municipal spending on 2020 elections, including the budget of the City Clerk of Green

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> Bay ('the Clerk') or fail to appropriate or provide previously budgeted funds to the Clerk for the term of this grant. Any amount reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant." I look forward to receiving the signed agreement. Please let me know if you have any questions/concerns. Have a great weekend.

App. 611 (emphasis added).

These provisions requiring repayment of the grant moneys are referred to as "claw-back" provisions and require the Zuckerberg 5 to return the moneys to CTCL, if CTCL disagreed with how the Zuckerberg 5 spent the money and conducted their 2020 elections. App. 4, 589, 592, 596, 599. After the election in November 2020, CTCL demanded that the Zuckerberg 5 submit forms to CTCL to prove they complied with the grant conditions by January 31, 2021. App. 609. These conditions, including the WSVP provisions to facilitate increased in-person and absentee voting in each participating city, were not merely "boilerplate" provisions. Instead, CTCL intended to, and did, enforce its contractual requirements on the Zuckerberg 5. *Id.*

6. The Grant Agreements and the WSVP Between CTCL and the Zuckerberg 5 Contain Conditions Requiring Participant Cities to Place CTCL-Funded Absentee Ballot Drop Boxes in Targeted Neighborhoods, Even Though Absentee Ballot Drop Boxes Are Unlawful in Wisconsin.

The WSVP and CTCL's grant acceptance letter incorporated the agreement where the cities agreed to take CTCL's private money to purchase and place absentee drop boxes in targeted neighborhoods. App. 10, 16-17. The WSVP provided Green Bay $50,000, Kenosha $40,000, Madison $50,000, Milwaukee $58,500, and Racine $18,000 for absentee ballot drop boxes. App. 17. The WSVP provided at total of $216,500 for absentee ballot drop boxes in the Zuckerberg 5. App. 17. The use of absentee ballot drop boxes, outside

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of narrow exceptions, has been successfully challenged as being a violation of Wisconsin law.

In a case in the Wisconsin Circuit Court for Waukesha County, the plaintiffs sued the WEC to challenge 2020 guidance memos that the WEC issued to municipal clerks. Complaint, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. June 28, 2021) (under review by the Wisconsin Supreme Court), available at App. 649-660. In particular, the plaintiffs challenged a memorandum that purported to authorize unstaffed ballot drop boxes:

> Despite this requirement in the statutes [i.e., the requirement that an absentee ballot either be returned by mail or be returned by the voter "in person, to the municipal clerk." Wis. Stat. § 6.87(4)(b)1], WEC Commissioners sent a memo to municipal clerks dated August 19, 2020, (the "August 2020 WEC Memo") stating that absentee ballots do not need to be mailed by the voter or delivered by the voter, in person, to the municipal clerk but instead could be dropped into a drop box *and that the ballot drop boxes could be unstaffed*, temporary, or permanent. (A true and correct copy of the August 2020 WEC Memo is attached hereto as Exhibit B.)

Id. ¶ 10, available at App. 651 (emphasis added).

The Waukesha County Circuit Court granted summary judgment to the plaintiffs and declared the use of ballot drop boxes, outside of narrow exceptions, to be inconsistent with Wisconsin law:

> For the reasons set forth by the Court on the record at the January 13, 2022 hearing, the Court hereby declares that WEC's interpretation of state statutes in the Memos is inconsistent with state law, to the extent they conflict with the following: (1) an elector must personally mail or deliver his or her own absentee ballot, except where the law explicitly authorizes an agent to act on an elector's behalf, (2) the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)1. are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk, (3) *the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed*

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> *by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855.*

Order Granting Summary Judgment for Plaintiffs, *Teigen v. Wisconsin Elections Commission*, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. January 20, 2020), available at App. 66 (emphasis added). The Zuckerberg 5's privately funded absentee ballot drop boxes in the 2020 election were legally unauthorized under Wisconsin law. This makes the Zuckerberg 5 and CTCL's agreement for CTCL-funded purchase and placement of absentee ballot drop boxes a void contract provision as against state law and public policy.

7. Other Entities Have Reported About CTCL's Selective Funding to the Zuckerberg 5.

It is important to note that two non-profit corporations have analyzed the Zuckerberg 5's acceptance and use of the CTCL moneys and published analytical reports in 2021. App. 488-512. Both reports are consistent with our conclusions here. *Id. First*, the Wisconsin Institute for Law & Liberty (WILL) in a June 9, 2021, report titled "Finger on the Scale: Examining Private Funding of Elections in Wisconsin." That report had the following "key takeaways:"

1. WILL received records from 196 communities that received a total $10.3 million in funding from CTCL. These grants ranged from a high of $3.4 million for the City of Milwaukee to $2,212 for the Town of Mountain in Oconto County.

2. The largest five cities in the state (Milwaukee, Madison, Green Bay, Kenosha, and Racine) received nearly 86% of all CTCL grant funds in Wisconsin.

3. While most small towns used CTCL resources for voting equipment

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and COVID-related equipment, Milwaukee, Green Bay, and Madison spent close to or above $100,000 on ostensibly "non-partisan" voter education efforts.

4. Areas of the state that received grants saw statistically significant increases in turnout for Democrats. Increases in turnout were not seen for Donald Trump.

5. This WILL report highlights the inequitable distribution of private resources that came into the state during the 2020 election. Reforms that are designed to ensure that any grant money is distributed in a per capita manner across the state will go a long way in increasing faith that our elections are being conducted in an open and honest manner.

App. 491.

The WILL report also calculated the CTCL funding per 2016 voter in Wisconsin's ten largest cities. It showed a huge amount of CTCL funding went to the Zuckerberg 5 per voter and in total showed only a small amount of CTCL funding went to the Wisconsin cities which were not among the Zuckerberg 5:

Municipality	CTCL Funding Per 2016 Voter	Total CTCL Grant Amount
Milwaukee*	$13.82	$3,409,500
Madison*	$8.30	$1,271,788
Green Bay*	$36.00	$1,600,000
Kenosha*	$20.94	$862,799
Racine*	$53.41	$1,699,100
Appleton	$0.51	$18,330
Waukesha	$1.18	$42,100

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Eau Claire	$2.01	$71,000
Oshkosh	$0.00	$0.00
Janesville	$6.11	$183,292

App. 500 (" * " denotes a Zuckerberg 5 City).

Notably, the WILL Report concluded that the CTCL funding affected Wisconsin's 2020 election outcomes in favor of candidate Biden over then-President Trump by at least 8,000 votes:

> For candidate Biden there was a statistically significant increase in turnout in cities that received CTCL grants. In those cities, candidate Biden received approximately 41 more votes on average. While the coefficient was also positive for then-President Trump, it did not reach traditional levels of statistical significance. This means that we cannot say that turnout for Republicans in CTCL receiving areas swas any different than it would have been without the grants. Given the number of municipalities in the state that received grants, this is a potential electoral impact of more than 8,000 votes in the direction of candidate Biden.

App. 503.

Second, the Foundation for Government Accountability (FGA) in a June 14, 2021 report titled "How Zuckerbucks Infiltrated the Wisconsin Election" made five key findings:

1. More than 200 Wisconsin jurisdictions received "Zuckerbucks" for the 2020 election, totaling more than $9 million;

2. Nearly $3.5 million was funneled into the City of Milwaukee via two grants;

3. Green Bay spent only 0.8 percent of funds on personal protective equipment—instead purchasing two new 2020 Ford 550s and paying a public relations firm nearly $150,000 for voter outreach;

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4. A representative of CTCL had behind-the-scenes access to election administration in Green Bay and Milwaukee; and,

5. A former staff member for Governor Evers worked for the grantor to coordinate grant applications in Eau Claire.

App. 508. The FGS report contends that "Wisconsin can—and should—prohibit local jurisdictions from accepting private money for election administration." *Id.* The relative funding levels for personal protective equipment also gives the lie to a claim that the extraordinary injection of "Zuckerbucks" into this election was necessitated by or intended primarily to ensure the election did not worsen the public health as opposed to influencing voting patterns.

The Zuckerberg 5 Agreed to the Wisconsin Safe Voting Plan Which Contains Geographic and Demographic Classifications to Increase In-person Voting and Absentee Voting for Targeted Areas and Groups—the Kinds of Efforts Typically Associated with Campaigning.

According to the CTCL website, CTCL is not "a grantmaking organization" in "normal years."[6] The WSVP contains provisions to increase in-person voting and absentee voting for targeted areas and groups. These groups met particular demographic criteria, which not-coincidentally, matched that of the Biden-voter profile. App. 7-27. Typically, candidates and campaigns, not cities, engage in get-out-the-vote efforts targeting areas and groups; CTCL provided the Zuckerberg 5 about $8.8 million to carry out the WSVP provisions. App. 493.

The following WSVP provisions are geographic and demographic classifications designed not for safe voting during COVID but to increase in-person voting for targeted

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areas and groups, increase absentee voting for targeted areas and groups, or both. App. 7-27. Additionally, these provisions are privately funded and disfavor Wisconsinites outside of the Zuckerberg 5. *Id.*

1. "[T]o be intentional and strategic in reaching our historically disenfranchised residents and communities"

On page one, the WSVP requires the Zuckerberg 5 to "be intentional and strategic in reaching our historically disenfranchised residents and communities; and, above all, ensure the right to vote in our dense and diverse communities" within the Zuckerberg 5. App. 7. This election administration provision, promoting in-person voting and absentee voting, is privately funded, disfavors Wisconsinites outside the Zuckerberg 5, and favors black and minority voters as opposed to the rest of the residents and communities within the Zuckerberg 5. *Id.*

2. "[E]ncourage and increase … in-person" and "absentee voting by mail and early" voting

On pages 5 and 6, the Zuckerberg Plan states that about one-half of the grant money will be used by the Zuckerberg 5 to "encourage and increase … in-person" voting and "dramatically expand strategic voter education & outreach efforts"—"particularly to historically disenfranchised residents" within the Zuckerberg 5. App. 11-12. The remainder was slated to be used to encourage and increase absentee voting by mail and early voting" and "dramatically expand strategic voter education & outreach efforts"—"particularly to historically disenfranchised residents" as opposed to the rest of the residents and communities within the Zuckerberg 5. *Id.*; App. 11-12.

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Goal	Green Bay	Kenosha	Madison	Milwaukee	Racine	Totals
Encourage and Increase Absentee Voting By Mail and Early, In-Person	$277,000	$455,239	$548,500	$998,500	$293,600	$2,572,839
Dramatically Expand Strategic Voter Education & Outreach Efforts	$215,000	$58,000	$175,000	$280,000	$337,000	$1,065,000
Totals:	$1,093,400	$862,779	$1,271,788	$2,154,500	$942,100	$6,324,567

One way the Zuckerberg 5 were to accomplish this feat was through a specific and targeted campaign directed at black and minority voters.

3. "Dramatically Expand Voter & Community Education & Outreach, Particularly to Historically Disenfranchised Residents"

On page fifteen, the WSVP calls for the cities to specifically target "[h]istorically [d]isenfranchised [r]esidents" within the Zuckerberg 5. The WSVP and CTCL defined "historically disenfranchised voters" to mean:

> All five municipalities expressed strong and clear needs for resources to conduct voter outreach and education to their communities, with a particular emphasis on reaching **voters of color, low-income voters without reliable access to internet, voters with disabilities, and voters whose primary language is not English.**

App. 21 (emphasis added). Each of the Zuckerberg 5 had their own plans to "target" certain residents and communities for higher in-person voter turnout.

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Green Bay wanted private grant funds to "be distributed in partnership with key community organizations including churches, educational institutions, and organizations serving African immigrants, "LatinX" residents, and African Americans." App. 21-22. Green Bay wanted to reach out to the Hmong, Somali and Spanish-communities with targeted mail, geo-fencing, posters (billboards), radio, television and streaming PSAs, digital advertising, automated calls and automated texts, [sic] as well as voter-navigators. App. 544. Green Bay's goal was to increase voter participation in these select, race-based groups by 25% for the November 2020 elections. *Id.* Green Bay's privately funded get-out-the-vote effort did not include electors who did not live in Green Bay or electors in Green Bay who were not members of preferred racial groups.

In Kenosha, grant funds would be used "for social media advertising, including on online media like Hulu, Spotify, and Pandora ($10,000), targeted radio and print advertising ($6,000), and large graphic posters ($3,000) to display in low-income neighborhoods, on City buses, and at bus stations, and at libraries ($5000)." App. 22. Kenosha's privately funded get-out-the-vote effort did not include electors who did not live in Kenosha or electors in Kenosha who did not live in low-income neighborhoods. *Id.*

In Madison, private funds would support partnering "with community organizations and run ads on local Spanish-language radio, in the Spanish-language newspapers, on local hip hop radio stations, in African American-focused printed publications, and in online publications run by and for our communities of color (advertising total $100,000)." App. 22. Madison's privately funded get-out-the-vote effort did not include electors who did not live in Madison, were not Spanish-speaking, did not listen to hip hop radio stations, read

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African American-focused printed publications, or online publications run by and for Madison's preferred racial groups. *Id.*

Milwaukee stated that it intended to use these private funds to "get-out-the-vote" based on race, criminal status, and harnessing "current protests" related to the Black Lives Matter movement. App. 571. The City used the private funds to support a "communications effort [that] would focus on appealing to a variety of communities within Milwaukee, including historically underrepresented communities such as LatinX and African Americans, and would include a specific focus on the re-enfranchisement of voters who are no longer on probation or parole for a felony." App. 22-23. Milwaukee's privately funded get-out-the-vote efforts did not include electors who did not live in Milwaukee or electors who are not members of preferred racial groupings. *Id.*

In Racine, the private funds supported renting "billboards in key parts of the City ($5,000) to place messages in Spanish to reach Spanish-speaking voters" and "targeted outreach aimed at City residents with criminal records to encourage them to see if they are not eligible to vote." App. 23. Racine's privately funded get-out-the-vote efforts did not include either electors who did not live in Racine or electors who were not Spanish-speaking. *Id.*

Additionally, in Racine, private funds were to be used "to purchase a Mobile Voting Precinct so the City can travel around the City to community centers and strategically chosen partner locations and enable people to vote in this accessible (ADA-compliant), secure, and completely portable polling booth on wheels, an investment that the City will be able to use for years to come." *Id.* This privately funded get-out-the-vote effort excluded

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electors who did not live in Racine and those who did not live near "strategically chosen partner locations." *Id.*

Individually and collectively, these privately funded election administration provisions promoting in-person voting classifications disfavor Wisconsinites outside the Zuckerberg 5 and favor only selectively defined minorities. App. 21-23.

4. WSVP's "Absentee Voting" provisions.

On page four, the WSVP requires the Zuckerberg 5 to take specific actions with early voting:

> Absentee Voting (By Mail and Early, In-Person)
>
> 1. Provide assistance to help voters comply with absentee ballot requests & certification requirements;
> 2. Utilize secure drop-boxes to facilitate return of absentee ballots;
> 3. Deploy additional staff and/or technology improvements to expedite & improve accuracy of absentee ballot processing; and,
> 4. Expand In-Person Early Voting (Including Curbside Voting)

App. 10. This election administration provision, promoting absentee voting, is privately funded and disfavors Wisconsinites outside of the Zuckerberg 5. Only electors in the Zuckerberg 5 benefit from the "assistance," "drop-boxes," "improvement," and increased "early voting." *Id.*

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5. "Provide assistance to help voters comply with absentee ballot request & certification requirements"

On pages nine and ten, the WSVP requires that the Zuckerberg 5, "[p]rovide assistance to help voters comply with absentee ballot request & [sic] certification requirements." App. 15-16. None of the private funding in this regard would benefit residents outside the Zuckerberg 5. *Id.* Instead, it targeted only the "Biden profile voter."

In Green Bay, the City would use the private money to fund bilingual LTE "voter navigators" to help Green Bay residents properly upload a valid photo ID, complete their ballots, comply with certification requirements, offer witness signatures, and assist voters prior to the elections. App. 15. Green Bay would also utilize the private funds to pay for social media and local print and radio advertising to educate and direct Green Bay voters so they could upload photo IDs and request and complete absentee ballots. *Id.* In Kenosha, the City would use the private money to have Clerk's staff train Kenosha library staff on how to help Kenosha residents request and complete absentee ballots. *Id.*

6. "Utilize Secure Drop-Boxes to Facilitate Return of Absentee Ballots"

On pages ten and eleven, the WSVP requires the Zuckerberg 5 to establish and use ballot drop boxes. App. 16-17. In Green Bay, the City intended to use private money to add ballot drop-boxes, at a minimum, at the transit center and two fire stations. *Id.* at 16. This was in addition to the one already in use at City Hall. *Id.* Green Bay intended to possibly use the drop boxes at its libraries, police community buildings, major grocery stores, gas stations, the University of Wisconsin Green Bay, and Northern Wisconsin Technical College. *Id.*

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In Kenosha, the City intended to use the private money to install four additional internal security boxes at Kenosha libraries and the Kenosha Water Utility to provide easy access to each side of the City to ballot drop-boxes. *Id.* at 16. Madison intended to use the private money to place and maintain one secure drop box for every 15,000 voters, or twelve drop boxes total, and to provide a potential absentee ballot witness at each drop box. *Id.* at 16. Milwaukee intended to use the private money to install secure 24-hour drop boxes at all thirteen of its public library branches, while Racine intended to use the private money to have three additional drop boxes to be installed at key locations around the city. *Id.* at 16–17.

7. "Expand In-Person Early Voting (Including Curbside Voting)"

On pages twelve through fourteen, the WSVP set out the plan to expand in-person absentee voting. App. 18-20. Green Bay used private money to expand and establish at least three EIPEV sites in trusted locations, ideally on the east (potentially UWGB) and west sides (potentially NWTC or an Oneida Nation facility) of the City, as well as at City Hall. *Id.* at 18. The city also used the private money to print additional ballots, signage, and materials to have available at these early voting sites. *Id.* Kenosha used private money to offer early drive-thru voting on City Hall property and for staffing for drive-thru early voting. *Id*.

In Madison, the City intended to use private money to provide eighteen in-person absentee voting locations for the two weeks leading up to the August election and for the four weeks leading up to the November election. *Id*. The City purchased and utilized tents for the curbside voting locations in order to protect the ballots, staff, and equipment from getting wet or damaged. Additionally, it purchased and utilized large feather flags to identify the curbside voting sites. *Id*.

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Milwaukee also used private money to set up three in-person early voting locations for two weeks prior to the August election and fifteen in-person early voting locations and one drive-thru location. *Id.* at 18-19. Racine used private money to offer a total of three EIPAV satellite locations for one week prior to the August election as well as offering a curbside in-person early voting option. *Id.* at 19. For the November election, Racine intended to use private money to offer EIPAV at four satellite locations two weeks prior to the election and at the Clerk's office six weeks prior. *Id.*

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Chapter 2

The Motive for These Grants Was Impermissible and Partisan Get – Out-the-Vote Effort (GOTV)

While it is clear that the statute prohibiting election bribery was violated, the reader may be asking (to put it simply): "*So what? Aren't we told all the time that voting is a good thing and that we should encourage more people to vote? Isn't that what American democracy is all about? Why should we care if outside groups came in and used their financial resources to get more people to vote? Isn't it just sour grapes to allege that this effort to "fortify" the election crossed over into bribery?*

These questions, and others like it, have been presented to the Wisconsin public by the outside groups who came here and by their advocates in the press and elsewhere as a sort of prophylactic defense of the entire bribery scheme. The outside groups know that their questions act as a potent offensive weapon used to discourage the kind of public scrutiny this Report reflects. This is so because anyone who asks critical questions will immediately be put back on their heels: "Tell us why you don't want more people to vote. What do you have against more *people of color* voting in our elections—are you *racist*?" For the record, all those concerned with this Report are, all things being equal, in favor of more people voting and no one has considered race as a factor one way or the other except to the extent necessary to determine the partisan motives of the private groups who designed and implemented this scheme and who are now cynically and hypocritically

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deploying the charge of racism in an attempt to shield their misconduct from the light of day.

The scheme designed and implemented by Zuckerberg's CTCL had its origins in a man named David Plouffe. Plouffe's political track record and savvy were likely taken into account by Mark Zuckerberg and his wife Pricilla when they hired David Plouffe to run their political operation-- the [Pricilla] Chan [and Mark] Zuckerberg Initiative— for the purpose of electing Joe Biden president and defeating then-President Trump.

Writing about President-elect Trump's first public appearance after his 2016 presidential victory, Plouffe had this to say: "It's not that we were simply horrified by the reality show performer and his grifter family appearing on stage as America's next first family—though what a horrifying sight it was." (p. xiii) Writing his book in late summer of 2019, Plouffe tells the reader he does not care who the Democratic nominee will be because it does not matter: the goal for everybody should be to defeat President Trump. And Plouffe knew just how to do it: "**We'll do it through turnout**—growing the overall number of people who walk the walk and actually cast votes. Democracy isn't a metaphor or a game. This year especially it's a deadly serious test." (p. xiv (emphasis added))

Turnout, otherwise known as "getting out the vote," (GOTV) has before 2020 been an exclusively partisan phrase (CITE) used by partisan campaigns to (1) identify; (2) locate; (3) inform; (4) persuade; and, (5) facilitate increasing the number of votes for the candidate that *they favor*. The same is true of efforts to get their ballots into the hands of

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a “voter navigator,” or ballot harvester, or into a drop box (another concept largely unknown prior to November 2020).

The Zuckerberg-funded CTCL/ Zuckerberg 5 scheme would prove to be an effective way to accomplish the partisan effort to “turnout” their desired voters and it was done with the active support of the very people and the governmental institution (WEC) that were supposed to be guarding the Wisconsin elections administrative process from the partisan activities they facilitated.

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Chapter 3

Government Oversight Has Been Obstructed by Governmental and Outside Corporate Collusion

WEC and the State Attorney General have failed to cooperate with this investigation. In fact, WEC and the State Attorney General each have actively resisted and obstructed the investigation's search for the truth. Wisconsin law requires that actions taken by WEC be accomplished by a majority vote, at a publicly noticed meeting. Wis. Stat. 5.05 (1e); Wis. Stat. § 5.05(5s)(a). Yet WEC, aided by the State Attorney General, has impeded this investigation through obstructive litigation carried on without any record of an approval by the majority of the Commission at a public meeting of the Commission.

These actions of WEC continue a pattern of misconduct by the agency that rose to new heights during the 2020 election cycle, in which new election related polices were spread throughout the state (such as the expanded use of unlawful "drop boxes" and the fraudulent use of the "indefinitely confined" status) without having been approved by either the administrative rule-making process, ensuring that changes in law are vetted in properly noticed public meetings, or by receiving a majority vote of the Commission.

Following initial compliance with the valid Assembly subpoenas, the OSC subsequently faced numerous dilatory actions constituting obstruction of this investigation. Such actions include:

1. Instructions by the Governor to governmental actors not to comply with Legislative oversight;

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2. Frivolous and subsequently dismissed ethics complaints against OSC staff;

3. Voluminous open record requests by outside, dark money nonprofits;

4. Free, dark money attorneys provided to various governmental actors;

5. Private investigators looking into the private lives of OSC staff, and outside hacks of devices;

6. Coordinated media campaigns against Legislative oversight and the OSC;

7. Intervention in lawsuits by the Attorney General on behalf of individuals and adverse to the mission of his Office; and,

8. Withholding and destruction of evidence, often poorly justified by claimed contractual obligations with commercial vendors, placing private business ahead of the public interest.

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Chapter 4

This Collusion and Entanglement Also Caused a Host of Questionable Actions by the Zuckerberg 5

Wisconsin engaged private companies in election administration in unlawful ways for the 2020 Presidential election.

1. Wisconsin law and WEC's 250-page Election Administration Manual for Wisconsin Municipal Clerks do not legally authorize CTCL and its "partners" to participate in Zuckerberg 5's election administration.

2. WEC's WisVote security policies do not legally authorize the Zuckerberg 5 election officials to share WisVote data with CTCL and its partners.

3. The security of WisVote FIDO Keys required by WEC for WisVote access is unacceptable and an invitation to fraud as the ability to properly track all of the access points and personnel is a key feature required to maintain voting integrity.

4. CTCL pushed onto the Zuckerberg 5 the CTCL "partners" who would unlawfully administer aspects of the election.

5. The projects that CTCL's partners promoted had nothing to do with Covid-19 safety.

6. After the Zuckerberg 5 agreed to the large grants, and CTCL convinced the Zuckerberg 5 to utilize CTCL's "partners," CTCL sought to unlawfully embed those "partners" into the Zuckerberg 5's election administration.

7. Given a blank check to run the election, CTCL and its "partners" took full advantage of the opportunity to administer the election in at least one of the Zuckerberg 5.

8. The "private corporate partners" were from out of state, and not necessarily knowledgeable about Wisconsin election law, or concerned about it.

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9. Safe voting was a pretext—the real reason for CTCL's WSVP grants was to facilitate increased in-person and absentee voting in specific targeted areas inside the Zuckerberg 5.

10. The Zuckerberg 5 became beholden to CTCL as a result of the WSVP's private funding and the WSVP's provisions.

11. The Zuckerberg 5 ceded administrative control over the election to CTCL and its private partners, including WisVote data sharing, so they could collectively facilitate increased in-person and absentee voting in the 2020 election.

1. Wisconsin Law and WEC's 250-Page Election Administration Manual for Wisconsin Municipal Clerks Cannot Legally Authorize CTCL and Its "Partners" to Participate in Zuckerberg 5's Election Administration.

Wisconsin's municipal clerks are provided training on administering elections, including being provided WEC's 250-page Election Administration Manual for Wisconsin Municipal Clerks. This Manual also illustrates why the WSVP, CTCL and its "partners" participating in the Zuckerberg 5's election administration for the 2020 Presidential Election was not legally authorized.

According to the Manual, "The municipal clerk's election duties include, but are not limited to, supervision of elections and voter registration in the municipality, equipping polling places, purchasing and maintaining election equipment, preparing ballots and notices, and conducting and tracking the training of other election officials."

The Manual reserves those duties to municipal clerks, and nowhere does it authorize CTCL and its "partners," to engage in Zuckerberg 5's election administration. We also have seen no evidence that personnel from CTCL or its partners were trained in Wisconsin election law, as is required of the municipal clerks.

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2. WEC's WisVote Security Policies Do Not Legally Authorize the Zuckerberg 5 Election Officials to Share WisVote Data with CTCL and Its Partners.

WEC's policies on WisVote security are written so that municipal clerks do not work hand-in-hand with private companies to administer the elections. So, the Zuckerberg 5's municipal clerks jeopardized WisVote security when data sharing with CTCL and its partners.

The WisVote system is the Statewide Voter Registration System (SVRS) that originated in 2006 and provided key tools for the former State Elections Board to carry out its critical election business practices. In early 2016, SVRS was replaced by WisVote, which reportedly improved usability and functionality and lowered costs.

Three fundamental goals served as the strategic vision for the WisVote system: improved usability for clerks, reduced costs, and creating a stable and supportable system.

WisVote is not simply a voter registration list, but a full elections administration package. The system is accessed by more than 1,600 users in 700 separate locations across the State. Users connect to the system using the internet. Some locations in Wisconsin do not have high-speed internet access available, in which case, the municipal clerk relies on another clerk (usually the county clerk) to perform data entry functions. The system includes several confidential fields, including driver license numbers, dates of birth, partial social security numbers and voters who are under a protective order, which must be protected by statute.

There are four security to gain access to the WisVote system:

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1. User must have a viable computer that can access the internet. That computer must have a "Fast Identity Online" (FIDO) user authentication key applet downloaded to the system

2. User must have an assigned User Name

3. User must have an assigned password

4. User must possess a WEC issued FIDO Key

WEC controls the username and password access.

There are four levels of access to the WisVote system:

1. Clerk: this access certification was developed to train new staff in the complete WisVote system application. This access level allows users to perform all WisVote functions, including printing poll books, mapping, and other election administration duties.

2. Data Entry: this access certification was developed to train new staff to enter voter registration applications, update voter status, and record voter participation. This access level will not allow users to merge voters, print poll books, or perform other election administration duties unless the user completes the full WisVote system training.

3. WEDC Entry: this role does not require additional WisVote training other than the WisVote Introduction tutorials and the Security Series videos; however, the clerk, or authorized designee, must still submit the Request to Add Authorized Users form to ensure users receive the correct WisVote permissions. These users can view municipal data and Election Reconciliation information, but only have the ability to modify or edit Inspectors' Statement and EDR Postcard data.

4. Read Only: this role does not require any additional WisVote training other than the WisVote Introduction tutorials and the Security Series videos; however, the clerk, or authorized designee, must still submit the Request to Add Authorized Users form to ensure users receive the correct WisVote permissions. These users can view municipal data, but will not have the ability to add, delete, or modify data in WisVote.

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WEC's WisVote security rules do not contemplate or authorize non-governmental outside parties receiving WisVote data shared by Zuckerberg 5's election officials.

Further, WEC's rules provide a specific process to obtain access to WisVote data:

To obtain access to WisVote, the clerk, or authorized designee, will complete the following process:

> 1) Email a completed and signed copy of the Request to Add Authorized Users in The Learning Center (TLC) to Elections Help Desk (elections@wi.gov). Identify the role type for each user identified on the form. There are four user access levels in WisVote from which to choose:
>
> 2) Upon receipt of the completed Request to Add Authorized Users in TLC form, the Elections Help Desk will create and issue a login and password for the user to obtain access to TLC website to allow for the new users to complete the following training:
>
> a. Securing WisVote: this is a series of electronic learning modules located under the Election Security Awareness tile in TLC. All WisVote users are required to complete this training regardless of their access level (please also note that this specific training may also be made available and accessed by individuals identified by the clerk, or an authorized designee, who do not require WisVote access and still wish to participate in this cybersecurity educational opportunity—indicate Requested WisVote Access Level as "Not Applicable" on the Request to Add Authorized Users in TLC form); *AND* The training associated with the access levels listed above, if applicable.
>
> 3) Once new users complete the Securing WisVote training series AND all required training related to their WisVote Access Level, if applicable, an email shall be sent to the Elections Help Desk (elections@wi.gov). The email should state that the Securing WisVote series was completed and should also contain the appropriate Access Certification document (also found on this page), as an attachment. Upon receipt, WEC staff will issue a WisVote username and password.
>
> 4) When logging into WisVote for the first time, new users will see the WisVote User Agreement and the WisVote Confidentiality Agreement, in electronic

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format. To acknowledge and accept the terms of these agreements, the user will click the "I agree" button when prompted with each agreement.

CTCL and its partners did not follow this process and yet obtained WisVote data from Zuckerberg 5's election officials. By contrast, the public receives WisVote only as WEC updates the information and for a charge of $12,500 for a daily snapshot of statewide data. Accordingly, under Wisconsin Elections Commission's security policies, CTCL's and its partners were allowed to access to WisVote in this way, opening the system up to unauthorized uses by unauthorized users. The Zuckerberg 5's WisVote data sharing with CTCL and its partners was thus unlawful.

5. The Security of WisVote FIDO Keys Required by WEC for Wisvote Access Is Unacceptable.

The security of WisVote FIDO Keys, required by WEC for WisVote security is unacceptable. Under WEC's policies for a multi-factor authentication, three things are needed for WisVote access: login in name; password; and FIDO Key. The FIDO Key is contained in a flash drive that is inserted into a personal computer.

In 2018, WEC mass-issued FIDO Keys across the State to counties and municipalities. The instructions received from WEC to the key recipients were unclear as to security protocols. For example, one county indicated they had requested 2 FIDO Keys and they received 15 keys. When the clerk received the 15 keys, she called WEC and asked, "what should I do with the additional 13 keys you sent that I didn't request?" WEC said, "hold on to them just in case you need another or one breaks." One would think that at the time these FIDO Keys were issued, WEC would have a master record of custody as

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to how many FIDO Keys had been shipped. If that was the case, WEC cannot apparently find it now.

In mid-September 2021, an open records request was sent to the WEC requesting the total number of FIDO Keys that had been issued by WEC to the various counties and municipalities across the State. The request also asked for a list of individuals to whom the keys were issued. WEC initially issued a copy of a 2020 list of FIDO Key users. Knowing this list changes monthly, a second request was made to determine how many of those users had changed. The 2020 list listed 3,137 FIDO Key users across the State. Of that list, 404 active users had been disabled leaving a balance of 2,733 active users. The updated list indicated that205 active users had been added two weeks later and accounted for a total of 2,938 keys. Of those 2,938 active keys, 1,929, or 66% were issued with clerk access.

WEC apparently does not know how many FIDO Keys they have actually issued because individual county or municipal clerks have FIDO Keys that were not assigned or listed on WEC's list. For example, WEC issued a total of 36 FIDO Keys to the Fond du Lac County Clerk, who issued 12 keys to various municipalities and still has 24 in her possession. In contrast, WEC's list confirms 12 keys that were issued without accounting for the 24 keys that remain in the Clerk's possession. WEC's records similarly reflect two of the 15 FIDO Keys that WEC issued to the Kewaunee County Clerk and that the Clerk then issued, but they fail to reflect the other 13 FIDO Keys that WEC issued to the Clerk that remain in the Clerk's filing cabinet. Our investigation repeatedly found that counties

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and municipalities have more keys than WEC can account for. Yet, the FIDO Keys are supposed to be a major part of WEC's security policy for WisVote data.

There does not seem to be a meaningful pattern as to how FIDO Keys are used to counties or municipalities. For example, as mentioned in the previous paragraphs, clerks have different methods of distributing the keys that they receive from WEC. Some clerks manage their municipality or county WisVote data entry very carefully. For example, the Kewaunee County Clerk only allows 2 people to make entries or adjustments in the WisVote system. Fond du Lac County allows 12 people in the entire County to enter data or make changes to the data. A close look at the Zuckerberg 5 cities of Madison, Milwaukee, Kenosha, Green Bay and Racine shows a remarkable array of differences in how the FIDO Keys are issued and ultimately used.

There is no known explanation as to why there is such diversity of FIDO Key distribution and accountability in the different cities. The chart below lists the Zuckerberg 5 cities where large sums of CTCL money was applied. It is unclear why 64% of FIDO Keys assigned to one city consist of keys with clerk-level access that would allow unfettered access to the entire WisVote database and enable the user to activate and deactivate voters.

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FIDO Keys by Zuckerberg 5 Cities per April 2021 WEC Report

City	Population over 18 yrs	Total Keys	Clerk Keys	% of Keys for Clerks	Data Entry Keys	Other Key Types	One Key for every X residents
Madison	214,180	124	17	14%	107	N/A	1,727
Kenosha	74,766	23	6	26%	17		3,251
Milwaukee	450,233	306	196	64%	108	2	1,471
Green Bay	78,777	13	4	31%	8	1	6,060
Racine	60,123	98	22	22%	76		614

In talking to various clerks across the State, it is known that employees of municipalities that have been issued FIDO Keys will often allow other employees in their organization to use their computer, username, password, and FIDO Key to access the WisVote system and make entries. During the 2020 election, this type of usage was extended to third parties in the Zuckerberg 5 cities as further detailed below. FIDO Keys are an area of concern and require more investigation and attention overall.

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1. CTCL Pushed Onto the Zuckerberg 5 the CTCL "Partners" Who Would Unlawfully Administer Aspects of the Election.

As part of the WSVP, CTCL pushed onto the Zuckerberg 5 the CTCL "partners" who would effectively administer aspects of the election in an unlawful manner. Under the WSVP, CTCL promoted to the Zuckerberg 5 numerous entities, CTCL's "partners.," CTCL would then recommend that the Zuckerberg 5 connect with and use those partners in the administration of the election. App. 39-52, 53-69, 78-80. However, since the Zuckerberg 5 were contractually bound to use only the "organizations" that CTCL approved "in advance, in writing," the "partner" referrals that CTCL made were more than mere "suggestions," they were part of the CTCL's binding contractual agreement with the Zuckerberg 5. App. 4, 589, 592, 596, 599.

In late July 2020, CTCL Director of Government Services Whitney May hosted a series of separate "kick off" calls for each of the Zuckerberg 5 city's public officials, where she introduced and provided an overview of CTCL's allied corporations (sometimes-called "technical partners") to inject themselves into that city's election administration. App. 454-459, 480. CTCL's "partners" introduced to the Zuckerberg 5 were private corporations that would act to unlawfully aid or administer the relevant city's election administration:

1. The National Vote At Home Institute ("VoteAtHome" or "NVAHI") was represented by CTCL as a "technical assistance partner" that could consult about, among other things, "support outreach around absentee voting," voting machines and "curing absentee ballots," and to even take the duty of curing absentee ballots off the city's hands. App. 39-52, 53-69. The NVAHI also offered advice and guidance on accepting ballots and streaming central count during election night and on the day of the count. App. 70-77.

2. The Elections Group and Ryan Chew were represented to be able to provide "technical assistance partners to support your office" and "will be connecting

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with you in the coming days regarding drop boxes" and technical assistance to "support your office," and worked on "voter outreach." App. 78-80, 81-83, 171. Elections Group Guide to Ballot Boxes. App. 84-124.

3. Ideas42 was represented by CTCL as using "behavioral science insights" to help with communications. App. 324.

4. Power the Polls was represented by CTCL to help recruit poll workers. App. 124.

5. The Mikva Challenge was recommended to recruit Chicago-based high school age students to be Zuckerberg 5 poll workers. App. 127.

6. US Digital Response was suggested to help with and then take over "absentee ballot curing," and to "help streamline the hiring, onboarding, and management" of Green Bay's poll workers. App. 130-138.

7. Center for Civic Design was tapped to design absentee ballots and the absentee voting instructions. App. 196.

8. Eric Ming, the Communications Director for CSME, was selected to serve as a "communications consultant to review your [City of Green Bay] advertising plan for November." App. 43, 158-159.

9. The Brennan Center, which focuses on "election integrity" including "post-election audits and cybersecurity" was involved. App. 160.

10. HVS Productions added "voter navigator" FAQs and Election Countdown Copy for the city of Green Bay. App. 163-168.

11. Modern Elections was picked to address Spanish language issues. App. 169-171.

Importantly, none of the referenced "partners" mandated by CTCL were health or medical experts that one might expect for efforts allegedly tied to the COVID pandemic; rather, as the grant contracts required, these were "experts" in "election administration." *See* App. 454-462, 480. Further, several clerks did inform the OSC that actions by these representatives adversely affected the public health safety of staff and voters.

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Former Green Bay Clerk Kris Teske has described this usurpation by CTCL and its "partners" of election administration. She stated in her Answer in a prior WEC proceeding:

1. "Others in the Mayor's office began to hold meetings and make decisions relating to the election outside of the Clerk's office." App. 674.

2. "This caused planning for the election to become VERY dysfunctional and caused great confusion in the Clerk's office as many of the meetings and decisions were driven by the Mayor's chief of staff and other senior officials without the knowledge or consent of the Clerk's office." *Id.*

3. "I wrote several emails outlining my concerns with meetings that excluded the Clerk's office and decisions that were made without consulting the Clerk's office." App. 675.

4. "[T]he office's [Clerk's office] ability to fulfill the obligations for the election were greatly hindered and diminished by outside interference." App. 677.

As Teske asserted, Wisconsin law and WEC's Election Administration Manual for Wisconsin Municipal Clerks did not legally authorize CTCL and its partners to engage in Zuckerberg 5's election administration.

12. The Projects That CTCL's Partners Promoted Had Nothing to Do with Covid-19 Safety.

CTCL's partners had nothing to do with Covid-19 safety. Neither CTCL nor its "partners" were medical or health professionals. Instead, CTCL boasted that it had a "network of current and former election administrators and election experts available" to "scale up your vote by mail processes," and "ensure forms, envelopes, and other materials are understood and completed correctly by voters." App. 38.

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On July 31, 2020, shortly after the grant agreements were negotiated and executed CTCL's Director of Government Services wrote to Madison employee Maribeth Witzel-Behl about the "projects" CTCL required:

> Hi Maribeth:
>
> Reflecting on your Safe Voting Plan and the kickoff call last week. I wanted to get your feedback about the **projects** our technical partners should tackle first. What are the most urgent areas where you'd like support from the partners? Here's what we captured in our notes as the likely top 3-4:
>
> 1. **Adding satellite locations and drop boxes**—help site locations and provide tailored guidelines and implementation support (Elections Group)
> 2. **Printing materials for mail ballots** – redesign bilingual **absentee ballot** instruction sheet and letter (Center for Civic Design, who is working with WEC on envelope design)
> 3. **Targeting communities with election information** – NVAHA is launching a communications toolkit on August 5 to support **outreach** around **absentee voting** (National Vote at Home Institute), share research insights about how to engage people who might not trust the **vote by mail** process (Center for Civic Design)
> 4. **Training election officials**—review quick guides and other training materials (Elections Group)

App. 479 (emphasis added).

Explaining this "targeting" of communications, Celestine Jeffreys wrote to Whitney May of CTCL on August 27, 2020 that "[t]here are probably 5 organizations that are focused on working with disadvantaged populations and/or with voters directly." App. 37, 45.

CTCL, when working with the Zuckerberg 5, had other conditions that had nothing to do with COVID prevention, including:

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1. Employing "voter navigators" to help voters "complete their ballots." App. 34-35.

2. The "voter navigators" would later be "trained and utilized as election inspectors." App. 35.

3. "Utilize paid social media" and "print and radio advertising" to direct voters "to request and complete absentee ballots." App. 34.

4. "enter new voter registrations and assist with all election certification tasks." App. 34.

5. "reach voters and potential voters through a multi-prong strategy utilizing 'every door direct mail,' targeted mail, geo-fencing, billboards radio, television, and streaming-service PSAs, digital advertising, and automated calls and texts," and direct mail to "eligible but not registered voters." App. 36.

6. Assist new voters to "obtain required documents" to get valid state ID needed for voting, targeting African immigrants, LatinX residents, and African Americans. *Id.*

7. "facilitate Election day Registrations and verification of photo ID." App. 36.

Thus, after the grant agreements commenced, CTCL promoted election activities having nothing to do with Covid-19 safety. CTCL instead focused on targeting voter outreach and absentee voting. CTCL also required the Zuckerberg 5 to target specific geographic and demographic voter characteristics. App. 7-27. Using the grant funds to target voter outreach was required by CTCL as one of the WSVP conditions. App. 3, 7-27.

Again, CTCL and its partners had no specific medical or health experience, and the WSVP "projects" had nothing to do with Covid-19 safety. App. 7-27.

5. After the Zuckerberg 5 Agreed to the Large Grants, and CTCL Convinced the Zuckerberg 5 to Utilize CTCL's "Partners," CTCL Sought to Unlawfully Embed Those "Partners" into the Zuckerberg 5's Election Administration.

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After the Zuckerberg 5 agreed to the large grants, CTCL offered Milwaukee to provide "an experienced elections staffer [from the Elections Group] that could potentially embed with your staff in Milwaukee in a matter of days and fill that kind of a role." App. 382 (emphasis added).

CTCL and its partners pushed to get involved with, and take over, other parts of the election administration, as well. One of CTCL's recommended "partners" was the National Vote at Home Institute ("NVAHI"). Michael Spitzer Rubenstein, NVAHI's employee, wrote to Claire Woodall-Vogg, the Executive Director of the City of Milwaukee Election Commission: "[C]an you connect me to Reid Magney and anyone else who might make sense at the WEC? Would you also be able to make the connection with the Milwaukee County Clerk?" App. 381.

CTCL and its "partners" made many other attempts to access information to which private entities were obviously not entitled. *Id.* The following communications demonstrate such efforts, not authorized by the governing law:

1. **If you could send the procedures manual and any instructions for *ballot reconstruction,* I'd appreciate that**. On my end: · By Monday, **I'll have our edits on the absentee voter instructions.** · We're pushing Quickbase to get their system up and running and I'll keep you updated. · I'll revise the planning tool to accurately reflect the process. App. 381 (Michael Spitzer Rubenstein emailing to Claire Woodall-Vogg of Milwaukee).

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2. I'll create a flowchart for the VBM [vote by mail] processing that we will be able to share with both inspectors and also observers. · **I'll take a look at the reconstruction process** and try to figure out ways to make sure it's followed. App. 381 (Michael Spitzer-Rubenstein emailing to Claire Woodall-Vogg of Milwaukee)

3. "That sounds like a real pain. It would be helpful to just understand the system and maybe the USDR folks can figure out a way to simplify something for you. … if it's okay with you, **they'd also like to record the screen-share to refer back to, if needed.**" **We're hoping there's an easier way to get the data out of WisVote than you having to manually export it every day or week**. To that end, we have two questions: 1**. Would you or someone else on your team be able to do a screen-share so we can see the process for an export**? 2. **Do you know if WisVote has an API or anything similar so that it can connect with other software apps**? **That would be the holy grail** (but I'm not expecting it to be that easy). App. 389 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).

4. I know you won't have the final data on absentee ballots until Monday night but I imagine you'll want to set things up beforehand. **Just let me know your timeline for doing so and if you get me the absentee data a day ahead of time and I can set things up. And as a reminder, here's what I'll need: 1) Number of ballot preparation teams 2) Number of**

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returned ballots per ward 3) Number of outstanding ballots per ward. App. 390 (Michael Spitzer-Rubenstein to Claire Woodall-Vogg).

5. **In order to get the data by ward, are you able to run a summary in WisVote or do you have to download all the active voters, absentee applications, etc. and then do an Excel pivot table or something similar**? We added Census data and zip codes to the map and so now we're moving to figure out how we'll update this. Also, **if you can send these reports (whether in summary form or just the raw data), we can put them in: Active voters, Absentee applications, Ballots received, Ballots rejected/returned to be cured**. App. 391, Michael Spitzer Rubenstein to Claire Woodall-Vogg.

6. "I'll try and do a better job clarifying the current need. We are not actually using anything visual right now (though will in the future). In the state of affairs now, **we are just looking for raw data. The end result of this data will be some formulas, algorithms and reports that cross reference information about ballots and the census data**. For example, **we want to deliver to Milwaukee + Voteathome answers to questions like "How many of age residents are also registered to vote?" or "what percentage of ballots are unreturned in areas with predominantly minorities?**" To do that, we need a clear link between address + Census Tract. We need this for all ~300k voters and the ~200k+ absentee ballots, and it needs to be able automatic as we perform more

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> inserts. To accomplish this, we were making calls to the Census API. They allow you to pass in an address and get the Census Tract. That solution "works", but is far too slow. Their batch solution isn't working either." App. 388 (emphasis added).

CTCL and its partners were influencing public officials while those officials were doing their jobs to administer the election. *See, e.g.*, App. 381, 383-388, 390-391. Although some of these attempts by CTCL and its partners to tamper with, or take over the Zuckerberg 5's election administration, may have been rebuffed, others were not *Id.* The Zuckerberg 5 apparently agreed that some of CTCL's attempts would have been too egregious. App. 389. For example, Claire Woodall-Vogg responded:

> While I completely understand and appreciate the assistance that is trying to be provided*, I am definitely not comfortable having a non-staff member involved in the functions of our voter database, much less recording it.* While it is a pain to have to remember to generate a report each night and less than ideal, it takes me less than 5 minutes. Without consulting with the state, which I know they don't have the capacity or interest in right now, I don't think I'm comfortable having USDR get involved when it comes to our voter database. I hope you can see where I am coming from – this is our secure database that is certainly already receiving hacking attempts from outside forces.

App. 389 (Claire Woodall-Vogg to Michael Spitzer Rubenstein) (emphasis added).

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Kris Teske confirmed that CTCL and its "partners" sought to improperly interject or "embed" themselves into the election administration. App. 674. She stated in her answer in a prior WEC proceeding: "A further complicating factor arose when outside (private) organizations were engaged to participate in the planning and administration of the election." *Id.*

Another example of embedding is in Milwaukee. The Elections Group employee Ryan Chew wrote at 4:07 a.m. on November 4, 2020, the day after the Presidential election, to Milwaukee election official Claire Woodall-Vogg:

> Damn Claire, you have a flair for drama, delivering just the margin needed at 3:00 a.m. I bet you had those votes counted at midnight, and just wanted to keep the world waiting.

App. 610. Woodall-Vogg responded, "LOL. I just wanted to say I had been awake for a full 24 hours." *Id.*

1. Given a Blank Check to Run the Election, CTCL and Its "Partners" Took Full Advantage of the Opportunity to Administer the Election in at Least One of the Zuckerberg 5.

The Zuckerberg 5 used (at a minimum) the following group of CTCL's allied corporations to engage in election administration: Center for Civic Design, App. 451-453, 467-471, 474-475, 478; Vote at Home Institute, App. 447, 449, 465-466, 477; Voter Participation Center, App. 476; healthyvoting.org, App. 445; Elections Group, App. 444; Brennan Center, App. 440; Simon and Company, Inc., App. 448, 450. CTCL and its partners assumed numerous aspects of administration of Zuckerberg 5's election processes.

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See, e.g., App. at 451-453, 467-471. For example, in Green Bay, the private corporations and their employees engaged in the following aspects of election administration:

a. Vote at Home volunteered to take the curing of ballots off of a municipality's plate; (*id.* at 172-174);

b. Elections Group offered to "lend a hand" to Central Count stations (*id.* at 175-76);

c. Offered to connect a municipality to "partners like Power the Polls" to recruit poll workers and to partner with CTCL to send out e-mails to recruit poll workers; (*id.* at 177);

d. Advised the City as to using DS200 voting machines; (*id.* at 178);

e. Provided a "voter navigator" job description; (*id.* at 182);

f. Advised a municipality regarding moving the "Central Count" from City Hall to a different location, which was wired to provide election results directly to private corporate employees; (*id.* at 262);

g. The Center for Civic Design offered a municipality to design the absentee voting instructions and the absentee envelopes; (*id.* at 184-196);

h. The Elections Group issued a Guide to Ballot Drop Boxes, a report on Planning Drop Boxes, Voter Outreach, and Communication; (*id.* at 197-236);

i. Provided advice about procedures for challenging an elector's ballot; (*id.* at 232-236); and

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j. Conservation Voices and curing. (*id.* at 237-240).

Whitney May of CTCL advised Milwaukee's Information Coordinator, Michelle Nelson, on how to request additional funding for election administration from the City and encouraged her to consult with other Zuckerberg 5 clerks:

> Below is some language I drafted along with 2 links that may help you frame the need for more staff. And have you asked Kris in Green Bay or Tara in Racine about their staffing levels? If they have similar numbers of registered voters as Kenosha, but more staff than Kenosha, then I think that's also a way to make your case to Admin.

App. 377. This email raises the concern that CTCL was drafting documents regarding municipal funding for election administration for the Zuckerberg 5. *Id.* Based on CTCL contact with the Commission, the CTCL and its partners may have drafted documents for Commission staff as well. *Id.*

Kris Teske saw these acts of usurpation as well, describing them in her communications. App. 318-319. As early as July, she claimed that the Mayor's office was diverting her authority as a result of the CTCL Contract. She wrote in an e-mail:

> I haven't been in any discussions or emails as to what they are going to do with the money. I only know what has been on the news/in the media... Again, I feel I am being left out of the discussions and not listened to at the meetings.

Id. at 318. Kris Teske also wrote, "Celestine also talked about having advisors from the organization giving the grant who will be 'helping us' with the election and I don't know anything about that." *Id.* at 319. "I don't understand how people who don't have the

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knowledge of the process can tell us how to manage the election." *Id.* Teske expressed concern that voting laws may be being broken. She wrote:

> I just attended the Ad Hoc meeting on Elections…. I also asked when these people from the grant give us advisors who is going to be determining if their advice is legal or not…I don't think it pays to talk to the Mayor because he sides with Celestine, so I know this is what he wants. I just don't know where the Clerk's Office fits in anymore.

Id. at 318-319.

Some of the most aggressive and egregious usurpation of election administration was performed by Michael Spitzer Rubenstein of NVAHI. Mr. Spitzer Rubenstein performed tasks such as:

a. Providing instructions to the Central Count workers (App. 241-242);

b. Augmenting the City of Green Bay's "guide with the DS450" voting machine instructions; issuing a purchase order (*id.* at 49); asking about 62001 openers (*id.* at 243);

c. Corresponding with the Green Bay City Attorney and other employees to interpret Wisconsin law and even to develop absentee voting protocols potentially inconsistent with Wisconsin Law (App. 73);

d. Offering to take "curing ballots" off of the City of Green Bay's plate (*id.* at 135, 137, 138, 172-173);

e. "[H]elping Milwaukee assign inspectors to Central Count stations," and offering to do the same for Green Bay (*id.* at 244);

f. Setting up the voting machines and patterns in the Central Count location (App. 175, 178, 179-195);

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g. Offering "additional resources" such as "funding available, both from ourselves, and the Center for Tech and Civic Life (thanks to Priscilla Chan and Mark Zuckerberg)" (*id.* at 124);

h. Determining whether to accept ballots after the deadline of 8 pm (*id.* at 291-292);

i. Allocating poll workers on election day (App. 252);

j. Teske stating finance person does not want NVAHI person in office, but Chief of Staff is running show (*id.* at 249-251);

k. Sharing Central Count guidance # of poll workers (*id.* at 252).

Further: "Michael Spitzer Rubenstein will be the on-site contact for the group [on Election Day]." App. 257-261. Mr. Spitzer Rubenstein was one of three people providing "supervision and check-in duties" for workers on the days of the election and subsequent vote counting. App. 306.

One of the functions of Mr. Spitzer Rubenstein's service as "on-site contact" was to coordinate with the contractor staff at the Hyatt Regency and KI Convention Center to set up wireless networks for Election Day operations. At Mr. Spitzer Rubenstein's instruction, there were three WiFi networks available. One was the general conference facility public network that would be available to members of the press and others. That network was password-protected, but the password was widely available. A second password-protected WiFi network was created for Central Count staff. Mr. Spitzer Rubenstein also directed that a third WiFi network be established, but that network was to be hidden and it was not

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to be password-protected. Spitzer Rubenstein also ensured that "both networks reach[ed] [his] hotel room on the 8th floor" (App. 262-266).

Spitzer Rubenstein had unfettered access to the Central Count, ballots, and ballot counting:

1. Spitzer Rubenstein developed a diagram and map of the "Central Count" area of the election and developed roles for the staff to handle and count ballots, and Central Count procedures (App. 267-288);
2. Assigned inspectors for vote counting and polling places (App. 244);
3. Pushed for control of ballot curing process (App. 172-173);
4. Provided advice to Green Bay's City Attorney regarding interpretation of Wis. Stat. governing the timing and receipt of ballots (App. 289-292);
5. Instructed "pull the numbers on the absentee ballots returned and outstanding per ward" information on vote results so he could determine which wards were on which voting machines (App. 293-295);
6. Created a "poll worker needs" spreadsheet (App. 296-298);
7. Put himself in charge of transporting ballots to City Hall and then to Central Count on election day; and then counting them. (Discussion of "moving ballot boxes in the morning and evening." November, 2, 2020 (App. 280, 299-301);
8. Stated "I'm putting together instructions for the Central Count

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workers, …" (App. 302);

9. Corresponded with Saralynn Flynn, also of Vote at Home, who wrote: "here is the document I made to hand out to central count observers." (App. 241) The "document" he created warned Election Observers to "NOT interfere in any way with the election process," while CTCL personnel, partners, "pollworkers" and others deputized by CTCL, transported ballots, counted ballots, and "cured" defective mail in and absentee ballots, and otherwise exercised considerable control over the election process (App. 303);

10. Had unrestricted access on election day to the Central Count floor (App. 304).

On election day, Spitzer Rubenstein had access to ballots and determined which ones would be counted or not counted. Spitzer Rubenstein wrote to Vanessa Chavez, Green Bay City Attorney, on November 3, 2020 at 9:29 pm: "Be prepared: ballots delayed." The text stated: "I think we're probably okay; I don't think anyone challenged the ballots when they came in." App. 304 (emphasis added). Spitzer Rubenstein explained that someone "prevented one of the drop box deliveries from getting to City Hall by 8 PM," so the ballots were "delayed," i.e., did not arrive on time as required by law. Forty-seven boxes of ballots were expected to be delivered and apparently, according to Spitzer Rubenstein's email, some of them were late but he decided that despite some of them being late, they were to be counted anyway because no one "challenged them." *Id.*

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1. The "Private Corporate Partners" Were from Out of State, and Not Necessarily Knowledgeable About Wisconsin Election Law, or Concerned About It.

Notably, CTCL's "private corporate partners" were from out of State, and not necessarily knowledgeable about Wisconsin election law, or concerned about it. Ryan Chew of the Elections Group was located outside of Wisconsin. Further, Chew was described by Whitney May of CTCL as having "decades of election experience working with the Cook County Clerk in Illinois. They [Mr. Chew and Gail, also from the Elections Group] are available to discuss your drop box plans (and more!)." App. 374. CTCL is headquartered in Illinois. Spitzer Rubenstein is a lawyer who lives in Brooklyn. Kris Teske stated in her answer that "[m]any of these [election administration] decisions were made by persons who were not authorized to do so and some were made by people not qualified to make them as, again, election laws need to be followed to ensure the integrity of the election." App. 676.

2. Safe Voting Was a Pretext—The Real Reason for CTCL's WSVP Grants was to Facilitate Increased In-Person and Absentee Voting in Specific Targeted Areas Inside the Zuckerberg 5.

The real reason for CTCL's WSVP grants was to facilitate increased in-person and absentee voting in specific targeted areas inside the Zuckerberg 5. App. 7-27. Safe voting was merely a pretext.

On June 10, 2020, Vicky Selkowe informed the representatives of the other Zuckerberg 5 that: "[o]ur national funding partner, the Center for Tech & Civic Life, has one additional question area they'd like answered: "What steps can you take to update

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registered voters' addresses before November? What steps can you take to register new voters? How much would each cost?" App. 604.

3. The Zuckerberg 5 Became Beholden to CTCL as a Result of the WSVP's Private Funding and the WSVP's Provisions.

The documents show that the Zuckerberg 5 became beholden to CTCL as a result of the WSVP's private funding and the WSVP's provisions.

On August 1, 2020, Maggie McClain of Madison emailed Maribeth Witzel-Behl stating: "is there an approval/letter giving the go-ahead for this? Or an okay from CTCL saying the *grant funds could be used for this*? I need something to attach to the requisition." App. 607.

On August 31, 2020, Kenosha sought and obtained CTCL permission for purchasing 3 DS450 high speed ballot tabulators for use at absentee central count locations at an amended cost of $180,000 instead of $172,000. App. 378-380. Madison sought similar approval from CTCL regarding election administration financing. App. 437-439, 441-443, 446, 450, 472-473.

On September 22, 2020, Karalyn Kratowitz, the interim deputy mayor of Madison, asked CTCL for instruction on and permission as to how to spend the money. App. 446.

On January 7, 2021, pursuant to the agreement, CTCL told Madison to report by January 31, 2021. App. 609.

The Zuckerberg 5 were periodically required to report to CTCL on election administration. All the Zuckerberg 5 were required to report to CTCL on their expenditures

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by January 31, 2021. App. 4 (Racine), 589 (Milwaukee), 592 (Madison), 596 (Kenosha), 599 (Green Bay).

4. The Zuckerberg 5 Ceded Administrative Control Over the Election to CTCL and its Private Partners, Including WisVote Data Sharing, so they Could Collectively Facilitate Increased In-Person and Absentee Voting in the 2020 Election.

As set forth above, CTCL's stated and implied conditions led to the Zuckerberg 5's municipal clerks and other staff to sometimes eagerly step aside, and other times to be pushed aside, to let CTCL and its private corporate partners engage in aspects of election administration—including exclusive free access to WisVote data not available to the public and not for free (e.g., $12,500 for copy of statewide WisVote data). *See, e.g.*, App. 7-27. CTCL and the private corporations, as revealed by the documents, had an ulterior motive in the WSVP to facilitate increased in-person and absentee voting in the Zuckerberg 5 and among their preferred racial groups. *Id.*

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Chapter 5
Corporate Legal Defense to Facilitate Obstruction Might Violate the Wisconsin Ethics Code

The unlawful actions of various Wisconsin election officials has opened them up to legal liability. In certain contexts, Wisconsin's election officials can enjoy legal immunity; in others, they can be represented by government attorneys or government-financed attorneys. Finally, in some contexts, unlawful actions of officials can place them in a position where they-- just like any other members of the public-- may have to hire and pay their own attorneys to defend themselves.

CEIR's Election Officials Legal Defense Network (EOLDN), announced in December of 2021, provides legal services for government officials on the hook for misconduct. In Wisconsin, this is not a solution to these election officials' legal problems. In fact, accepting EOLDN's legal services may get these election officials into more jeopardy, because the EOLDN system facially violates Wis. Stat. § 19.59 (1)(b), prohibiting such transactions. Wis. Stat. § 19.59 (1)(b) provides:

> (b) No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

The problem is that CTCL and CEIR are Zuckerberg-Chan financed entities that worked together as a joint venture in the 2020 election. CTCL received $350 million for the 2020 election. CEIR received $69 million for the 2020 election. CTCL funded the $8.8

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million Wisconsin Safe Voting Plan (WSVP), which the cities of Milwaukee, Madison, Green Bay, Racine and Kenosha used to purchase illegal drop boxes and the provision of those funds constitutes election bribery under Wis. Stat. § 12.11.

EOLDN's three leaders: David Becker, Bob Bauer and Ben Ginsberg have different roles regarding the Zuckerbergs' CTCL and WSVP. Becker, as President of CEIR, received $69 million from Zuckerberg-Chan. Bauer and Ginsberg are election law attorneys who likely represent-- or are being paid by-- CEIR, CTCL, or related entities. Not surprisingly, all three—Becker, Bauer and Ginsberg—have publicly supported CTCL's distributions in Wisconsin as lawful.

EOLDN should know that CTCL and CEIR are potential parties or witnesses to future illegal drop box or election bribery litigation or prosecutions. In turn, CEIR and related entities are disqualified from providing attorneys for Wisconsin election bribery defendants because they are potential parties, potential witnesses or biased due to previous representation of related parties. Further, it appears, EOLDN, on behalf of Zuckerberg and Chan, are improperly coordinating legal defenses of election officials to protect CTCL, CEIR, Zuckerberg, Chan and related entities and individuals.

By providing free legal defense services for election officials in these subject areas, EOLDN may be violating the first part of Wis. Stat. § 19.59 (1)(b), which prohibits such transactions:

> No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or

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> indirectly, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment.

The law applies to these circumstances as follows. The "person" is EOLDN or their attorney. The local public official is the election official receiving free EOLDN legal services. The "anything of value" provided is the free legal defense services provided by EOLDN. The gift of the free legal services could reasonably be expected to influence the election officials' official actions or judgment. Since EOLDN's free legal services will have foremost in mind protecting the interests of CTCL, CEIR, Zuckerberg and Chan, it will influence the election officials' official actions and judgment in defending Wis. Stat. § 5.06 administrative corrections and related criminal prosecutions. So, all the elements are satisfied for the transaction to be deemed prohibited.

By providing free legal defense services for election officials in these subject areas, EOLDN may be violating the second part of Wis. Stat. § 19.59 (1)(b) prohibiting such transactions:

> No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value if it …could reasonably be considered as a reward for any official action or inaction on the part of the local public official

The law applies to the circumstances as follows. The "person" is EOLDN or their attorney. The local public official is the election official receiving free EOLDN legal services. The "anything of value" provided is the free legal defense services provided by EOLDN. EOLDN or its attorney's gift of the legal services could reasonably be considered a reward for the official's actions regarding the illegal drop boxes, election bribery and/or violating

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the special voting deputies law. Recall CTCL, Zuckerberg and Chan financed the illegal drop boxes and election bribery, so EOLDN's free legal services to the election officials could be reasonably seen as a "reward" for their participation in unlawful actions related to the election.

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Chapter 6

Wisconsin Election Officials' Widespread Use of Absentee Ballot Drop Boxes Facially Violated Wisconsin Law

In Wisconsin, election officials' unprecedented use of absentee ballot drop boxes facially violated Wisconsin law. This practice of unlawful absentee ballot drop boxes was particularly pervasive in the cities of Milwaukee, Madison, Kenosha, Racine and Green Bay. These bulk absentee ballot drop boxes were privately financed by Center for Tech and Civic Life (CTCL). The WSVP and CTCL's grant acceptance letter incorporating the WSVP is the agreement in which the city agreed to take CTCL's money to purchase and place absentee drop boxes in targeted neighborhoods. App. 10, 16-17.

In total, the WSVP provided $216,500 for unlawful absentee ballot drop boxes in the Zuckerberg 5. App. 17. The WSVP provided Green Bay $50,000 for absentee ballot drop boxes. App. 16. The WSVP provided Kenosha $40,000 for absentee ballot drop boxes. App. 16. The WSVP provided Madison $50,000 for absentee ballot drop boxes. App. 16. The WSVP provided Milwaukee $58,500 for absentee ballot drop boxes. App. 16. The WSVP provided Racine $18,000 for absentee ballot drop boxes. App. 17.

The use of absentee ballot drop boxes has been successfully challenged in state court as being unlawful. In a case in the Waukesha County Circuit Court, the plaintiffs sued the WEC to challenge 2020 guidance memos that the WEC issued to municipal clerks. Complaint, Teigen v. Wisconsin Elections Commission, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. June 28, 2021) (under review by the Wisconsin Supreme Court), available

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at App. 649-660. In particular, the plaintiffs challenged a memorandum that purported to authorize unstaffed ballot drop boxes:

> Despite this requirement in the statutes [i.e., the requirement that an absentee ballot either be returned by mail or be returned by the voter "in person, to the municipal clerk." Wis. Stat. § 6.87(4)(b)1], WEC Commissioners sent a memo to municipal clerks dated August 19, 2020, (the "August 2020 WEC Memo") stating that absentee ballots do not need to be mailed by the voter or delivered by the voter, in person, to the municipal clerk but instead could be dropped into a drop box and that the ballot drop boxes could be unstaffed, temporary, or permanent. (A true and correct copy of the August 2020 WEC Memo is attached hereto as Exhibit B.).
>
> Id. ¶ 10, available at App. 651.

The court granted the plaintiffs motion for summary judgment and declared the use of ballot drop boxes, outside of narrow exceptions, to be inconsistent with Wisconsin law:

> For the reasons set forth by the Court on the record at the January 13, 2022 hearing, the Court hereby declares that WEC's interpretation of state statutes in the Memos is inconsistent with state law, to the extent they conflict with the following: (1) an elector must personally mail or deliver his or her own absentee ballot, except where the law explicitly authorizes an agent to act on an elector's behalf, (2) the only lawful methods for casting an absentee ballot pursuant to Wis. Stat. § 6.87(4)(b)1. are for the elector to place the envelope containing the ballot in the mail or for the elector to deliver the ballot in person to the municipal clerk, (3) the use of drop boxes, as described in the Memos, is not permitted under Wisconsin law unless the drop box is staffed by the clerk and located at the office of the clerk or a properly designated alternate site under Wis. Stat. § 6.855.
>
> Order Granting Summary Judgment for Plaintiffs, Teigen v. Wisconsin Elections Commission, No. 21-CV-958 (Wis. Cir. Ct. for Waukesha Cnty. January 20, 2020), available at App. 66.

Accordingly, the Zuckerberg 5's privately funded absentee ballot drop boxes in the 2020 election were unlawful under Wis. Stat. § 6.87(4)(b)1 and § 6.855. Thus, the

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Zuckerberg 5 and CTCL's agreement for CTCL-funded purchase and placement of absentee ballot drop boxes was also unlawful and contrary to public policy. We suggest below legislative action that would make this prohibition even more clear.

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Chapter 7

The Wisconsin Elections Commission (WEC) Unlawfully Directed Clerks to Violate Rules Protecting Nursing Home Residents, Resulting in a 100% Voting Rate in Many Nursing Homes in 2020, Including Many Ineligible Voters

Contrary to statements made by several groups and media sources over the past months, the OSC has uncovered evidence of election fraud in the November 2020 election. Rampant fraud and abuse occurred statewide at Wisconsin's nursing homes and other residential care facilities in relation to absentee voting at these facilities. This fraud and abuse was the ultimate result of unlawful acts by WEC's members and its staff, the end results being:

1. Residents were illegally assisted with "marking" their ballots by nursing home staff and administrators;
2. Absentee ballots for residents were illegally handled by facility staff and administrators;
3. Resident absentee ballots were illegally "witnessed" by nursing home staff and administrators;
4. Suspected forger of resident signatures by nursing home staff and administrators;
5. Improbably high voting rates for residents at nursing homes; and
6. Ballots cast by residents—
    1. Where those residents were unaware of their surroundings, with whom they are speaking at any given time, or what year it is; and/or

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2. Where those residents' right to vote had been taken away by court order because they have been adjudicated as mentally incompetent.

Through these acts, the members and staff of WEC mandated widespread election fraud to take place where our most vulnerable adult citizens reside.

The OSC has spent significant time and resources investigating the fraud and abuse that occurred at Wisconsin's nursing homes. However, that part of the investigation is nowhere near complete. While the OSC has been able to audit the votes of several nursing homes in five counties, and has interviewed the families of many residents who have been abused, the OSC believes a state-wide, complete audit of all absentee votes from all facilities governed by Wis. Stat 6.875 is necessary. The OSC is continuing to pursue this avenue of the investigation with an eye towards completing that audit.

There are four distinct types of Elderly Care Facilities in Wisconsin, Assisted Living (including assisted living apartments), Adult Day Care Centers, Nursing Homes and Memory Care Units. Many of the memory care units are operated within the Nursing Home environment. In total, there are about 92,000 people in Wisconsin who reside in these facilities.

Wisconsin law defines "election fraud" at Wis. Stat. § 12.13. That section provides in pertinent part—

"12.13 Election Fraud

(1) ELECTORS. Whoever intentionally does any of the following violates this chapter:

…

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(h) Procures, assists or advises someone to do any of the acts prohibited by this subsection.

(2) ELECTION OFFICIALS.

…

(b) No election official may:

…

3. Permit registration or receipt of a vote from a person who the official knows is not a legally qualified elector or who has refused after being challenged to make the oath or to properly answer the necessary questions pertaining to the requisite requirements and residence; or put into the ballot box a ballot other than the official's own or other one lawfully received.

4. Intentionally assist or cause to be made a false statement, canvass, certificate or return of the votes cast at any election.

…

7. In the course of the person's official duties or on account of the person's official position, intentionally violate or intentionally cause any other person to violate any provision of chs. 5 to 12 or which no other penalty is expressly prescribed.

(3) PROHIBITED ACTS. No person may:

…

(L) When not authorized, during or after an election, break open or violate the seals or locks on a ballot box containing ballots of that election or obtain unlawful possession of a ballot box with official ballots; conceal, withhold or destroy ballots or ballot boxes; willfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in a ballot box; or aid or abet any person in doing any of the acts prohibited by this paragraph.

…

(N) Receive a ballot from or give a ballot to a person other than the election official in charge.

…

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(P) Receive a completed ballot from a voter unless qualified to do so."

Wisconsin has enacted rules specifically related to the conduct of absentee voting in nursing homes and other residential care facilities. These rules are found in Wis. Stat. § 6.875. Wis.. Sat. § 6.875(2)(a) specifically states—

> Absentee voting in person inside residential care facilities and qualified retirement homes shall be conducted by municipalities only in the manner prescribed in this section. At any residential care facility or qualified retirement home where a municipality dispatches special voting deputies to conduct absentee voting in person under this section, the procedures prescribed in this section are the exclusive means of absentee voting in person inside that facility or home for electors who are occupants of the facility or home.

Among the rules that must be followed are that municipal clerks or boards of election commissioners must designate "Special Voting Deputies" (SVDs) for the purpose of supervising absentee voting in qualified retirement homes and residential care facilities, and that these SVDs must be dispatched to nursing homes to supervise absentee voting in those facilities, except in very limited circumstances.

If a resident at a nursing home or other residential care facility requests an absentee ballot, and SVDs are dispatched to that facility (which again must happen except in very limited circumstances) the law provides that the clerks or the board of electors must give the ballot to the SVDs "who shall personally deliver the ballot to the elector" when the SVDs visit the facility.

Once the ballot is delivered, the SVDs may assist the resident with "marking" the ballot. Importantly, the only people authorized by Wisconsin law to assist a resident in

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"marking" an absentee ballot are SVDs and "immediate family members." It is illegal for anyone else under any circumstances to do so. Further, the law specifically provides that "the [SVDs] **shall not accept** an absentee ballot submitted by an elector whose ballot was not issued to the elector by the [SVDs]" and that "[a]ll voting shall be conducted in the presence of the [SVDs]."

Once voting is complete on the day of an SVD's visit to the facility, Wisconsin law provides—

> **(d)** Upon completion of the voting on each day at each residential care facility or qualified retirement home, the deputies shall seal the absentee ballot envelopes and any absentee ballot applications inside a carrier envelope and shall seal the carrier envelope and sign their names to the seal. The deputies shall place the envelope inside a ballot bag or container. As soon as possible after visiting each residential care facility or retirement home, but not later than 18 hours after the visit, the deputies shall deliver the ballot bag or container to the clerk or board of election commissioners of the municipality in which the elector casting the ballot resides.

There is no provision in Wis. Stat. § 6.875 for absentee ballots from nursing home residents to be returned by mail, except in the case of a voter that "maintains a residence outside the facility or home" in which case the voter may request and return an absentee ballot in the standard manner as provided for elsewhere in the statutes. Wis. Stat. § 6.875(ar)2.

Despite the clear mandates of Wisconsin law, in a June 24, 2020 memorandum directed to all clerks of the state, WEC directed clerks not to send SVDs to facilities, and to instead mail ballots to voters in those facilities. WEC further stated that "The regular rules for absentee voting by mail will apply to ballots sent by mail to care facility voters."

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On September 25, 2020, WEC forwarded to all clerks of the State two documents, a "Sample Nursing Home and Care Facility Letter" (the "Facility Letter") and a training document entitled "Absentee Voting at Nursing Homes and Care Facilities" (the "Training Document").

The Facility Letter was provided to clerks as a template for letters to be sent by the clerks to nursing homes in their jurisdiction, directing those facilities as to the purported new rules for absentee voting for the November 2020 election. In the Facility Letter, WEC told the clerks to advise facilities that the normal restrictions against facility staff assisting residents with voting will not be in place "because of SVDs being restricted from visiting." It further provided that "[r]esidents who receive ballots will have to vote their ballot, have a witness provide required information on the return envelope, and return their ballot by mail in order to participate." The letter also stated that facility staff may assist residents in "completing the information required on the voter registration form" and completing absentee ballot request forms.

In addition to providing further details as to how facility staff could assist residents with registration, absentee ballot application, and voting, the Training Document stated—

> As a care facility administrator or staff member, you are able to:
>
> 1. Assist residents in filling out their ballots or certificate envelopes.
> 2. Assist residents in completing voter registration forms and absentee requests.
> 3. Sign the special certificate envelope (EL-122sp) if necessary (see below for explanation).
> 4. Witness ballots.

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The Training Document also provided certain "Absentee Voting FAQs" with answers thereto, including—

> Q: How do residents of my facility return their ballot? We used to have people (SVDs) come to the facility and administer the voting and take the ballots back. Now what is expected?
>
> A: Ballots should be mailed back to the clerk using the postage-paid return envelope provided by the clerk with the voter's ballot. They can also be returned to the clerk's office in-person at the request of the voter.
>
> Q: Who can assist the voter in voting their ballot?
>
> A: Anyone can assist the voter in reading and/or marking their ballot, except the voter's employer, including care facility staff and family. Normally, care facility staff are restricted from assisting voters, but this restriction is not in effect because the voter is casting their ballot by mail. Wis. Stat. § 6.87(5)
>
> Q: Can a resident's ballot be returned using a drop box at the Town/Village/City Hall?
>
> A: Yes, the ballot may be returned to a drop box or directly to the clerk's office at the request of the voter. All ballots must be received by 8:00 PM on election day in order to be counted. Not all municipalities offer drop boxes, so you should check with the clerk to see if one is available for ballot return.

Each and every WEC directive identified above in regard to absentee voting in nursing homes and other resident care facilities is a direct violation of Wisconsin law, and ultimately encouraged widespread fraud in regard to absentee voting at these facilities.

In addition to other violations, WEC's directives were illegal in the following ways:

1. Directing that facility staff may assist voters in registering to vote, applying for an absentee ballot and/or assisting the voter in marking the ballot are all violations of provisions of Wis. Stat. § 6.875;

2. Directing that clerks not send SVDs to any facilities violated the basic tenets of Wis. Stat. § 6.875 that absentee voting in nursing homes "shall" be conducted in compliance with that statute and that all absentee voting at nursing homes must be conducted "in the presence of [SVDs];"

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3. Directing clerks to mail ballots directly to nursing home residents violated the rule that absentee ballots requested by facility residents must be given first to SVDs, and then the SVDs are the only persons authorized to then give those ballots to the residents;

4. Directing that absentee ballots may be returned by mail, by placing them in a ballot drop box, and/or by returning them directly to the clerk (by someone other than an SVD) "at the request of the voter" all violate the rule that these absentee ballots are to be returned only to an SVD, who then must place them in a ballot bag or container and return them to the clerk within 18 hours.

Ultimately, WEC's directives mandated that widespread "election fraud" be undertaken in relation to the November 2020 election. As is noted above, "election fraud" occurs when ballots are given to, or received by anyone other than "the election official in charge" or when a person receives a completed ballot from a person "unless qualified to do so."

WEC's directives caused ballots to be mailed directly to nursing home residents rather than the "election officials in charge"—who would have been the SVDs. By the same token, it caused completed ballots to be illegally given to facility staff or returned by mail rather than the SVDs, violating both the rule that ballots cannot be given to anyone other than the "election official in charge" as well as the prohibition against receiving a completed ballot from someone "unless qualified to do so."

The only persons qualified to receive completed ballots from nursing home residents are, and were, SVDs. The law did not change before or after the November 2020 election, and WEC's directives were in direct violation thereof. As a result, WEC's directors and

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staff committed election fraud themselves by mandating and/or encouraging others to commit acts prohibited by the election fraud statute.

The OSC has evidence that facility staff and directors—

1. Assisted residents in completing ballots;
2. Assisted residents in obtaining absentee ballots;
3. Pressured residents to vote;
4. Collected completed ballots from residents;
5. Forged signatures of residents;
6. Illegally returned residents' ballots to the municipal clerks by mail, by placing the ballots in drop boxes, and/or delivering them directly to the clerks;
7. Pressured and/or assisted incompetent persons to complete and cast ballots in the November 2020 election, up to and including persons who have had their right to vote take away by court order due to mental incompetence.

Not only did WEC's directives mandate and/or encourage violations of Wis. Stat. § 6.875 and the election fraud statute: it led to absurd results relating to nursing home voting in the November 2020 election. The following chart shows the registered voting rates in the November 2020 election for nursing homes that were vetted by the OSC in Milwaukee, Racine, Dane, Kenosha, and Brown Counties:

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County	# of Nursing Homes Vettted	# of Registered Voters	# of Voters Nov 2020	% of Registered Voters that Voted
Milwaukee	30	1084	1084	100%
Racine	12	348	348	100%
Dane	24	723	723	100%
Kenosha	9	866	841	97%
Brown	16	280	265	95%

It is important to note that the above chart only reflects voting at the nursing homes that the OSC has been able to vet to this juncture. There are more facilities in these counties, and after auditing the votes from other facilities, the above percentages may change. Further, as is noted above, the OSC believes a complete state-wide audit of absentee ballots sourced from nursing home and other residential care facility residents is necessary.

Election fraud is a crime. The Racine County Sheriff's Office recommended criminal prosecution of certain members of WEC relating to their instructions to municipal clerks not to send SVDs to nursing homes for the November 2020 Presidential election. Specifically, the Sheriff recommended charges for WEC Commissioners Margaret Bostelmann, Julie Glancey, Ann Jacobs, Dean Knudson, and Mark Thomsen. The recommended charges are the same for each Commissioner, and include:

1. Misconduct in Public Office in violation of Wis. Stat. § 946.12(2) (Felony);
2. Election Fraud—Election Official Assisting with Violations in violation of Wis. Stat. § 12.13(2)(b)7 (Felony);
3. Party to the Crime of Election Fraud—Receive Ballot Non-Election Official

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in violation of Wis. Stat. § 12.13(3)(n) (Misdemeanor);

4. Party to the Crime of Election Fraud—Illegal Ballot Receipt in violation of Wis. Stat. § 12.13(3)(p) (Misdemeanor);

5. Party to the Crime of Election Fraud—Solicit Assistance in violation of Wis. Stat. § 12.13(3)(s) (Misdemeanor)

In a recent letter, Racine County District Attorney Patricia Hanson, after stating she did not have jurisdiction to prosecute, stated to Sheriff Christopher Schmaling that, in her expert legal opinion, multiple members of WEC acted "contrary" to Wisconsin Elections laws. District Attorney Hanson stated:

> Despite knowing that what they were doing was contrary to law and despite being told by the Governor's Office that they were exceeding their authority, the WEC instructed municipal and county clerks to eliminate the SVD process for elections in 2020. Proof of this comes directly from the recordings of the WEC meetings that can be found on their website and their recorded meetings.

District Attorney Hanson further stated:

> It is appalling to me that an appointed, unelected group of volunteers, has enough authority to change how some of our most vulnerable citizens access voting. Dispensing with the mandatory process created by the legislature of using sworn and trained SVDs to assist citizens in nursing homes, directly led to what occurred at Ridgewood Care Center in Racine County. Residents who did not request ballots voted because someone else made a request for a ballot on their behalf and then voted on their behalf. If even one person's right to freely choose to vote or not to vote was diminished, then a travesty of justice has occurred.

While the Racine County District Attorney has decided not to prosecute on jurisdictional grounds, the OISC has learned that the Racine County Sheriff's Office has forwarded referrals to the District Attorneys for the resident counties of the above-noted

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WEC members—St. Croix, Sheboygan, Green Lake and Milwaukee Counties. No decision has been made by those District Attorneys regarding prosecution as of this writing.

In an October 28, 2021 press release, WEC Chairman Ann Jacobs inaccurately denied that anyone at WEC broke the law and attempted to justify WEC's possibly unlawful acts by stating that had they not performed them, "many residents in Wisconsin care facilities could have and would have been disenfranchised and not able to vote in the 2020 elections." The OSC finds this statement to be no excuse.

WEC's solution to the potential "disenfranchisement" of nursing home residents who wished to vote absentee (a privilege under the law) was to completely strip away the protections afforded to those persons by Wisconsin law and allow nursing home residents to be subjected to undue influence, overzealous solicitation, and outright fraud.

Under Wisconsin law, while voting is a right, voting by absentee ballot is a privilege. Wisconsin law specifically provides that "the privilege of voting by absentee ballot must be carefully regulated to prevent the potential for fraud or abuse; to prevent overzealous solicitation of absent electors who may prefer not to participate in an election; to prevent undue influence on an absent elector to vote for or against a candidate or to cast a particular vote in a referendum; or other similar abuses." Beyond the stringent safeguards of absentee voting in general, absentee voting in nursing homes requires specialized supervision precisely because those facilities house our state's most vulnerable residents.

In stark contrast to what Wisconsin law seeks to prevent, WECs directives led to the abuse of some of our State's most vulnerable citizens. Many residents were pressured

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to vote when there is no scenario under which that should have ever happened legally or morally. The OSC conducted interviews with the families of several facility residents who were extremely vulnerable, and yet cast ballots in the November 2020 election. Among the stories we were told were—

1. In Brown County Facility 1, 20 absentee ballots were cast. A study of the Absentee Ballot Envelopes obtained through open records request revealed all 20 of the envelopes were witnessed by the same person. At this facility, Resident A voted, and Resident A's family provided copies of that resident's signature against the signature on the absentee envelope, and they do not match. Further, Resident A does not have the mental capacity to vote as is evinced in a video interview.

2. At the same facility, Resident B, according to WisVote data, voted twice, both by absentee ballot.

3. In Brown County Facility 2, Resident C voted in 2020. According to family, Resident C was not of sound mind for over 10 years. This is documented in a video interview;

4. In Brown County Facility 3, Resident D was taken from the facility to vote by family and guardian to Resident D's assigned polling location. Resident D had registered to vote at this location on Oct 29th as well. When Resident D presented herself to vote on election day, the Resident D was told that Resident D had already voted. After questioning from family, Resident D recollected that someone at the nursing home had come around talking about voting at the nursing home, however, Resident D denied voting at the home. WisVote shows her voting absentee;

5. In Dane County Facility 1, Resident E, who has been adjudicated incompetent since 1972, voted in 2020. Video of Resident E shows Resident E is clearly not mentally capable of voting;

6. In Dane County Facility 2, Resident F never requested an absentee ballot for the November 2020 election, yet received one. Resident F's guardian intercepted the ballot and subsequently Resident F did not vote. The guardian notified the nursing home that Resident F was no longer going to be voting yet in the Spring of 2021, WisVote records reveal that Resident F voted again;

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7. In Kenosha Facility 1, Resident G voted absentee in the Nov 2020 election. Resident G was interviewed on video and it shows she is clearly incapable of voting;

8. In Kenosha Facility 2, Resident H voted absentee in November of 2020. Resident H's guardian reported it as Resident H is incapable of voting as Resident H suffered from severe dementia. However, WisVote records indicate Resident H voted throughout the calendar year 2020;

9. In Milwaukee County Facility 1, WisVote data shows 3 adjudicated incompetent voters voted in the November 2020 election. However, it was actually 2 individuals with one casting two ballots;

10. In Milwaukee County Facility 2, Resident I is 104 years old and clearly incompetent. Resident I's family indicated Resident I had been incompetent for several years. This is an extremely egregious case as shown by video of Resident I with family. Resident I cannot comprehend anything;

11. In Outagamie County facility 1, Resident J, who has been adjudicated incompetent not only voted in the November 2020 election, but she also voted in February 2021. The video of Resident J verifies the fact that Resident J is incompetent.

12. In Washington County Facility 1, Resident K was found incompetent in 2018 by two separate doctors. Resident K cast a ballot in the November 2020 Presidential election. Resident K passed in November of 2021.

It is "disenfranchisement" when electors are pressured to fill out ballots they did not wish to or in a way they don't desire or even understand. It is "disenfranchisement" when ballots are illegally cast on behalf of persons who have had their right to vote taken away by the courts of this State due to their mental incompetence. In no way was WEC's mandating illegal activity a "solution" to "disenfranchisement" and to suggest that WEC's actions were a good faith effort at doing so ignores the facts and the law.

WEC's unlawful activities facilitated and encouraged possible widespread criminality and election fraud. Aside from the fact that they were legally and morally

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wrong, these acts led to 100% voting rates in many nursing homes in Brown, Dane, Kenosha, Milwaukee and Racine Counties and incapacitated people voting statewide. Given that there are approximately 92,000 residents of facilities governed by Wis. Stat. § 6.875 statewide, the fact that tens of thousands of illegal ballots from these facilities were counted casts doubt on the 2020 Presidential election result.

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Chapter 8

WEC Also Unlawfully Encouraged Evasion of Ballot Security Measures Related to "Indefinitely Confined" Voters at the Behest of Outside Corporations

Wisconsin, like many States, has strict absentee voting laws. These laws are designed to avoid the many prevalent dangers of fraud or abuse that are inherent in an absentee setting. It was never the intention of the Legislature to make absentee voting easily accessible from one's home without meeting voting identification requirements and complying with stringent voter protection laws. However, the Legislature made a special, narrow exception for indefinitely confined voters.

This exception for voting absentee applies when voters are confined to their homes and declare themselves to be indefinitely confined. An elector who is indefinitely confined because of age, physical illness, or infirmity, or is disabled for an indefinite period may, by signing a statement to that effect, require that an absentee ballot be sent to the elector automatically for every election. There are two requirements to vote indefinitely confined. The voter must be indefinitely confined to their home, and the reason for this confinement must be the voter's age, physical illness, sickness, or disability. While one can indefinitely confine themselves to their home for any reason, that confinement does not qualify for an absentee ballot unless the confinement is for a statutory reason—not including a reasonable or unreasonable fear of becoming ill from COVID.

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This statute was grossly misconstrued by the Dane and Milwaukee County clerks. Both clerks issued statements that they would send absentee ballots to voters who were indefinitely confined to their homes because of a fear of contracting COVID. The Wisconsin Supreme Court corrected this legally erroneous statement. However, during the time the clerks made their announcement until the judiciary forced the clerks to stop their announcements, the number of newly designated indefinitely confined voters skyrocketed. The clerks did nothing to remove these voters or determine which voters met the true legal definition of "indefinitely confined." Instead, the clerks sent these registrants absentee ballots. In doing so, they not only gave ballots to unqualified indefinitely confined voters but skirted a very important protection for election fraud.

Voter identification is required for every ballot issued in Wisconsin except to the indefinitely confined voter.

Instead, the voter "may, in lieu of providing proof of identification, submit with his or her absentee ballot a statement . . . which contains the name and address of the elector and verifies that the name and address are correct." Wis. Stat. § 6.87. This feature of indefinitely confined voting was also abused. In one documented incident from the Dane County recount, a voter reported that he called the clerk's office and requested an absentee ballot. He was asked if he had identification that had his current address. Having just moved to the city, he responded that he had not obtained a new identification card. He was told not to worry, that he could still get a ballot by declaring himself to be indefinitely confined. Then, he was instructed to say that he would provide proof of his address by statement.

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The clerk's office said not only would it send him a ballot for the 2020 general election, but they would send him a ballot to his home every year after without his having to request the ballot and without the necessity for identification until he stopped voting or reported that he was no longer indefinitely confined. The voter, an honest individual, declined the clerk's suggestion and reported his experience.

This was not the only abuse of the indefinitely confined voting law. A flagrant example is that of State Senator Patricia Schachtner. Schachtner and her husband signed statements indicating that they were indefinitely confined voters for the November 2020 election and opted to receive absentee ballots pursuant to Wis. Stat. § 6.87(2). However, social media showed the Schachtner family to be active outside their home in the months prior to and during the election both for personal recreation and as Schachtner campaigned for reelection. Additionally, Schachtner was named to be a Presidential elector to cast electoral college votes for Biden at the Wisconsin Capitol on December 14, 2020, approximately one month after the election for which she was indefinitely confined.

This is an egregious violation of the indefinitely confined status. One cannot be confined to one's home for a length of time with no definite end because of age, physical illness or infirmity, or disability and also campaign for reelection, enjoy social and family life, and appear at the Wisconsin Capitol to vote. Clearly, Schachtner and her husband were not indefinitely confined to their home when she requested and cast her ballot in the 2020 election. Schachtner and many others failed to follow our election law and no enforcement action was taken.

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Our Republic and way of life is in danger if we fail to follow and enforce the law. The rule of law requires that legal rules be publicly known, consistently enforced, and even-handedly applied. Violating the rule of law can lead to uncertainty. Uncertainty provides opportunities for arbitrary power. Without the rule of law, citizens may be tempted to take justice into their own hands.

My investigation will determine why the clerks failed to act on their obligation to review and expunge from the voter rolls those claiming to be indefinitely confined voters when the clerk has "reliable information that [the] . . . elector no longer qualifies for the service." Wis. Stat. § 6.86(2)(b). I am concerned that the electors who claimed they were indefinitely confined, but were not physically ill, infirm, elderly, or disabled failed to take steps to remove themselves from that status prior to the November 3, 2020, election. *See* Wis. Stat. § 6.86(2)(a). I am even more concerned that ineligible voters might have taken advantage of that status in order to vote without the need to properly identify themselves. I expect to issue another report that includes the impact of indefinitely confined voting abuses and how the Legislature can prevent these abuses in the future to restore confidence in the rule of law.

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Chapter 9

Wards Under Guardianship Order Voted Unimpeded by Wisconsin's Election Officials as They Are Not Recorded in the WisVote Voter Database, Even Though the Circuit Courts Have This Information.

Wis. Stat. § 6.03 disqualifies from voting those citizens who are incapable of understanding the voting process or are under court-ordered guardianship, unless the court has determined that the right to vote is preserved. The statute states:

> 6.03 Disqualification of electors.
> (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:`
> (a) Any person who is incapable of understanding the objective of the elective process or who is under guardianship, unless the court has determined that the person is competent to exercise the right to vote.
> (b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).
> (2) No person shall be allowed to vote in any election in which the person has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.
> (3) No person may be denied the right to register to vote or the right to vote by reason that the person is alleged to be incapable of understanding the objective of the elective process unless the person has been adjudicated incompetent in this state. If a determination of incompetency of the person has already been made, or if a determination of limited incompetency has been made that does not include a specific finding that the subject is competent to exercise the right to vote, and a guardian has been appointed as a result of any such determination, then no determination of incapacity of understanding the objective of the elective process is required unless the guardianship is terminated or modified under s. 54.64.

The Help America Vote Act, section 21083, provides "if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. §§ 1973gg–2(b))

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[now 52 U.S.C. § 20503(b)], that State shall remove the names of ineligible voters from the computerized list in accordance with State law." Wisconsin is described in section 20503(b); so, section 21083 requires the state's election officials to follow state law on removal of ineligible voters from the computerized list. Accordingly, section 21083 requires that WEC remove the names of ineligible voters from the computerized list, WisVote, in accordance with Wisconsin law.

In Wisconsin, ineligibility information about wards under guardianship without the right to vote is available from the circuit courts. Information about persons who are incapable of understanding the objective of the elective process is available from family, friends, medical authorities and nursing homes.

Under federal law, WEC is legally required to include in WisVote ineligibility information about ineligible wards and incapacitated persons. WEC is also legally required under federal law to distribute to the State's municipal clerks lists of wards and incapacitated person so as to prevent these ineligible non-citizens from election day registration and voting.

In violation of its federal and state legal duties, Wisconsin election officials failed to prevent wards and incapacitated persons from voting in the 2020 Presidential election—casting doubt on the election result.

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Chapter 10

Non-citizens Voted Unimpeded by Wisconsin's Election Officials, as They Are not Recorded in the WisVote Voter Database, Even Though Wisconsin Law Requires Citizenship to Vote.

Wis. Stat. § 6.02 requires citizenship to be qualified as an elector. The statute states:

> 6.02 Qualifications, general.
> (1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 28 consecutive days before any election where the citizen offers to vote is an eligible elector.
> (2) Any U.S. citizen age 18 or older who moves within this state later than 28 days before an election shall vote at his or her previous ward or election district if the person is otherwise qualified. If the elector can comply with the 28-day residence requirement at the new address and is otherwise qualified, he or she may vote in the new ward or election district.

Section 21083 of the Help America Vote Act provides "if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. §§ 1973gg–2(b)) [now 52 U.S.C. § 20503(b)], that State shall remove the names of ineligible voters from the computerized list in accordance with State law." Wisconsin is described in section 20503(b); so, section 21083 requires the state's election officials to follow state law on removal of ineligible voters from the computerized list. Accordingly, section 21083 requires that WEC remove the names of non-citizens, who are by definition ineligible voters, from the computerized list, WisVote, in accordance with Wisconsin law.

In Wisconsin, ineligibility information about non-citizens is available from the Department of Transportation. The Department of Transportation issues driver licenses to non-citizens who qualify. Under federal law, WEC is legally required to include in

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WisVote ineligibility information about non-citizens from the Department of Transportation. WEC is also legally required under federal law to distribute to the state's municipal clerks lists of non-citizens so as to prevent these ineligible non-citizens from election day registration and voting.

In violation of its federal and state legal obligations, Wisconsin election officials failed to prevent non-citizens from voting in the 2020 Presidential election—casting doubt on the election result.

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Chapter 11

Milwaukee, Madison, Racine, Kenosha, and Green Bay Election Officials May Have Violated the Federal and Wisconsin Equal Protection Clauses by Not Treating All Voters Equally in the Same Election.

Importantly, the Zuckerberg 5 election officials violated Federal and Wisconsin Equal Protection Clauses by not treating all voters the same in the same election. Treating all voters equally in the same election is a bedrock principle of election law.

The public record shows that the public's right to vote was unjustifiably burdened by the Zuckerberg 5 targeting geographic and demographic groups for increased voting. The Zuckerberg 5's conduct promoting voting for certain voter groups affected election outcomes—as concluded by WILL's 2021 analytical report. The Zuckerberg 5 in the WSVP crossed the line between election administration and campaigning and that never should have never occurred.

The appropriate standard of review for Equal Protection Clause analysis is Anderson-Burdick scrutiny for the disparate treatment of voters and, also, here, strict scrutiny of the government's rationale. When a plaintiff alleges that a state has burdened voting rights through the disparate treatment of voters, the legal standard used is generally found in *Anderson v. Celebrezze*, 460 U.S. 780 (1983) and *Burdick v. Takushi*, 504 U.S. 428 (1992). *See also Clements v. Fashing*, 457 U.S. 957, 965

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(1982). Although *Anderson* and *Burdick* were both ballot-access cases, the Supreme Court has confirmed their vitality in a much broader range of voting rights contexts. *See Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 204 (2008) (Scalia, J., concurring.) ("To evaluate a law respecting the right to vote—whether it governs voter qualifications, candidate selection, or the voting process—we use the approach set out in Burdick.... "). The *Burdick* Court stated the standard as follows:

> A court considering a challenge to a state election law must weigh "the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate" against "the precise interests put forward by the State as justifications for the burden imposed by its rule," taking into consideration "the extent to which those interests make it necessary to burden the plaintiffs' rights."

Burdick, 504 U.S. at 434, (quoting *Anderson,* 460 U.S. at 789). This standard is sufficiently flexible to accommodate the complexities of state election regulations while also protecting the fundamental importance of the right to vote. *Obama for America v. Husted*, 697 F.3d 423, 428–30 (6th Cir. 2012). There is no "litmus test" to separate valid from invalid voting regulations; courts must weigh the burden on voters against the State's asserted justifications and "make the 'hard judgment' that our adversary system demands." *Crawford,* 553 U.S. at 190 (Stevens, J., announcing the judgment of the Court).

Similar to the federal constitution, Wisconsin's Constitution requires equality from the government, including the Zuckerberg 5 when it takes on a government function:

> Equality; inherent rights. Section 1. All people are born equally free and independent, and have certain inherent rights; among these are life, liberty

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> and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.

Art. I, sec. 1. The same legal standard of review applies for state constitutional claims.

The *Anderson–Burdick* standard, therefore, applies.

Additionally, when a state's classification "severely" burdens the fundamental right to vote, strict scrutiny is the appropriate standard. *Burdick,* 504 U.S. at 434 (1992). The federal courts "have long been mindful that where fundamental rights and liberties are asserted under the Equal Protection Clause, classifications which might invade or restrain them must be closely scrutinized and carefully confined." *Harper v. Va. Bd. of Educ.,* 383 U.S. 663, 670 (1966). Here, it is the CTCLs private funding of the Zuckerberg Plan's governmental classifications that treat voters differently in the same elections, which triggers strict scrutiny.

Nothing could be more repugnant to democracy than private corporations paying to increase voting access for targeted demographic groups, so that they can manipulate election outcomes—something that will occur repeatedly under the auspices of the WSVP provisions. Private corporations were paying money to affect the election outcome. So strict scrutiny must apply when private funding of election administration targeting voter groups is involved—because the credibility of our federal elections is at stake

Additionally, in *Bush v. Gore*, the U.S. Supreme Court emphasized that equal protection restrictions apply not only to the "initial allocation of the franchise," but "to the manner of its exercise" as well. *Bush*, 531 U.S. 98, *at* 104 (2000). The State may not subject voters to "arbitrary and disparate treatment" that "value[s] one person's vote over that of

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another." *Id.* This equal protection prohibition on "arbitrary and disparate treatment" of different voters participating in the same election is what at least one commentator calls *Bush's* "Uniformity Principle." Michael T. Morley, *Bush v. Gore's Uniformity Principle and the Equal Protection Right to Vote,* 28 Geo. Mason L. Rev. 229 (Fall 2020).

Courts have applied the Uniformity Principle to intentional discrimination concerning in-person voting opportunities. For example, in *Obama for America v. Husted,* 697 F.3d 423 (6th Cir. 2012), the Sixth Circuit held that it was unconstitutional for the State of Ohio to allow only domestic military voters to cast ballots in person over the weekend before Election Day. *Id.* at 437. The court noted that, although military voters can face unexpected emergencies that prevent them from voting in person on Election Day, other voters may face similar contingencies:

> At any time, personal contingencies like medical emergencies or sudden business trips could arise, and police officers, firefighters and other first responders could be suddenly called to serve at a moment's notice. There is no reason to provide these voters with fewer opportunities to vote than military voters .... *Id.* at 435. The court concluded that the Equal Protection Clause therefore prohibited the state from making special accommodations only for military voters. *Id.* at 436. The court added that it would be "worrisome ... if states were permitted to pick and choose among groups of similarly situated voters to dole out special voting privileges."
>
> *Id.* at 435.

Similarly, the Zuckerberg 5's WSVP was their collective effort "to pick and choose among groups of similarly situated voters to dole out special voting privileges"—which, when the Zuckerberg 5 is taking on a government function, violates the Equal Protection

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Clause. *Id.* at 435. Accordingly, a post-certification administrative correction for the 2020 Presidential election should be made that the Zuckerberg 5 violated the federal and state Equal Protection Clauses.

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Chapter 12

Recommendations

As noted above, OSC respectfully submits the following recommendations to the Wisconsin Assembly for its consideration, and its staff is pleased to provide additional information, testimony, and technical assistance. These recommendations fall into two categories: those facilitating transparency, and those facilitating political accountability. However, there is a strong positive synergy between the two goals: *i.e.*, the more transparent a process, the more politically accountable, and vice versa.

The OSC also submits a number of recommendations for WEC, as currently constituted, and for clerks. As the Administrator of WEC has noted, however, advice from WEC does not provide a legal safe harbor for clerks, and neither does advice from the OSC or any other merely persuasive authority in this area. Ultimately, it is incumbent upon the approximately 1,852 municipal clerks, the primary agents of election supervision in the State, to consult with their available counsel and make their own independent legal determinations in every case.

Legislative Recommendations to Serve Transparency

1. **Eliminate the Wisconsin Elections Commission**. As outlined in the Interim Report and above, replacing the disgraced and abolished Government Accountability Board with WEC has continued many of the same abuses of secrecy and confusion. The staff remains deeply connected to special interest groups and fails to adequately respond to voter and clerk complaints. Its biennial appropriation is over $10 million, money which could be spent to

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support municipal and county clerk operations. In addition, as its Administrator has noted, WEC provides no authoritative legal safe harbor for clerks: eliminating WEC would help clarify the constitutional and statutory authority of popularly elected officials and the voters in handling election matters. Any functions of WEC that might arguably be required by various federal laws could lawfully be handled by an empowered executive branch office of the Secretary of State, or by a collective body of county clerks themselves, or by some other structure. Currently, Wisconsin is only one of two States with a politically unaccountable bureaucracy tasked with providing guidance in election administration.

2. **Eliminate or Reduce Fees for Voter Registration Data**. Currently, voter registration information, including addresses, names, and voter history, are available for purchase. WEC sells that information for $12,500. However, this information is not available in real-time and, worse yet, the fees are waived by contract with special interest groups. This fee should be eliminated or reduced by statute to a token fee (say, $40 as it is in Arizona) to put all citizens on equal footing, and to allow for citizens to help keep the system up-to-date. It is important that the names and addresses of those who voted—with certain exceptions—are made freely available so that anyone so interested could compare, at no, or low cost, the names and addresses of those eligible to vote with those who, in fact voted. This would remove much of the opacity of the current system and bolster public faith in elections.

3. **Maintain a Single Statewide Voter Registration Database, and Make it Publicly Available and Secure**. As it stands, Wisconsin maintains several competing sets of interlocking databases and access systems. Clerks have noted that they were often given

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superfluous sets of access keys, and that these systems are theoretically accessible out of state or out of the United States. WEC has also complained to the Assembly that providing comparisons between data sets on certain dates is extremely expensive. Making the information publicly available would place all individuals and parties on an equal footing and allow academic institutions (for example) to compare data sets over time. This would facilitate data quality and transparency with no cost to voter privacy.

1. **Set Up An Office to Engage in Auditing and Oversight of Elections**. Currently, there is no office in the State of Wisconsin with an ongoing charge to audit elections, or to systematically intake and respond to citizen complaints. The Legislature could consider setting up an office whose role is distinct from the Legislative Audit Bureau (LAB) and which merely undertakes periodic and random auditing of elections in various jurisdictions and delivering those results to the Legislature. This should professionalize and standardize oversight and facilitate long-term improvement and data quality. In addition, the Legislature could consider appropriating funds to enable the Attorney General to vigorously engage in investigation and prosecution of election law violations.

2. **Standardize a Process for Post-Election Contest**. Inevitably, elections will be contested. The Legislature should consider reviewing remedies to enable losers of elections to audit a small number of wards for a nominal cost, or for free. It should consider other remedies, including injunctive relief, to preserve the *status quo* while electoral contests are investigated.

3. **Prohibit Certain Contractual Terms in Government Contracts**. The Legislature should consider prohibiting certain vendor contractual terms as a matter of public policy.

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For example, it should limit the use and release of sensitive voter data by vendors. It should prohibit terms that block Wisconsin governmental entities from obtaining or releasing data they paid for. And it should prohibit contracting with entities that do not timely respond to governmental requests for information, such as valid criminal or legislative subpoenas.

4. **Minimize Pre-Voting**. It is evident that widespread use of absentee and absentee-in-person voting renders public participation and oversight of counting impossible. Guidance by WEC "enabling" clerks to open envelopes prior to the statutorily mandated deadline denies citizens their right to observe that process. If public oversight of absentee voting is too burdensome, a better option is to prioritize traditional, in-person voting.

5. **Encourage In-House Technical Support**. Each clerk OSC spoke with made clear that their office simply does not have the technical ability to service various electronic voting machines. They simply do not and cannot understand how the various machines work. In the past, municipal public works departments maintained expertise in servicing analog machines. The Legislature should consider funding a program to bring technical expertise in-house, including considering a single state-wide machine system or single-client vendor.

6. **Exit the Electronic Registration Information Center (ERIC)**. The State of Wisconsin pays this outside group six figures per year to assist it in cleaning up our voter rolls, but receives little to no benefit from it. In fact, as was recently noted in testimony before the Assembly, the contract with ERIC ties the hands of election officials in numerous ways. The State can seek lawful, bilateral agreements with States to ensure only lawful voters are on the rolls, without the concerns about partisanship.

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Legislative Recommendations to Serve Political Accountability

1. **Provide a Method in Law for Private Challenge to Wisconsin Voter Rolls.** As it stands, there is no clear method for individuals with facial evidence of inaccurate voter rolls to enter state court and seek to fix that problem. The Assembly could consider various legal methods to enable citizens or civil rights groups to help maintain election database integrity in this way. Such a cause of action should take into account administrative burdens, and could even provide nominal rewards for successful voter roll challenges.

2. **Locate Certification of Presidential Electors in a Politically Accountable Body**. In 2020, the presidential electors were certified by a single member of WEC and the Governor. As a political action, certification of electors cannot be subject to the whim of the courts, or purely legal processes. Legitimate contests have occurred in the past and will occur again. To ensure widespread bipartisan confidence in the system, state law should explicitly authorize the contingent creation by campaigns of alternative slates of electors, and could consider penalties for certain actions of those alternates if results are not contested. In the event of widespread contest, the thumb should be on the scale in favor of withholding certification of electors. As noted in the Interim Report, "Hasty certification of electors in a tightly contested election may disenfranchise voters to the same extent as missing a deadline and failing to certify electors at all. While hasty certification may violate the state constitutional duties of the Legislature, delaying certification of electors until resolution of relevant issues does no such violence to our legal system." Finally, placing certification of electors in a politically accountable body, such an association of elected county clerks, could restore confidence in the results of even a closely contested

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presidential contest in the State.

3. **Provide a Method for Pre- and Post-Certification Challenges to Presidential Elections.** As noted in Appendix II, certification of electors in a Presidential election is a quintessentially political act, delegated by the state and federal constitutions to our elected state Legislature. However, the Legislature can consider establishing processes for standardizing challenges both pre-and post-certification. Such processes might establish administrative or legal rights, or establish opportunities to raise or expedite decertification procedures on the floor of the Assembly or Senate. The Legislature might also consider formalizing the ability of candidates to assemble alternative slates of electors, to ratify an already lawful process.

4. **Prohibit Outside Funding and Staff in Elections Administration**. OSC concurs in the recommendation of numerous clerks that outside money be prohibited in the administration of Wisconsin elections. Our State has a deep, progressive history and is suspicious of private entities engaging in governmental activity. Clerk's offices should be (and in 2020 were) adequately funded by state and federal entities, as appropriate, but outside grants should be disfavored or prohibited, especially where those grants have any conditions on them. Further, outside volunteers and observers should all be treated on equal footing.

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Recommendations for the Wisconsin Elections Commission

(as currently constituted)

1. **Comply with Legislative Audit Bureau Recommendations**. In particular, promulgate statutorily required administrative rules prescribing the contents of training that municipal clerks provide to special voting deputies and election inspectors; eliminate all statutorily non-compliant guidance.

2. **Enter Into Data-Sharing Agreement with Wisconsin Department of Transportation**. In particular, execute with the Department of Transportation a new written data-sharing agreement that includes provisions for verifying the information provided by individuals who register to vote by all methods and that specifies the procedures for verifying this information; establish a system to regularly review and update the data-sharing agreement; and comply with statutes by working with the Department of Transportation to obtain the electronic signatures of individuals who register online to vote. An enforcement mechanism to align the data, such as by citizen suit, perhaps accompanied by a small monetary bounty, would also be a useful supplement to this reform.

1. **Enter Into Data-Sharing Agreement with Wisconsin Department of Health Services**. In order to ensure that our most vulnerable are not exploited, and to facilitate accurate voter rolls, WEC should work to execute a new written data-sharing agreement with the Department of Health Services and establish a system to regularly review and update the data-sharing agreement. Again, a citizen suit and bounty reform could be added on here as well to ensure data-sharing occurs properly.

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2. **Enter Into Data-Sharing Agreement with Wisconsin Department of Corrections (DOC)**. In order to ensure that only eligible voters are registered, WEC should work with DOC to execute a new data-sharing agreement and implementation system. Again, a citizen suit and bounty reform could be added on here as well to ensure data-sharing occurs properly.

3. **Provide Additional Training to Clerks**. If there is one function that an independent election administration can perform well, it is training. WEC should consider providing additional training to clerks along several dimensions: providing training for clerks related to machine certification, security, and statutorily mandated pre-election testing; training related to reviewing Election Day forms after each election and investigating relevant issues, including those related to tamper-evident seals; and training on ensuring that ballots are counted accurately when paper jams occur in electronic voting equipment.

Recommendations for Clerks

1. **Familiarize Yourself with Your Wisconsin Code Authority**. Surprisingly, many clerks have expressed to the OSC that they are under the impression that WEC guidance is binding, even when they believe such guidance (say, on drop boxes) is unlawful. Clerks and whatever counsel they have available should review their authority ahead of any conflict.

2. **Make Independent Assessments**. In circumstances where WEC guidance is contrary to law, clerks are empowered to make independent assessments, as they are the elected officials responsible for elections administration. As the Administrator of WEC has noted,

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WEC guidance provides no legal safe harbor or immunity for clerks: it is true that clerks are on the legal hook for their own assessments, and should develop good relationships with corporate or outside counsel.

3. **Carefully Review Outside Contracts**. Clerks and other election officials should be careful not to enter into contractual arrangements with outside groups that do not serve the public interest, even when these agreements sound attractive or come with funding grants. As we saw in 2020, these contracts can be leveraged to coerce election officials and cause them to violate their oaths of office. When clerks do enter into outside contracts, they should endeavor to make those contracts public in their entirety. In the interests of transparency, clerks should endeavor to obtain comparable contracts, and donor lists, from nonprofits before engaging them.

4. **Explicitly Prohibit Your Staff from Engaging in Get-Out-The-Vote (GOTV) Operations**. In 2020, we did see widespread GOTV operations engaged in by municipal clerk's offices. This is inappropriate, as GOTV is a partisan activity, historically (and currently) engaged in by candidates and their parties. Staff should be apprised that even when described as "voter education," encouraging voting by any group is not the duty of a busy and potentially underfunded clerk's office.

5. **Consider Robust Voter Roll Review in Your Jurisdiction**. County and municipal clerks are responsible for maintaining the integrity of the voting rolls. Even in election years, federal law does not prohibit Wisconsin officials from removing ineligible voters from the rolls.

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6. **Maintain An Exhaustive and Clear List of Election Day Personnel**. Under Wisconsin law, there are two classes of person on election day: election workers, and the general public. There is no third category. Election workers are bound by legal and ethical norms. Do not permit unauthorized individuals to operate under the color of state law.

7. **Catalog All Absentee Ballots Sent Out and Match These with Ballots Returned.** Some voters have reported receiving as many as four absentee ballots leading up to the November 3, 2020 election.

8. **Do Not Engage in Ballot Curing for Absentee Ballots Missing Requisite Voter Data.** Neither state nor federal law mandate curing ballots that are legally incomplete: clerks can take reasonable efforts to contact voters to remedy seemingly minor defects, but should be mindful of their own resources and state law.

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Chapter 13

Conclusion

As noted at the outset, this Report by no means represents a "full audit" of the 2020 elections in the State of Wisconsin. Instead, it represents a snapshot of various issues identified by the OSC, other governmental actors, and citizens in the State, and makes a number of recommendations to fix them. Without full transparency by governmental actors, without a fully equipped office to investigate, and without time, some degree of triage by OSC was necessary. A full audit would undoubtedly take a look not just at evidence of major issues and draw inferences, but would take a comprehensive look at election processes, contracts, and machines, to stress test and run other technical reviews. This office has engaged with outside contractors and entered preliminary steps in the government procurement process. However, these auditors have let us know that without full access to information, they are unable to provide robust conclusions.

Again, as discussed by the Committee of Jurisdiction and the Speaker in public, the work of the Office of the Special Counsel is just getting started. The Office will remain authorized during the pendency of litigation to ensure that once the Wisconsin Supreme Court vindicates the right of the people to know what their own government is up to, we can expeditiously run necessary tests.

In the meantime, the major issues identified with compliance and oversight, especially at a time when the federal Congress is making known that legislative oversight is critical to lawmaking, are themselves cause for concern. The Special Counsel hopes that

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the Assembly and the public can continue to fight to hold our election administration accountable and to ensure it is secure and efficient.

Finally, the Special Counsel would like to thank the concerned citizens and citizen groups, the numerous clerks and other public servants who have cooperated with the investigation, and the staff, contractors, and partners of the OSC and Assembly for their hard work and dedication to improving our democratic system.

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Appendix I: Litigation Summary

As noted throughout, this Report regarding the administration of the 2020 election in Wisconsin is incomplete because the Office of the Special Counsel has received little to no cooperation in its investigation from the government officials and others that were responsible for conducting the election. As part of its investigation, the OSC has sent out ninety subpoenas for witness testimony. While we have conducted numerous interviews with voluntary witnesses, including governmental witnesses, due to public pressure from the Governor and out-of-state actors, word has gone out that the government does not need to respond to the elected Assembly. Instead, the OSC has been embroiled in litigation relative to those subpoenas since late 2020.

1. Dane County Case Number 2021CV002552, *Wisconsin Elections Commission et al. vs. Wisconsin State Assembly et al.*

On October 21, 2020 WEC and its Administrator—Meagan Wolfe—sued the OSC and the Wisconsin Assembly in Dane County Circuit Court seeking an order that OSC subpoenas with which they had been served were invalid as impinging upon her personal rights. In doing so, WEC aims at the authorized mission of the OSC to investigate whether officials "have failed to adhere to our election laws by, at various times, ignoring, violating, and encouraging noncompliance with bright-line rules established by the statutes and regulations governing the administration of elections in Wisconsin."

Notably, WEC took the unprecedented step of employing the Wisconsin Department of Justice as its attorneys in the lawsuit against the OSC and the Assembly.

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Until this lawsuit, never before in the history of the State had one arm of the executive branch of Wisconsin's state government (WEC) used another arm of the executive branch (the DOJ) to seek a ruling from a separate branch (the judiciary) that an action by a third branch of state government was invalid and unenforceable (the subpoenas issued by OSC via the Assembly). In short, taxpayer money is being used by the Attorney General to block routine oversight by the duly-elected legislative body in the State, leading to a great waste of taxpayer money.

On October 25, 2021, the Attorney General lost, as Dane County Circuit Court Judge Rhonda Lanford ruled that WEC was not entitled to an emergency injunction invalidating the subpoenas or preventing OSC from seeking to enforce them. After further litigation, on January 10 2022, Judge Lanford ruled that while WEC did have the authority to bring the lawsuit and it would not be dismissed outright, WEC had not established that it was entitled to a temporary or permanent injunction against enforcement of the subpoenas. The matter was held open for further proceedings to address the WEC's overall complaint that the subpoenas are an invalid exercise of legislative authority.

Since that time, WEC has filed an Amended Complaint setting forth additional facts in support of its claims that the subpoenas are invalid, and other parties have sought to intervene and participate in the matter. A hearing is scheduled for March 17, 2022 on the proposed intervention of these other parties, but there is no other scheduled court activity.

In the meantime, neither WEC or Ms. Wolfe have voluntarily agreed to present their testimony to the OSC. It is likely that unless and until the matter is resolved by the Dane

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County Circuit Court (and then all potential appeals are exhausted) the subpoenas for WEC and Ms. Wolfe will remain unsatisfied.

2. Waukesha County Case Number 2021CV001710, *Michael J. Gableman vs. Eric Genrich et al.*

Among the parties that have been subpoenaed for their testimony are the Mayor of Green Bay—Eric Genrich—and the Mayor of Madison—Satya Rhodes-Conway. In response to subpoenas with which they were served, the mayors did provide some documents that were requested, but at the same time neither agreed to appear to testify as required by the subpoenas. As a result, the OSC was put in a position of having to seek judicial assistance to direct that the mayors provide that testimony.

To do so, the OSC filed petitions for "writs of assistance" from the Waukesha County Circuit Court to require the mayors to appear and give the required testimony. A judicial writ of assistance is provided for by Wisconsin's statutes. When a judge issues one, a witness must appear for testimony required by a subpoena. If the witness does not, the judge may order that the recalcitrant witness be subjected to punitive action, up to and including incarceration. However, before that can happen, the witness has the opportunity to appear before the court and argue that he or she is excused from appearing because the subpoena is invalid or for any number of other reasons.

The OSC filed for writs of assistance in Waukesha County Circuit Court as the statute setting forth the procedure for obtaining such writs commands that the writ be

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sought "in the county where the person was obliged to attend." Wis. Stat. § 885.12. As the mayors' testimony was compelled by the subpoenas to occur in Waukesha County, the OSC was mandated to seek writs of assistance from the Waukesha County Circuit Court.

Before there was any substantive court appearance or action of any kind, Mayor Genrich appeared in the action represented by two law firms—Stafford Rosenbaum. LLP and Law Forward, Inc. Stafford Rosenbaum is a Madison-based law firm with over 50 attorneys, and Law Forward is an "impact litigation firm committed to protecting and advancing democracy and to restoring Wisconsin's pragmatic progressive tradition." Law Forward has a "Legal Advisory Council" that is comprised of, among others, prominent Democrat politicians, including former United States Senator Russ Feingold, and former Lt. Governor Barbara Lawton. There are no current or former elected officials on Law Forward's advisory council that identified as Republican over the course of their respective careers. There are also several attorneys on the Council that have written about, and advocated for, progressive political causes, but none that appear to have ever advocated for conservative ones.

Mayor Genrich is now additionally represented by two more attorneys—Aaron Scherzer and Christine P. Sun. Mr. Scherzer and Ms. Sun are associated with the "States United Democracy Center," an organization whose professed mission is "advancing free, fair, and secure elections," focusing on "connecting State officials, law enforcement leaders, and pro-democracy partners across America with the tools and expertise they need to safeguard our democracy."

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Mayor Rhodes-Conway appeared by two lawyers for the City of Madison.

At the very outset, the mayors' attorneys portrayed the actions of the OSC as—

3. "lacking in legal merit;"
4. a "gross distortion of the relevant facts" and "a gross mischaracterization of the facts;"
5. "departing so greatly from legal standards" so that the Special Counsel should be sanctioned by the Court;
6. "an abuse of process;" and
7. "a bad-faith effort to publicly harass local officials with no legal basis."

None of these statements are remotely true, of course, but the OSC has been forced to respond to these scurrilous accusations both in the press and in court.

Shortly afterward, the representatives of WEC and the mayors began "cross-pollinating" the Dane County matter with the Waukesha County matter by filing letters with the respective courts smearing the OSC and improperly attempting to influence the respective judges. The Wisconsin Department of Justice filed a letter in the Waukesha County matter, arguing that the subpoenas were invalid and that the validity of the subpoenas addressed to the mayors would be addressed in large part by the court in the Dane County matter discussed above. In addition, mayor Genrich's representatives attempted to influence the outcome of the Dane County matter by filing a letter with that court arguing that the OSC had made "misrepresentations" to the Waukesha County court and that the subpoenas were "unauthorized, quasi-depositions of mayors and elections officials throughout Wisconsin."

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As of this writing, written briefs are being submitted to the Court regarding the following inquiries submitted by the Court:

1. The Court's authority to issue the writs;
2. The correct procedure to follow; and
3. The factual basis of the writs.

A hearing is scheduled on those issues on April 22, 2022. While the Court has asked that these issues be addressed, it is only a preliminary inquiry. The Court has additionally stated that it will not be addressing the actual issuance of the writs or whether the mayors have a reasonable excuse for their failure to comply with the subpoenas. Those issues will be addressed subsequently.

As with the Dane County matter, the Waukesha County matter is nowhere near resolution. First, all issues will need to be addressed by the Circuit Court judge, and then it is likely that any decision will be appealed up to the Wisconsin Supreme Court (and potentially the United States Supreme Court). In the meantime, as with WEC and Ms. Wolfe, neither mayor has voluntarily agreed to give testimony, and it is likely their subpoenas will remain unsatisfied until the conclusion of all litigation.

1. Dane County Case Number 2021CV003007, *American Oversight vs. Assembly Office of Special Counsel et al.*

In addition to the above, the OSC has been forced into litigation over issues surrounding the voluminous requests for documents it has received pursuant to Wisconsin's Open Records law. While these requests and the attendant litigation have not

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directly affected the OSC's ability to obtain necessary information—as the lack of cooperation and litigation over the subpoenas has done—at the same time, it has strained the OSC's resources and indirectly affected the OSC's work in a very significant way.

In Dane County Case Number 2021CV003007, a group called American Oversight has sued the OSC, along with the Wisconsin State Assembly, Speaker of the Assembly Robin Vos, and Wisconsin State Senate Sergeant-at-Arms Edward Blazel over purportedly insufficient responses to requests made to the OSC and the other defendants under Wisconsin's Open Records law.

Before the work of the OSC has finished, or even begun in large part, American Oversight has referred to the OSC's efforts on behalf of the Assembly as "baseless," that the OSC is "perpetuating Trump's big lie that the election was somehow stolen," and that the real purpose of the OSC's work is to "create a pretext for enacting new restrictions on voting rights."

Pursuant to their efforts to establish their narrative prior to the work of the OSC coming to fruition, American Oversight has served numerous open records requests upon the OSC, including the following—

2. A September 15, 2021, demand for all "organizing materials," of the OSC, including contracts, agreements, scopes of work, and other documents related to the "scope of investigative authority" of the OSC;

3. A September 15, 2021, demand for all "work product" materials, including "interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate" the November 2020 election, or any other;

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4. A September 15, 2021, demand for all "communications" between "former justice Michael Gableman, or anyone communicating on his behalf, such as an administrative assistant, or any individual designated or engaged as an investigator, including, but not limited to Steven Page, and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election," as well as all "calendar entries" maintained by any investigators;

5. An October 15, 2021 demand for "external communications" between the OSC and a list of 30 individuals and/or entities;

6. An October 26, 2021, demand for "organizing materials" similar to the one served in September of 2021;

7. An October 26, 2021, demand for "work product" similar to the one served in September of 2021; and

8. An October 26, 2021, demand for "communications" similar to the one served in September of 2021.

All of the above open records requests are currently part of the litigation pending in Dane County.

In addition, American Oversight has served four additional open records requests, dated January 18, 2022, and February 1, 2022, that are still being processed by the OSC, and are not part of any litigation as of yet.

Beyond those served by American Oversight, the *Milwaukee Journal Sentinel*, via reporter Patrick Marley, served an open records request dated February 7, 2022, in which the following records were demanded:

— The call log showing all calls to and from all cell phones used by Gableman;

—The call log showing all calls to and from all cell phones used by any of Gableman's staff (including direct employees, contractors and subcontractors);

— All paper and electronic calendars for Gableman;

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— All emails and/or text messages between Gableman and Rudy Giuliani;

— All emails and/or text messages between Gableman and John Eastman;

— All emails and/or text messages between Gableman and Phill Kline;

— All emails and/or text messages between Gableman and Erick Kaardal;

— All emails and/or text messages between Gableman and Phil Waldron;

— All emails and/or text messages between Gableman and James Troupis;

— All emails and/or text messages between Gableman and Kenneth Chesebro;

— All emails and/or text messages between Gableman and David Clarke;

— All emails and/or text messages between Gableman and Rep. Janel Brandtjen;

— All emails and/or text messages between Gableman and Rep. Timothy Ramthun;

In addition, I am requesting the following documents since Sept. 28, 2021:

— All emails and/or text messages between Gableman and Robin Vos;

— All emails and/or text messages between Gableman and Reince Priebus;

— All emails and/or text messages between Gableman and Nick Boerke;

— All emails and/or text messages between Gableman and Andrew Kloster;

— All emails and/or text messages between Gableman and Harry Wait;

— All emails and/or text messages between Gableman and Gary Wait;

— All emails and/or text messages between Gableman and Peter Bernegger;

— All emails and/or text messages between Gableman and Jefferson Davis;

— All emails and/or text messages between Gableman and Mike Lindell;

— All emails and/or text messages between Gableman and Steve Bannon;

— All emails and/or text messages between Gableman and Seth Keshel;

— All emails and/or text messages between Gableman and Shiva Ayyadurai;

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— All emails and/or text messages between Gableman and Ron Heuer;

— The computer security protocols for the Office of Special Counsel;

— Transcripts of witness interviews;

— Audio and/or video recordings of witness interviews;

— All submissions to wifraud.com.

The Special Counsel believes in governmental transparency and is making every effort to comply with the above demands.

However, including the Special Counsel himself, the OSC has a full-time staff of two persons. It also has five part-time staff members consisting of four attorneys and an investigator. Simply responding to these voluminous open records requests is a task that has taken up a tremendous amount of staff time. In addition, the Assembly has engaged outside counsel to defend the American Oversight lawsuit and will likely have to hire counsel to defend further lawsuits if the responses provided to the outstanding demands do not satisfy American Oversight or the *Milwaukee Journal Sentinel*.

While the OSC will continue to see that its duties under Wisconsin's open records law are fulfilled, doing so has, and will continue to materially hamper the ability of the OSC staff to address the substantive issues with which it was charged with investigating and reporting upon to the Wisconsin State Assembly.

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Appendix II: Decertification and the Electoral Count Act

Certification of electors in a state is a quintessentially political act, delegated by the United States Constitution to state legislatures, which may voluntarily adopt revocable and defeasible rules to guide the process. Wisconsin election law does not explicitly authorize the decertification of electors. But neither does it prohibit it. For this reason, the U.S. Constitution and the gap-filling common law against which backdrop the federal and Wisconsin Constitutions were adopted provide the ultimate guidance. And under those two documents, it is clear that the Wisconsin Legislature could lawfully take steps to decertify electors in any Presidential election, for example in light of violations of state election law that did or likely could have affected the outcome of the election. Furthermore, notwithstanding the current debate over amending the federal Electoral Count Act, the supreme responsibility for running state elections in Wisconsin is vested in our state Legislature—not any other state instrumentality, and not the federal government.

The U.S. Constitution provides in relevant respect that "Each State shall appoint, *in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress* ...." U.S. Const., art. II., § 1, cl. 2. This is a direct delegation to each state legislature. It is not a delegation to the Wisconsin Governor (or WEC) *and* its Legislature. The Framers knew how to delegate to, respectively, state legislatures or state executives, or to both acting concurrently. *Compare, e.g., id. with id.* at art. IV, § 4 ("The United States shall guarantee to every State in this Union a Republican Form of Government, and shall

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protect each of them against Invasion; *and on Application of the Legislature, or of the Executive* (when the Legislature cannot be convened) against domestic Violence.") (emphasis added) *and id*. at XVII amend. ("When vacancies happen in the representation of any State in the Senate, *the executive authority of such State* shall issue writs of election to fill such vacancies: *Provided, That the legislature of any State may empower the executive thereof* to make temporary appointments until the people fill the vacancies by election as the legislature may direct.") (emphases added).

The direct constitutional delegation to state legislatures here operates as a "plenary" power. *See McPherson v. Blecker*, 146 U.S. 1, 35 (1892); *see also Bush v. Gore*, 531 U.S. 98, 104 (2000) ("The State, of course, after granting the franchise in the special context of Article II, can take back the power to appoint electors."). Pursuant to that plenary power, it is true that after 1824 most state legislatures began to delegate, in effect, their plenary power to *a process of popular selection of the presidential electors* carried out under a suite of state law provisions. Yet, as applied here, these delegations and self-imposed statutory processes by the Wisconsin legislature are not irrevocable. An election of presidential electors that violates Wisconsin (or any other state legislature's relevant laws) is both void and voidable.

This Report has documented not just one, but a great collection of Wisconsin election law violations. As a political matter, the actions of state actors certifying electors in any Presidential election can be reconsidered as the Wisconsin Legislature sees fit using its plenary power under Article II of the federal Constitution, as recognized in *McPherson*

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and *Bush v. Gore*. Indeed, *McPherson* noted that "there is no doubt of the right of the legislature to resume the power *at any time*." *McPherson*, 146 U.S. at 35 (emphasis added).

The process of presidential elections can be conceived of as having five steps: (1) certification pursuant to state law; (2) the arrival of the "safe harbor" date specified in the Electoral Count Act ("ECA"), 3 U.S.C. § 5, purporting to make "conclusive" the determination of election contests in the courts "or other methods and procedures" before that date; (3) the date when state-certified electors meet and cast their votes in their respective States; (4) the opening by the Vice President and counting of electoral votes pursuant to the ECA, 3 U.S.C. § 15, on January 6 of the year following a presidential election; and (5) the inauguration of the President on January 20 of that same year at noon, per the Twentieth Amendment to the Constitution. However, that Article II of the U.S. Constitution assigns to Congress only the power to "determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States." Hence, the relevance of the ECA should not be overstated. The powers to set the time for choosing electors and the day thereof is not the power for Congress to override the plenary power of state legislators to select the State's electors or to act to correct mistakenly certified electors who were certified only because state law was violated in the process.

Two legal analyses from Legislative Council and the Legislative Reference Bureau argue that various events on that five-step process timeline, coupled with silence or the lack of specificity in various sources of law, means that state legislatures cannot decertify.

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This logic of those pieces is defective. They ignore the full logical implications of the "plenary" power of the state legislatures to act "at any time" to determine proper electors. For example, when electors were wrongly certified in Hawaii in the 1960 presidential election for Vice President Nixon, that problem was retroactively corrected and Hawaii's electoral votes were counted for John F. Kennedy.

As to the initial method for selecting the President, it matters what system of state law is put in place to select electors and when, relative to that system, new election laws are adopted. No one would support the Wisconsin Legislature allowing an election to be run using one set of election laws and then, just because a majority of both houses thereof did not like the tally of the people's votes occurring within the proper confines of Wisconsin law, adopting a new set of legislative rules and applying them to an already conducted popular election as if that had always been the law.

But the premise of the use of the method of popularly electing elections is inherently, and unavoidably, that such elections be conducted *without violation* of the relevant State's election laws to the extent that the outcome of the election did or likley could swing based on such violations of state law. If an election were purportedly run using the *ex ante* set of legislative election rules (or some of those rules), but *in reality*, the election was run in flat violation of those laws, then the decision of which set of electors to certify (or decertify) devolves back upon the Wisconsin Legislature, where the plenary power to select electors was initially reposed. This is particularly true when the courts do not reach the merits of election disputes brought to them for resolution of whether the *ex*

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ante rules were actually followed, dismissing challenges, for instance, on grounds of lack of standing, laches, and the like, as is the case in Wisconsin regarding numerous legal challenges.

The ECA is not constitutional law and it cannot be used to strip state legislatures of their Article II plenary power over elector selection, especially when evidence of widespread violations of state election law become clear only late in an election cycle or even after an election cycle is over. At that point, the principle that comes into play is the common law principle that fraud or illegality vitiate results rendered under an illegal or fraudulent process. *See, e.g., United States v. Throckmorton*, 98 U.S. 61, 64 (1878) ("Fraud vitiates even the most solemn contracts, documents, and even judgments."); *see also United States v. Bradley*, 35 U.S. 343, 360 (1836) (citing *Pigot's Case*, 11 Co. Lit. 27b (1614)). To take just one example, the Third Circuit recognized more than a quarter century ago that an illegally certified candidate who was already sitting in the Pennsylvania Legislature and had been sworn in must be stripped of his office based on violations of that State's election laws. *See Marks v. Stinson*, No. Civ. A. 93-6157, 1994 WL 47710, at *15-16 (E.D. Pa. Feb. 18, 1994), *vacated in part*, 19 F.3d 873 (3d Cir.), *aff'd after remand*, 37 F.3d 1487 (3d Cir.). And this occurred where there was no mechanism in the Pennsylvania Constitution for explicitly applying such a remedy. The Legislative Council and Reference Bureau do not take account of this precedent, logic, or history.

Thus it is clear that the Wisconsin Legislature (acting without the concurrence of the Governor, *see supra*), could decertify the certified electors in the 2020 presidential

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election. Two steps would be required for it to do so. *First*, the Legislature would need a majority in both houses to pass a resolution concluding that the 2020 election was (a) held in violation of state law, as detailed in this Report (or other sources), in one or more respects; and (b) the degree of violation of state law in place on November 3, 2020 rose to the level that fraud or other illegality under Wisconsin law could have affected the outcome, using any evidentiary test for certainty the Legislature agreed should apply (for instance, a preponderance, etc.). And *second*, the Legislature would need to invoke and then exercise its plenary power to designate the slate of electors it thought best accorded with the outcome of the election, had it been run legally in accord with the state election laws in effect on November 3, 2020. This would lead to decertifying the relevant electors, if the Legislature concluded that they were not the slate of electors that best accorded with the election if run consistent with all relevant Wisconsin laws in effect on election day.

However, this action would not, on its own, have any other legal consequence under state or federal law. It would not, for example, change who the current President is.

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Office of the Special Counsel

First Interim Report

Delivered to the Wisconsin State Assembly November 10, 2021

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"I am writing this, as I feel my mother was taken advantage of in her mental state. Parents and loved ones should be protected, not exploited, for an ink mark on a piece of paper and questionable agenda." *Judy Weshphal-Mitchell, discussing how actions of the Wisconsin Election Commission affected her family*

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Elections in the United States are the bedrock of our constitutional republic. They are subject to the law, including the fundamental laws found in the Constitutions of the United States and the State of Wisconsin. But fair elections are not a mere checkbox exercise. To secure republican government it is important not just that the law is followed, but that the citizens have confidence the law is followed. In the run up to the election of November 3, 2020, polling showed a majority of Americans did not have confidence their vote would count. In a democracy, this is as untenable as it is unacceptable.

To help address these concerns, the state Assembly established a new office, the Office of the Special Counsel, to investigate the recent elections in our state. As head of this new office, I am authorized by law to take all reasonable steps to investigate what happened in regard to the November 2020 election, what should have happened, why there was a difference between the two, and to recommend steps to enhance the transparency of our elections as well as restore public confidence in elections going forward.

This interim report is a first step in discharging that mission.

While this report does not definitively answer all questions that might be asked about the November 2020 election, it takes an important step in collating those questions and presenting them in a structured manner.

Over the approximately sixty days since my office was created and has been funded, we have spoken with, and listened to, everyone who has wanted to talk. This open-door policy will remain throughout the entirety of this investigation, and any future investigation with which this office is charged. We have drawn some criticism from those in the media who would suggest my discussions with various individuals or groups implies an endorsement of their views. This is not the case. I do not apologize for this open-door policy: the views of all Wisconsinites matter and sidelining or even laughing

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at serious concerns of any citizen of this state would call into question whatever may be discovered by my investigation.

In the short time the Office of the Special Counsel has been funded, we have not only met with many individuals and groups, but we have collected, and in some cases compelled by law, the production of relevant information. Further, our investigation has gone beyond, and will continue to go beyond, the investigation recently conducted by the Legislative Audit Bureau (LAB). One purpose of this interim report is to lay out for the public how my Office's investigation differs significantly from the LAB investigation.

Notwithstanding lawsuits and threats of more lawsuits supported by high-priced, out-of-state lawyers, my office expects to depose government officials, under oath, to determine whether state and federal law were followed in our elections, whether good management held, and if not, who might have been responsible. If necessary, we stand prepared to refer all relevant information to appropriate state and federal law enforcement authorities. The wagon-circling by government entities in our state is concerning and is not limited to my investigation: the City of Madison, the City of Milwaukee, and the town of Little Suamico all refused to fully cooperate even with the LAB investigation, cooperation to which our legislature and the people are entitled by our State Constitution.

Make no mistake: I sincerely hope the law was followed in Wisconsin. It would give me the greatest satisfaction to deliver to the speaker of the Assembly and the public a final report which analyzes the November 2020 election in a complete and thorough manner, concludes no major overhaul of our laws or practice are necessary, and the election was administered in a legal and appropriate manner. And yet, as the following interim report demonstrates, many important questions remain unanswered. These questions include: were all lawful votes, and only lawful votes, counted? Did the machines work as advertised and expected? Were all election processes followed to the letter? Did clerks and other election officials have all the tools they needed to deal with the unprecedented

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challenge posed by the COVID lockdowns and historic levels of absentee voting? Did outside corporate money unduly influence the election and/or the administration of the election? Above all, what changes can the state of Wisconsin make to ensure our future elections are not only secure, but as important, widely known to be secure?

In the coming weeks, my Office will continue to collect and analyze information about the November 2020 election, because the public has a right to know what happened. I have no partisan agenda: I am not running for office, and I do not know of any lawful remedy in the state of Wisconsin to change the certification of its electors from our current President Joe Biden to former President Donald Trump. Furthermore, I do not come with preconceived answers to any questions. Why were so many voter registrations at a single address? Why were so many voter registrations given under a single phone number? Why was there a "blip" at 4:00 a.m. in the reported statewide returns the morning after the election? All of these questions may have innocent explanations. My investigation intends to discover facts which will allow the legislature and the people of Wisconsin to draw their own conclusions about the integrity of the November 2020 election.

Many of these answers might have already been obtained were it not for unjustified obstruction of this investigation. Specifically, I requested information from the Wisconsin Elections Commission (WEC) and certain clerks about election procedures and information they possessed. With a large degree of political theater, some of this information has been withheld. I issued subpoenas, as I am lawfully authorized to do as part of my Office's investigation as a function of legislative oversight. Rather than simply provide the information, WEC has filed a lawsuit in an attempt to quash the subpoenas and avoid providing governmental data and information to my office. I am aggressively defending the subpoenas in our state courts—courts which I once helped to oversee in my capacity as a Justice—but WEC's actions beg the question: What are WEC and the recalcitrant city clerks hiding from the public and our legislature?

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Nevertheless, I have had many productive conversations with government officials. In fact, in the many discussions my Office has had with the fine public servants in the state of Wisconsin, I have learned that complicated questions may have simple answers. But many complicated questions deserve honest answers that take time to process and report. I ask each reader of this interim report to take this as a jumping-off point for learning about the administration of elections in Wisconsin. And again, please reach out to my office if you have any information of relevance. Your voice matters.

Michael J. Gableman

Special Counsel

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What is the OSC Investigation?

November 3, 2020, was election day nationwide, and was, in our State of Wisconsin, the culmination of months of work by dedicated election workers and volunteers. It was a monumental and expensive undertaking which is critical to our representative democracy. However, it is beyond debate that questions remain about the integrity of that election. In discharging its duty under both the Federal and State Constitutions, the Wisconsin State Assembly saw fit, on June 26, 2021, to appoint a Special Counsel, establish the Office of the Special Counsel to investigate the election, make findings, and report those findings and recommendations to the Assembly. This report is a first step in fulfilling that duty.

The Office of the Special Counsel is an authorized agency of the State of Wisconsin. Its staff, including and especially the Special Counsel himself, take care to abide by all applicable state and federal laws, including open records laws and regulations relating to the practice of law. My Office will abide by the highest ethical standards to maintain a commitment to transparency, inclusion, and accountability. As such, the Office has established various internal policies, continues to maintain records, and commits to full disclosure of all public records upon the conclusion of the present investigation.

To-date, my Office has already collected and reviewed thousands of governmental and other documents. My Office has interviewed numerous witnesses and will continue to do so until the conclusion of the present investigation. The Office has been allocated a comparatively modest budget and has relied heavily upon volunteers and input by citizens' groups: the vast majority of the Office's budget, while allocated, has not been spent.

The Office may be reached at (262) 202-8722 or online at www.wifraud.com. As noted below, testimony compelled by this Office bears with it the promise, mandated by Wisconsin law, that any information so compelled may not be used in a criminal

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proceeding against the individual from whom it was provided. *See* Wis. Stat. § 13.35. This Office has already been in contact with certain whistleblowers and commits to taking all steps to protect their interests and those of future whistleblowers.

Constitutional Authority

Pursuant to the federal Constitution, Article I, Section 4, it is state legislatures who are authorized to set "The Times, Places and Manner of holding Elections for Senators and Representatives…" The Supreme Court of the United States has clarified that this means the Wisconsin legislature bears primary responsibility for establishing rules regarding things like voter registration, poll watching, penalties, ballot counting, and certification. This primacy of the state legislature is ratified by the Wisconsin Constitution, which in Article IV, Section 1 declares "The legislative power shall be vested in a senate and assembly." Whether this means the state Assembly and Senate may, by joint resolution and without gubernatorial signature, tighten up or loosen election security for federal elections, and whether there are limits on how much of this constitutional responsibility can and should be delegated to other state actors (such as the Wisconsin Elections Commission), is an open question in state law.

There is some debate that the Elections Clause of the United States Constitution authorizes states to regulate legislatures alone to dictate the time, places, and manner of elections. While the word "legislature," is used several times in the federal constitution, its meaning differs according to the context in which it appears, dependent upon the character of the function which the legislature is called upon in each respective instance to exercise. *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 808 (2015) (citing *Atlantic Cleaners & Dyers, Inc. v. United States,* 286 U.S. 427, 434 (1932)). Even if the constitution authorizes the Assembly and Senate to jointly amend parts of our election code without gubernatorial signature, the Wisconsin constitution provides that the legislature should create bills of law which become effective only when signed by the governor. Wis. Const. Art. 4, Section 17; Article 5, Section 10. It may be the case that the

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Senate and Assembly can change election regulations in the absence of a statute on the books, indeed Wisconsin law appears silent on this question, but it would be another matter for the Senate and Assembly to seek to repeal an extant portion of the election code.

This brings up a second, equally important issue—certification of the vote. There are serious and legitimate questions that the certification of Wisconsin's election results may have been undertaken in an unlawful and unconstitutional manner. While the Wisconsin legislature has specified how presidential electors are selected, that statute does not empower the governor or WEC to certify the results of the election. The acceptance of electors by the governor while recount challenges were pending deprived the legislature of the right to certify the vote pursuant to Article II of the United States Constitution. Hasty certification of electors in a tightly contested election may disenfranchise voters to the same extent as missing a deadline and failing to certify electors at all. While hasty certification may violate the state constitutional duties of the legislature, delaying certification of electors until resolution of relevant issues does no such violence to our legal system.

Statutory Authority

The authority of the Legislature brings with it the legislative prerogative to gather information, debate bills, and pass laws. In discharging these duties, the legislature bears the constitutional obligation and has the authority to conduct oversight, including the ability to compel production of documents and testimony. Under Wis. Stat. § 13.31, the legislature has the authority to subpoena information from individuals. Because this legislative subpoena is a part of common law legislative authority which holds that without access to all available information a legislature cannot properly legislate—and because this subpoena does not directly relate to or contemplate criminal proceedings, criminal due process rights are not implicated. *See* Wis. Stat. § 13.35. To this end, § 13.35 expressly provides that documents and testimony provided by a witness pursuant to a

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legislative subpoena cannot "be used in any trial or criminal proceeding against such person in court." This does not preclude this Office from turning over information to relevant law enforcement agencies, or by talking with this Office any given individual is somehow immune from criminal prosecution.

This office has, to-date, issued seventeen subpoenas for documents as well as testimony for governmental information from sitting government officials and has obtained some voluntary compliance. These subpoenas, properly issued pursuant to and in furtherance of the legislature's core oversight function, have nevertheless been attacked by the media, are subject to pending litigation, threats of more litigation, and have involved nationwide attention and the work of out-of-state partisan attorneys. Given the substantial recent history of municipal non-compliance with the LAB investigation and the plenary authority of the legislature, the Assembly and this Office are defending these subpoenas. The legislature, and the public, have a right to all available information and the testimony of election officials about elections administration in Wisconsin.

A. How This Investigation Differs from the LAB's Investigation.

The LAB, established in 1971, is authorized by Wisconsin statutes to "conduct...audits of the accounts and other *financial* records of departments to assure all *financial* transactions have been made in a legal and proper manner." Wis. Stat. § 13.94(1) (emphasis added). LAB has a large staff and a laudable history of working with all state instrumentalities, but its relatively narrow mission is to ensure taxpayer money is well-spent. Its report issued October 22, 2021, notes up-front that it is concerned with "audits and evaluations of public finances and the management of public programs." As such, its interest is neither in addressing policy concerns nor the concerns of the full legislature, but of responding to directed audits of the "records of each department" of the state of Wisconsin. Further, as the recommendations in the LAB report suggest, its ability to make recommendations is statutorily limited to the four corners of current Wisconsin law and it does not generally make recommendations to improve the law. When it does, as

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in the case of the current report, these changes are extraordinarily modest, perhaps recognizing its limited authorization. Finally, its sole product is a "detailed report" to the legislature, which includes discussion of any "illegal or improper expenditures." To the extent illegal or improper conduct does not implicate the state fisc, that conduct is beyond the purview of LAB inquiry.

By contrast, my Office's investigation has a wide mandate to investigate elections in Wisconsin, beyond mere "waste, fraud, and abuse," as well as the authority to gain access to necessary testimony and documents, even when recalcitrant individuals or municipalities are not otherwise inclined to "cooperate."

Can Private Groups be Involved in Running Wisconsin Elections?: Delegation and Undue Corporate Influence

While this Office draws no conclusions yet, initial interviews and discussions with clerks suggest there is widespread and substantial confusion about the appropriate role of outside money in the administration of Wisconsin elections. Evidence is already in this Office's possession indicates undue influence by well-funded private groups, who leveraged large grants to certain Wisconsin cities in order to co-opt our election apparatus to their benefit. The recent LAB investigation did not comprehensively investigate or address these concerns by clerks and the public, concerns which led to frustration and untimely resignation of at least one long-serving clerk and numerous unanswered complaints to WEC. Indeed, contracts made between outside groups and certain municipalities led directly to actions contrary to Wisconsin state law, which some clerks noted harmed both election security and the physical safety of voters. The public has a right to know if there was a *quid pro quo* arrangement between outside groups and cities, and if so, what the terms of that agreement were.

How much authority can clerks contract away to private organizations? As the LAB report contends: "Statutes do not specify the actions and responsibilities that consultants

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are allowed to take at polling places and central count locations on Election Day." Nevertheless, for the purposes of legislative inquiry, this is not, and cannot, be the end of the story. Whether certain organizations and individuals operated within a grey area in state law does not preclude obtaining all relevant facts and attempting to draw fine distinctions to facilitate legislative oversight, dialogue with the public, present legislative recommendations, and restore confidence in Wisconsin's system of elections. We need to gather all facts so the legislature can address any problems.

Oblique reference to at least one major issue is made in the LAB report which bears mentioning. Specifically, the LAB report notes the following:

"We asked the clerks of all thirty-nine municipalities [that used central count locations] whether consultants worked at central count locations during the November 2020 General Election. Clerks indicated consultants associated with private organizations worked at the central count locations in two of the thirty-nine municipalities. Specifically:

- One municipality indicated a consultant attended the August 2020 primary as an observer, helped to modify the municipality's election training materials from August 2020 until October 2020, and was at the central count location on Election Day in November 2020 to provide technical assistance for electronic voting equipment. The municipality indicated at least five poll workers monitored such assistance at all times.

- A second municipality indicated a consultant provided logistical support and offered elections administration recommendations but did not have the authority to make decisions and did not count ballots. The municipality indicated the consultant initially wore a city employee identification badge at the central count location on Election Day in November 2020 but subsequently became an observer after the deputy clerk spoke with WEC's administrator about this individual."

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This cursory reporting is concerning, because it substantially waters down already-public information relating to the involvement by a number of private groups in election administration, and it suggests problems were raised and adequately resolved by clerks and WEC.

In fact, in both instances, evidence is already available to this Office that is inconsistent with the LAB's report, and which indicates a more widespread and deeper issue. For example, one private organization referred to in the LAB report was directly involved in all aspects of management of election officials, was entrusted with the only sets of physical keys to the city's central count location, managed the transportation of ballots, and instructed the counting of unlawful ballots that had arrived at the central count location beyond the lawful time window.

Furthermore, under Wis. Statutes § 7.41, there are express rules for "members of the public" to exercise their right to observe Wisconsin elections, which include limitations on the ability of observers to obtain confidential voter information or to communicate with election officials. Individuals are, under Wisconsin law, either election officials or members of the public, and do not "become" observers, as the LAB report suggests. Finally, issues involving possible unauthorized access to election materials or impersonation of a municipal employee cannot be remedied by *ex parte* discussion with a single bureaucrat at WEC. None of these issues are directly addressed by the LAB report.

The LAB report also fails to address to what degree state instrumentalities may properly contract with private groups for purposes of administering public elections. Clerks have already raised concerns to this Office that there are certain election administration functions which they are simply unable to perform. Clerks and the public have raised concerns about the ability of outside contractors to legally bind election officials with onerous contractual terms.

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Contracts with private groups for election administration and management.

This Office is reviewing contracts between municipalities and private groups which gave preferential access to voter data to those private groups and prohibited contracting municipalities from exercising their legal right to change election procedures, lest they be on the hook for paying substantial sums of money back to those groups. Clerks have also raised concerns about technical contracts which limit their ability to review the inner workings of equipment and software related to voter registration and vote tabulation.

A major concern raised by numerous members of the public is whether outside contractors abided by all applicable state and federal antidiscrimination laws, a question not addressed in the LAB report.

This Office has also already uncovered evidence of selective targeting of voters by these private groups, raising questions as to what extent nonpartisan government agencies were turned into partisan get-out-the-vote operations, or whether this targeting was performed on any other unlawful basis. Some of this targeting was apparently in the context of recommending ballot "drop boxes" in certain locations, but not others, a violation of Wisconsin Stat. § 6.855 (see below). Each of these facts, if true, are concerning, and this Office continues to investigate the extent of this entanglement. Furthermore, without statutorily mandated training for clerks, the possibility of undue outside influence in our elections increases. In the vacuum created by WEC, understaffed and overworked clerks can find it all-too-easy to take money and personnel from private groups that might not have compliance with the law as their top priority.

Some clerks have noted to this office the complexity and scope of Wisconsin elections will *always* and *necessarily* require delegation of at least some election functions to private companies. But clerks have suggested a line must be drawn somewhere and many express concern over the 2020 election. Indeed, one current clerk specifically recommended to this Office that private money be prohibited. This Office continues to

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investigate precisely how much authority was ceded to private entities and whether that subservience hindered the fair administration of elections and/or diminished public confidence in that fairness.

Who Runs Wisconsin Elections? Finger-Pointing and the Wisconsin Elections Commission

Clerk Authority

The core of the constitutional and statutory responsibility for election administration in Wisconsin resides with county and municipal clerks. Under Wisconsin Statute § 7.15(1), the municipal clerk has "charge and supervision" of not only state, but also federal elections within a municipality. In turn, these municipal clerks report electoral results to the county clerk and provide county clerks with all materials the county clerks need to discharge their lawful duty to administer elections in their county. While municipal clerks are appointed by political officials such as mayors, county clerks in our state are directly elected.

Government Accountability Board Scandal and Creation of Wisconsin Elections Commission

To assist with developing best practices, the Wisconsin Elections Commission (WEC) was established in 2016. Prior to 2016, a large, opaque, politically partisan, and unaccountable agency, the Government Accountability Board (GAB), was charged with administering vast swaths of statewide ethics and election law. In the wake of a major statewide scandal that drew national attention, the John Doe investigations, the legislature and Governor took the unprecedented step of abolishing that agency and amending state election laws. However, rather than returning the state to a system of clear delegations of authority and broad clerk autonomy, those amendments created WEC, drawing criticism from many quarters, including Kevin Kennedy, the outgoing Director of GAB, who remarked that

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the new system **would have essentially no changes, and that the new system would be "no more transparent" than the old one.**

One example of Kennedy's fulfilled prophecy is the abundance of inconsistent information relating to voter data in the registration database. In its waning days of 2015, the GAB was confronted with 28,906 voters whose information about their name and address as reported to the DMV was inconsistent with information for the same voter in the voter registration database. The GAB dismissed those concerns. However, as of 2021, those same numbers not only continue to exist and have never been adequately explained but increased in number under WEC's tenure.

Pursuant to Wisconsin law, WEC is tasked with certain portions of "the administration of...laws relating to elections." Wisconsin Statutes § 5.05(1). Precisely how far this delegation goes is an open question. WEC authority as expressly laid out in that section contemplates public rulemaking, investigation, and enforcement. However, the election code sections over which WEC has regulatory authority include numerous provisions which expressly delegate authority to individual actors, such as county and municipal clerks. In fact, Wisconsin law delegates to the "board" the duty to certify the state's electors in a presidential election, a job fulfilled in 2020 solely by the Chairperson of WEC, without board vote. *Compare* Wis. Stat. § 7.70(5). The LAB report does not make an effort to systematically review these delegations but does note in several places the "shared" election administration responsibilities.

Confusion about WEC Authority

While this Office draws no conclusions yet, initial interviews with clerks suggest there is widespread confusion about the lawful role of WEC in the state, and concern that WEC has acted outside its lawful purview. There is evidence numerous complaints by clerks to WEC were ignored. This problem is exacerbated by a lack of clarity as to the legal status of WEC guidance: some clerks are convinced compliance with WEC guidance

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provides them with a legal "safe harbor" in the event the Clerk's directives consistent with the guidance are challenged in court. In a recent statement, WEC expressly disavowed that its actions could provide a basis for a defense but instead opined that it is the clerks who bear all the responsibility for election related litigation.

Additionally, WEC guidance, such as online FAQs, are apparently issued without a full Commission vote. Other documents, as the LAB report notes in the case of the March 2020 Commission-approved guidance regarding Special Voting Deputies are flatly contrary to law. As noted above, much authority is delegated to the WEC administrator. Importantly, under Wisconsin law, there is slight legal recourse other than a petition to WEC to challenge such unlawful behavior. When WEC implicitly or explicitly authorizes actions contrary to Wisconsin law, such as enabling poor security for access to statewide voter registration data systems or authorizing "shortcuts" such as issuing absentee ballots without applications or enabling widespread ballot curing, voters and candidates are left with no choice but to file expensive and time-consuming lawsuits. The LAB report, consistent with the LAB mission discussed above, did not investigate these issues, which this Office continues to investigate and collate.

Lack of Legal Remedies

Furthermore, the LAB did not investigate various decisions WEC and others made in the run-up to the 2020 election, some of which appear designed to prevent the Wisconsin courts, including the Wisconsin Supreme Court, from weighing in. Specifically, the decision by WEC to quickly issue ballots without a Green Party candidate was the determining factor in the Wisconsin Supreme Court declining to address the merits of that exclusion. WEC's action was of dubious legality. In the 2020 case of *Hawkins v. Wisconsin Elections Commission*, the 4-3 majority held that because WEC had claimed it had already issued an unknown number of ballots, there was no time to properly address the claims of the excluded Green Party candidate. In other words, WEC's own actions operated to neuter the ability of our state's highest court to address whether WEC's

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actions were lawful and to provide a remedy if they were not. Then Chief Justice Patience D. Roggensack wrote a forthright dissent, noting "The court's silence not only affirms lawless conduct by the Commission, but also provides no directive for the required treatment of nomination papers in the future." This Office continues to formulate legislative options to ensure this remedial gap in Wisconsin law is repaired.

Absentee Balloting

A second action has evaded both LAB and state judicial review andinvolves the issue of absentee balloting. Precisely what rules govern the requirements for mail-in and in-person absentee voting in the state of Wisconsin? It is clear in some instances the safeguards mandated for the protection of honest absentee ballots were ignored by WEC.

Many of these safeguards were apparently abrogated by WEC and municipalities in 2020, with COVID-19 as a proffered excuse. One issue involved the illegal mass self-certification of individuals as "indefinitely confined" under the statute, a category which enables a voter to evade state voter ID requirements, but which is intended to apply to physically or physiologically immobile residents confined to their home because of their condition. Presented to the Wisconsin Supreme Court, again the majority ducked a ruling on the merits, prompting then Chief Justice Roggensack to note that it appears the Court "cannot be bothered with addressing what the statutes require to assure absentee ballots are lawfully cast." It is up to the state legislature to investigate if, how, and why state law was not followed and take legislative action.

One major issue identified involves "Democracy in the Park," which were citywide events in Madison before the election exclusively related to absentee ballots. The LAB report mentions this issue in passing as a "Special Event" occurring in a "specified outdoor setting." Without explaining the issue, the report recommends the Legislature "clarify" statutes so individuals know whether or not they can engage in absentee ballot activities contrary to the procedures laid down in Wis. Stat. § 6.855. In other words, the

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LAB report implicitly notes the statutes were violated by Democracy in the Park and recommends the law be changed.

What was Democracy in the Park, and why has it been the subject of numerous citizen complaints, lawsuits, and legislative inquiries apart from this Office's investigation?

While this Office draws no conclusions, we possess evidence that the events, which occurred on September 26 and October 3, 2020, involved numerous possible violations of state law, calling into question the validity of over 17,000 absentee ballots. Specifically, these involved large outdoor gatherings where purported designees of the City Clerk's office assisted with absentee ballots that yielded over 17,000 votes. Furthermore, it is not clear that all of the workers at those events were properly deputized and trained, swore and filed the mandatory oath of office, or documents related to absentee ballots were properly handled. Finally, this Office also seeks to review the processing of those ballots. Each of these fact-intensive avenues of inquiry are crucial for determining what was improper and how to prevent future impropriety in absentee voting.

Clerk Training

In addition, this office has obtained evidence that WEC failed to complete its statutorily mandated training duties. As the LAB report notes, Wisconsin Statutes § 12.01 *et seq*., lays out training protocols for clerks. But county clerks are politically accountable to their voters, and WEC certification or lack of certification does not affect a clerk's legal rights. However, if a clerk is *not* certificated by WEC, such as for failing to be properly trained, WEC is required by law to notify the "governing body" of that clerk's county or municipality. In other words, WEC is mandated by law to train clerks, and clerks who fail to complete training are reported by letter to the mayor or county board. Yet, as the LAB found, at least 17.5% of clerks were not properly trained, and no letters from WEC went out notifying cities and boards about the failure to complete training. This Office continues to review the issue. Moreover, this Office already has ample evidence that in

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the absence of this legally mandated training, certain private groups filled the vacuum, perhaps for their own, self-interested purposes, providing some municipalities with incorrect and even unlawful advice. In a statement, at least one clerk has noted outside advice negatively impacted the security of the vote and the physical safety of voters.

Exploitation of Elders

This Office continues to review the issues involving WEC more generally, as well as other plain rules that are apparently without remedy in Wisconsin law, such as the editing of ballot applications by clerks and voting procedures at nursing homes. A recent investigation and report by the Racine County Sheriff's Office highlighted the exploitation of some of our most vulnerable citizens. Furthermore, complaints were apparently made to WEC and ignored, in a system which the sheriff described as leading to our election system being "not just broken, but shattered." I believe many Wisconsinites share the Sheriff's sentiment. It is my hope a continued investigation and final report from this Office will help change those perspectives and sentiments.

In the run-up to the November 3, 2020, election, clerks and WEC took numerous steps to alleviate public fears about COVID-19. But in this perceived crisis there was the opportunity for electoral partisan advantage. For example, Wisconsin law mandates individuals in various types of communal living facilities may have special access to absentee voting in person, but only subject to the rules of § 6.875. These rules govern the "Special Voting Deputies" that a municipality may, in turn, train and authorize to collect absentee votes in person: this is the *only* lawful method for collecting absentee ballots outside normal procedures, as Special Voting Deputies swear an oath and become duly authorized "election officials." Without the availability of Special Voting Deputies under the statute, it would be much more difficult for many senior citizens or those in assisted living facilities to vote. Yet in 2020, at the recommendation of its top administrator, WEC voted to unilaterally prohibit the use of Special Voting Deputies, explaining that COVID-19 made it too dangerous to allow for Special Voting Deputies to enter these facilities.

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This Office has evidence that WEC and some clerks instructed residential care employees to act in a manner prohibited by law, collecting and assisting in completing ballots for individuals in these group facilities, including those with dementia. This led to record-high voting by individuals who had not voted for nearly a decade and may have lacked the cognitive ability to vote.

On its face, this type of activity could lead to criminal referral for the residential care employees, as the Chairperson of WEC has suggested. But residential care staff represent the "little fish" in this alleged criminal enterprise. This Office is reviewing the relevant Wisconsin statutes to facilitate the criminal referral process and make legislative recommendations. This includes reviewing legal methods for ensuring our senior citizens are not bullied or taken advantage of, and neither nursing homes nor their residents are used for any unlawful election activity, merely because these citizens are vulnerable, easy targets for partisan predators.

WEC: Self-Policing and Self-Serving

Numerous members of the public, as well as the clerks, have questioned the independent authority clerks have to administer an election consistent with state law in light of WEC's guidance, which in several instances was contrary to those voting laws. Some clerks feel WEC may legally bind the clerks in granular decisions about their local needs. Other clerks are concerned about repercussions for not following WEC guidance. Many clerks have expressed disagreement with WEC conclusions, and some have done so publicly. Numerous members of the public have raised concerns about WEC's ability to police itself: the discretionary nature of WEC intake, review, and response to complaints, and the fact that complaints about WEC are handled—or not handled, as the case may be—by WEC itself.

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This Office continues to interview clerks and expects to discuss with WEC staff precise nature of WEC's role in future Wisconsin elections.

How can the Public be Confident in Our Elections? The Black Box

As former GAB Director Kevin Kennedy noted, the new WEC system is, apparently, "no more transparent" than the old one which he ran. Without robust legislative oversight, many Wisconsinites are at risk of feeling their vote does not count, or that there is widespread election fraud in the state. Worse, their fears may be well-grounded. Two major areas of inquiry are being looked at by my Office, both dealing with the appropriate level of transparency for our election systems. First, my Office is reviewing the laws and procedures relating to the use of technological tools in administering elections: the "voting machines" and the various election databases used by WEC. Second, my Office is reviewing barriers to public access to information, such as excessive charges for public access to public registration data.

While this Office draws no conclusions, interviews with clerks, citizens, and other groups suggest there is widespread concern about the inability of an average citizen to track how elections are run. This inability has huge downstream consequences, as citizens are often presented with snippets of information reminiscent of the "confusopoly" in health insurance. Presented with outdated data sets of dubious accuracy, citizens seeking to use public information to confirm election results are unable to do so, while those with money and access (or preferential contracts, as noted above) can access better data, more quickly. Further, the precise operations of voting machines are not readily accessible or understood by the public, or by commissioners on WEC itself. As with health insurance, the system operates on autopilot, with the insured praying their bill is accurate, and with voters praying the system is working as it is supposed to.

Election systems in Wisconsin are governed by state and federal law. Specifically, the federal Election Assistance Commission (EAC) created under the Help America Vote Act

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of 2002 (HAVA) is tasked with approving all voting systems used in federal elections, and with approving all modifications of voting systems used in federal elections. 52 U.S.C. § 20971. As a part of this, voting systems vendors submit their proposed systems to the EAC for approval. Typically, once a system is tested and approved by the EAC, the vendor will make a similar application to WEC, which may approve the system for sale and use within the state of Wisconsin. However, beginning in 2015 the state of Wisconsin allowed GAB (and now WEC) to approve systems for use in the state which are not approved by the EAC. Wis. Stat. § 5.591. While there is thus wide discretion vested in WEC to approve changes to voting systems, federal law mandates that "all records and papers... relating to any application, registration, payment of poll tax, or other act requisite to voting in such election" be preserved by the State for twenty-two months following the election. 52 U.S.C. § 20701.

But as was made eminently clear in a recent WEC meeting held after a preservation request issued by this Office, WEC officials and staff are not at all clear as to what "modifications" to voting machines require WEC approval, which modifications can lawfully be made, or what certain software updates actually entail. Further, WEC approval of actions that might violate federal record keeping laws are no guarantee of legal immunity for clerks with final say over what happens to voting machines in their locales. In fact, as one machine vendor noted during that open meeting, in order to install a software update, that company would be obliged to entirely "wipe" a machine. That is, to delete all information from election hardware. Whether this technical process destroys election records in contravention of federal law is a question that WEC has yet been unable to answer.

In order to address this and related questions, this Office has been allocated a budget to engage neutral, certificated data security experts, and has already taken steps to initiate an open and full technical audit of various voting systems to understand and report on the security of these systems. Whatever the results, various clerks have already suggested they themselves do not know precisely how the voting machines work and

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rely entirely upon private contractors to assure them of system integrity. This in and of itself may be a problem. The problem is further exacerbated in that WEC, who is responsible for training the clerks on the machines, may not itself know how the machines work.

Prior to the establishment of this Office, the Special Counsel did personally engage with various outside individuals relating to various voting machine concerns. This Office neither endorses the views of any particular outside individual nor has this Office yet uncovered any evidence of foreign hacking of elections in the state of Wisconsin. Nevertheless, the opacity of elections systems has given rise to numerous theories and concerns about the 2020 election.

A second issue related to the transparency of our election system in the state is the public availability of voter data. While this Office as yet draws no conclusions, there is already evidence that security surrounding the WisVote (SVRS) system is lax. This statewide system enables clerks to track absentee ballot requests and includes highly sensitive personal information. As such, it is supposed to be subject to a high level of security laid out in WEC guidance. Nevertheless, there is already some evidence of unauthorized access to this database. Further, several clerks have complained that they were provided by WEC with numerous, unrequested access keys, leading to a security headache and concerns that the statewide system was not secure.

In addition to concerns about too much access, concerns have been raised about not enough access, or about unequal access, to voter registration information. This is important because access to this data is necessary for tracking the accuracy of reported election results. WEC does provide statewide voter registration data for a fee up to, and usually, $12,500. This fee is set by WEC administrative rule, and it is mandated by statute that the fee be set "at an amount estimated to cover both the cost of reproduction and the cost of maintaining the list at the state and local level." Wis. Stat. § 6.36(6). Nevertheless, it is apparently the case that the fee is charged for each reproduction, no matter the actual

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cost, and that subsequent individuals requesting a list that has already been produced are charged the same rack-rate. Further, there is some evidence that outside groups were provided privileged access to this data without fee, and on an expedited basis. This Office continues to investigate this matter, and again, this issue is not addressed in the LAB report.

Conclusion

The people of the state of Wisconsin have a right to know how our elections are run. The legislature has the common law and constitutional right and obligation to investigate how our state laws are being administered. Without adequate information and oversight, citizens in a democracy justifiably lose confidence that their vote counts and their system of government is working properly.

This Interim Report seeks to build upon the good work of many citizens and government officials including the vast majority of county and municipal clerks, and to shine a light on issues and concerns of interest. It is a healthy exercise in good government, not an attempt to overturn any election. As this investigation continues, my Office will vigorously seek out and obtain all available truthful information, so that it can present this information to the public and to the Assembly.

If, in the course of this investigation, the Office obtains information that could be used in a criminal prosecution, this Office will cooperate fully with all appropriate law enforcement entities.

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Friday, September 17, 2021—MONTGOMERY, AL— Today, Mr. Mike Lindell of My Pillow, Inc. visited the Secretary of State's Office. Our team discussed several topics that were of concern to Mr. Lindell and other citizens.

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Even though Mr. Lindell indicated that Alabama has the best elections system he has seen and that our state has the safest election procedures of all of the 50 states, he still has some questions he would like to have answered. We will be looking forward his next visit in our state.

It is always encouraging when our office is recognized for working diligently to ensure accessibility, security, and integrity in our state's election processes. Every Alabamian should be proud that Alabama was recognized as the gold standard for election administration for the first time in our state's history by the Concerned Women for American Legislative Action Committee. We will continue to work with those like Mr. Lindell and other concerned citizens to provide complete transparency.

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