

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 29, 1971

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. KENNEDY (for himself, Mr. BAYH, Mr. EAGLETON, Mr. HARTKE, Mr. MONDALE, Mr. PELL, Mr. PROXMIRE, and Mr. WILLIAMS) to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz: At the end of the bill add the following new title:

1 **TITLE V—VOTER REGISTRATION**

2 **SHORT TITLE**

3 **SEC. 501.** This title may be cited as the “Universal
4 Voter Registration Act of 1971”.

5 **DECLARATION AND FINDINGS**

6 **SEC. 502.** (a) The Congress hereby finds and declares
7 that the administration of voter registration procedures by

Amdt. No. 344

1 the various States as a precondition to voting in Federal
2 elections—

3 (1) denies or abridges the constitutional right of
4 citizens to vote in Federal elections;

5 (2) denies or abridges the constitutional right of
6 citizens to enjoy free movement across State lines;

7 (3) denies or abridges the privileges or immunities
8 of citizens of the United States, deprives them of due
9 process of law, and denies them the equal protection of
10 the laws, in violation of the fourteenth amendment;

11 (4) denies or abridges the right to vote on account
12 of race or color in violation of the fifteenth amendment;

13 (5) denies or abridges the right to vote on account
14 of sex in violation of the nineteenth amendment;

15 (6) denies or abridges the right to vote on account
16 of age in violation of the twenty-sixth amendment;

17 (7) in some instances has the impermissible effect
18 of denying citizens the right to vote because of the way
19 they may vote; and

20 (8) does not bear a reasonable relationship to any
21 compelling State interest in the conduct of Federal
22 elections.

23 (b) Upon the basis of these findings, Congress hereby
24 exercises its authority under section 4 and section 8 of
25 article I of the Constitution, and the fourteenth, fifteenth,

1 nineteenth, and twenty-sixth amendments thereto, and enacts
2 this title.

3 ESTABLISHMENT OF OFFICE

4 SEC. 503. (a) There is hereby established in the
5 Bureau of the Census a Universal Voter Registration
6 Administration (hereafter referred to in this title as "Ad-
7 ministration"). The Administration shall be composed of an
8 Administrator and two Associate Administrators, who shall
9 be appointed by the President, by and with the advice and
10 consent of the Senate. No more than two members of the
11 Administration shall be of the same political party.

12 (b) The Administration shall establish and administer
13 a program of voter registration for voting in all Federal
14 elections and shall, upon request, assist States in conducting
15 registration for voting in State and local elections.

16 (c) Section 5316 of title 5, United States Code, is
17 amended by adding at the end thereof the following:

18 "(131) Administrator and Associate Administra-
19 tors, Universal Voter Registration Administration."

20 USE OF DATA PROCESSING

21 SEC. 504. The Administration shall establish one or more
22 data processing centers in order to carry out its functions.
23 Voter lists shall be compiled and maintained through the use
24 of electronic data processing equipment in such a manner
25 that a list of persons registered under this title in each of the

1 units in which persons are registered to vote under State
2 and local laws shall be readily available. The lists shall
3 contain the name, address, ZIP code, party affiliation (if
4 supplied), date of birth, and voting unit of each individual
5 registered to vote under this title and such additional infor-
6 mation as the Administration determines to be essential to
7 the efficient operation of this title.

8 REGISTRATION

9 SEC. 505. (a) The Administration shall prepare and
10 distribute registration forms for use by individuals who wish
11 to register to vote under the provisions of this title, or who
12 wish to change a previous registration. Such forms shall be
13 of a type which permits visual scanning by electronic data
14 processing equipment, shall contain appropriate places for
15 the designation of the registrant's name, address, ZIP code,
16 date of birth, and party affiliation, and may be in languages
17 other than English in such cases as the Administration deems
18 appropriate.

19 (b) Such forms shall contain a statement that such in-
20 dividual is not disqualified from voting under State law by
21 reason of conviction of a crime or mental incompetence, and
22 such other information as the Administration determines to
23 be essential to the efficient operation of this title. Such forms
24 shall also require the signature of the individual seeking to
25 register through the use of such forms and a statement of

1 the penalty for fraudulent use of such forms. The signature
2 of an individual on his form shall attest to the accuracy of
3 the information contained thereon.

4 (c) The Administration shall enter into arrangements
5 with the Postmaster General so that supplies of such forms
6 shall be reasonably available free of charge in each post office,
7 and shall make such other arrangements as it deems appro-
8 priate for the distribution of such forms, including their avail-
9 ability to groups engaged in voter registration. Such forms
10 shall be mailed free of all postage including airmail to the
11 Administration upon completion, and the Administration
12 shall reimburse the Postal Service for the cost of such mail.

13 (d) Any individual who is a citizen, who is eighteen
14 years of age or older (or who will attain such age on or before
15 the date of the next Federal election held in the congressional
16 district or State in which he registers), who is not disquali-
17 fied from voting under State law by reason of conviction of a
18 crime or mental incompetence, and who is registered under
19 this title shall be eligible to vote in Federal elections held
20 in the congressional district or State in which he is registered
21 under this title. No other requirement or qualification shall be
22 imposed by any State or political subdivision thereof on the
23 right of such individual to vote in such election.

24 (e) The Administration is authorized to receive registra-

1 tion lists and other information with respect to eligible voters
2 from State or local jurisdictions for inclusion in the registra-
3 tion lists prepared by the Administration under this title.

4 (f) Unless the Administration or a State or local juris-
5 diction removes a person's name from the list of registered
6 voters because of his death or his disqualification from voting
7 under State law by reason of conviction of a crime or mental
8 incompetence, registration under this title in any State shall
9 remain in effect for a period of time not less than four years,
10 or such longer period as registration under State law in such
11 State remains in effect.

12 (g) The Administration shall remove from its list of
13 registered voters the name of any person who is found to be
14 fraudulently or otherwise improperly registered or who, after
15 registration, becomes disqualified to vote in the State or con-
16 gressional district in which he is registered. If the Adminis-
17 tration removes the name of any person from such list, it shall
18 notify such person of such action by certified mail within one
19 week of such action and the reason therefor.

20 (h) Any State or local jurisdiction which removes the
21 name of any person from such list shall notify such person
22 and the Administration of such action by certified mail within
23 one week of such action. Such notice shall include the name
24 and address of such person, and a statement of the reason
25 for such action. The Attorney General is authorized and di-

1 rected to institute in the name of the United States such
2 actions against States or political subdivisions, including ac-
3 tions for injunctive relief, as he may determine to be neces-
4 sary to implement the purposes of this subsection, and it shall
5 be the duty of a judge designated to hear any such case to
6 assign the case for hearing and determination thereof, and to
7 cause the case to be in every way expedited.

8

REGISTRATION DATE

9 SEC. 506. An individual may register to vote in a Fed-
10 eral election under this title at any time until thirty days
11 before the date of such election, or at such later date before
12 such election as the Administration may determine.

13

NOTICE TO ELECTION OFFICIALS

14 SEC. 507. (a) Not later than thirty days prior to the
15 date of any Federal election, the Administration shall furnish
16 to the appropriate election officials of the State or local juris-
17 diction in which an election is to be held a list of individuals,
18 by precinct or other similar voting unit, registered under this
19 title to vote in such election within the congressional district
20 or State in which the election is to be held. No person whose
21 name appears on such list shall be denied the right to vote in
22 such election, unless such name is removed from such list in
23 accordance with the provisions of this title. The Administra-
24 tion is authorized to establish appropriate procedures to sup-

1 plement the lists made available to States and local jurisdic-
2 tions under this subsection.

3 (b) The Administration is authorized to establish appro-
4 priate procedures for individuals to verify their registration
5 under this title.

6 (c) Prior to the date of any such election, the Admin-
7 istration shall inform individuals registered with it of the
8 precinct or other voting unit in which they are registered
9 to vote.

10 STATE REGISTRATION

11 SEC. 508. (a) Nothing in this title shall interfere with
12 any voter registration procedure conducted by any State with
13 respect to voting in State or local elections.

14 (b) Any individual registered to vote under any State
15 voter registration procedure, who is a citizen of the United
16 States, who is eighteen years of age or older (or who will
17 attain such age on or before the date of the next Federal
18 election to be held in the congressional district or State in
19 which he registers), and who is not disqualified from voting
20 under State law by reason of conviction of a crime or mental
21 incompetence, shall also be eligible to vote in any Federal
22 election held in such district or State, whether registered
23 under this title or not.

24 (c) Any State which determines by law that it wishes

1 to use voting registration lists compiled under this title as
2 evidence of registration to vote in State or local elections
3 shall be furnished such lists no later than thirty days prior
4 to any such election. Any State which so determines may
5 not remove the name of any individual from such lists with
6 respect to any such election nor deny to any individual whose
7 name appears on such lists the right to vote in any such
8 election, except in accordance with the provisions of this
9 title.

10

REPORTS FROM STATES

11 SEC. 509. The Administration is authorized to request
12 from each State periodic reports of the names and addresses
13 of individuals eighteen years of age or older who have died
14 in such State. The Administration is also authorized to
15 request from appropriate State or Federal agencies periodic
16 reports of the names and addresses of persons disqualified
17 from voting under State law by reason of conviction of a
18 crime or mental incompetence.

19

REGISTRATION INFORMATION

20 SEC. 510. The Administration shall undertake, through
21 the use of broadcast and nonbroadcast communications media
22 and such other means as the Administration deems appro-
23 priate, to inform potential voters of their eligibility to register
24 to vote in Federal elections under the provisions of this title.

PENALTIES

1
2 SEC. 511. (a) Whoever knowingly or willfully gives
3 false information as to his name, address, residence, age, or
4 other information for the purpose of establishing his eligibility
5 to register or vote under this title, or conspires with another
6 individual for the purpose of encouraging his false registration
7 to vote or illegal voting, or pays or offers to pay or accepts
8 payment either for registration to vote or for voting shall be
9 fined not more than \$10,000, or imprisoned not more than
10 five years, or both.

11 (b) Any person who deprives, or attempts to deprive,
12 any other person of any right under this title shall be fined
13 not more than \$5,000, or imprisoned not more than five
14 years, or both.

15 (c) The provisions of section 1001 of title 18, United
16 States Code, are made applicable to the registration form
17 promulgated under section 505.

RIGHT OF PRIVACY

18
19 SEC. 511. (a) No information provided by or in connec-
20 tion with any person under this title shall be made available
21 by the Administration to any other Federal agency or for
22 any commercial activity. No such information shall be made
23 available by the Administration to any agency of any State
24 or local jurisdiction except for the purpose of carrying out
25 functions directly related to the provisions of this title.

1 (b) The Administration is authorized to adopt regula-
2 tions for the enforcement of this section.

3 (c) Any person who violates this section or regulations
4 adopted thereunder shall be fined not more than \$5,000 or
5 imprisoned not more than five years, or both.

6 OTHER FEDERAL VOTER REGISTRATION

7 SEC. 512. This title shall not affect the provisions of the
8 Federal Voting Assistance Act of 1955. Persons eligible to
9 use the form and procedures provided under such Act may
10 register under this title.

11 DEFINITIONS

12 SEC. 513. As used in this title the term—

13 (a) “Federal election” means any primary, general, or
14 special election held for the election of a Federal officer, in-
15 cluding an election held for the selection of delegates to a
16 national nominating convention or to a caucus for such selec-
17 tion, and a primary election held for the expression of a
18 preference for the nomination of persons for election to the
19 office of President.

20 (b) “Federal officer” means President, Vice President,
21 Senator, Representative, Delegate to the Congress, or dele-
22 gate to a national nominating convention or caucus thereto.

23 (c) “State” means each of the United States and the
24 District of Columbia.

1 AUTHORIZATION OF APPROPRIATIONS

2 SEC. 514. There are hereby authorized to be appro-
3 priated such sums as may be necessary to carry out the
4 purposes of this title.

Amdt. No. 344

Calendar No. 223

92D CONGRESS
1ST SESSION**S. 382****AMENDMENT**

Intended to be proposed by Mr. KENNEDY (for himself, Mr. BAYH, Mr. EAGLETON, Mr. HARTKE, Mr. MONDALE, Mr. PELL, Mr. PROXMIRE, and Mr. WILLIAMS) to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 29, 1971

Ordered to lie on the table and to be printed