

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 10/29/2002 [H.R. 3295] [771530] [1]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
002	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
004	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
005	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
006	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
007	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
008	Letter	[Views of the Department of Justice] - To: Mitchell E. Daniels, Jr. - From: Daniel J. Bryant	3	10/23/2002	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [1]

FRC ID:

6362

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
009	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
010	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
T003	Statement	H.R. 3295 - From: White House	1	10/29/2002	Transferred

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LAW_M

771530

FG006-01

Barcode Scanning Sheet



Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9469 NARA # 9360 BOX 5
FOLDER 1A BILL FILE RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - OCT 29 02 ENROLLED BILL H.R.
3295 - HELP AMERICA VOTE ACT OF 2002**

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	11/25/2002 10	P5;

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Saunders, G. Timothy (Tim) - Bill Files

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OA Num.:

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9360

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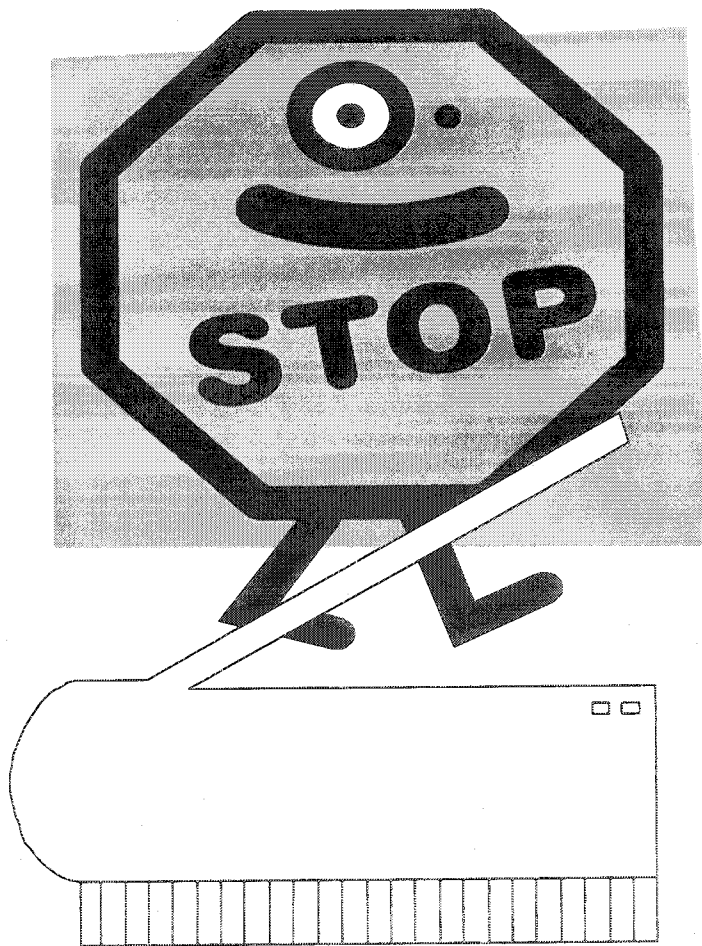
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ORM
Scanning insert sheet



Remainder of case not scanned

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Attachment B

H.R. 3295
Help America Vote Act of 2002
Appropriations Authorizations
(\$ in millions)

	FY 2003	FY 2004	FY 2005	FY 2006	Total
Election Assistance Commission					
Requirements Payments	1,400.0	1,000.0	600.0	---	3,000.0
Voting Technology Research Grants	20.0	---	---	---	20.0
Pilot Program Grants	10.0	---	---	---	10.0
Help America Vote College Program	5.0	---	---	---	5.0
Help America Vote Foundation	5.0	---	---	---	5.0
National Student Parent Mock Election	0.2	---	---	---	0.2
Commission Administration	10.0	10.0	10.0	---	30.0
General Services Administration					
Equipment Replacement*	325.0	---	---	---	325.0
Election Administration*	325.0	---	---	---	325.0
Department of Health and Human Services					
Access for Individuals with Disabilities	50.0	25.0	25.0	---	100.0
Protection and Advocacy Systems	10.0	10.0	10.0	10.0	40.0
Total	2,160.2	1,045.0	645.0	10.0	3,860.2

*Any amounts appropriated for these programs that are unobligated as of September 1, 2003, would have to be transferred to the Election Assistance Commission to be used to make requirements payments to States.

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 3295, the "Help America Vote Act of 2002." This Act comports with the basic principles set forth in the final report of the bipartisan National Commission on Federal Election Reform, which I endorsed in July of 2001. Consequently, the Act appropriately respects the primacy of State and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in Federal elections by providing Federal governmental support for that vital endeavor.

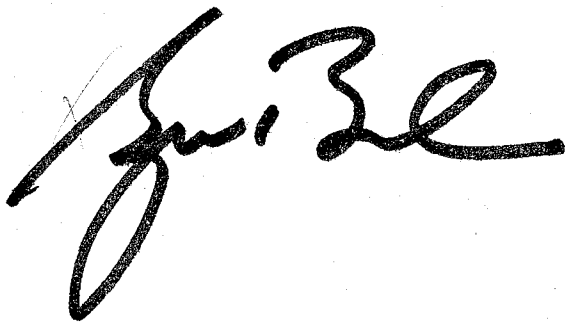
Section 203(a)(2) of the Act mandates that members of the congressional leadership submit to the President recommendations of persons to be appointed to the Election Assistance Commission -- an entity, created by the Act, that will exercise significant governmental functions of an executive nature. The executive branch will not construe this provision as establishing the submission of congressional recommendations as a condition precedent to presidential nomination of persons for appointment to the Commission. Such a construction would impose impermissible constraints on presidential power under the Appointments Clause of the Constitution.

Section 203(a)(4) purports to require the President to make appointments to the Commission no later than 120 days after enactment of the new law. As with the provision regarding recommendations for appointment, this deadline unduly circumscribes the presidential appointment power. Moreover, this deadline is practically impossible to satisfy given the time required for the pre-nomination personnel process and confirmation by the full Senate. For these reasons, the executive branch shall interpret this provision as advisory.

Section 902(c) would authorize the Comptroller General, an officer of the legislative branch, to make determinations that would impose binding payment obligations upon entities

outside that branch. Because this provision attempts to vest executive functions in the Comptroller General, it violates the constitutional principle of separation of powers.

Finally, the executive branch shall implement section 101, concerning the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

A handwritten signature in dark ink, appearing to read "G. W. Bush", is centered on the page. The signature is fluid and cursive, with a large initial "G" and a stylized "W".

THE WHITE HOUSE,

October 29, 2002.

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

Subject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>NC</i>	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT <i>NC</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY <i>N/C</i>	☒	☐
BOLTEN <i>N/C</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO <i>OK</i>	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE <i>NC</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>changes</i>	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN 10:00 AM MONDAY, 10-28-02, WITH COPY TO JIM JUKES, EXT. 53458, FAX 56148. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

STATEMENT BY THE PRESIDENT

Today, I sign into law H.R. 3295, the Help America Vote Act of 2002. This legislation comports with the basic principles set forth in the final report of the bipartisan National Commission on Federal Election Reform, which I endorsed in July of 2001. Consequently, the Act appropriately respects the primacy of State and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in Federal elections by providing Federal governmental support for that vital endeavor.

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Section 902(c) would authorize the Comptroller General, an officer of the Legislative branch, to make determinations that would impose binding payment obligations upon entities outside that branch. Because this provision attempts to vest executive functions in the Comptroller General, it violates the constitutional principle of separation of powers.

Finally, the Executive branch shall implement Section 101, which concerns the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AMSubject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

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BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1010
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 CONNECTION ID
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 RESULT OK

SS/ RM NO. 521799

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Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

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GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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 ST. TIME 10/25 10:13
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CONNECTION ID		
ST. TIME	10/25 10:15	
USAGE T	01'20	
PGS. SENT	3	
RESULT	OK	

SS/ RM NO. 521799

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AMSubject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN 10:00 AM MONDAY,
 10-28-02, WITH COPY TO JIM JUKES. EXT. 53458, FAX 56148. THANK YOU.

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

Subject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	1013	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
ST. TIME	10/25 10:17	
USAGE T	01'10	
PGS. SENT	3	
RESULT	OK	

SS/ RM NO. 521799

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

STATEMENT BY THE PRESIDENT

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Finally, the Executive branch shall implement Section 101, which concerns the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.



OFFICE OF THE VICE PRESIDENT
WASHINGTON

02 OCT 28 AM 11:32

October 28, 2002

MEMORANDUM FOR HARRIET MIERS
STAFF SECRETARY

FROM: JONATHAN BURKS
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Signing Statement for H.R. 3295, Help America Vote
Act of 2002

The Office of the Vice President has reviewed the above-referenced draft and has no comments.

cc: Jim Jukes
Assistant Director, OMB

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

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OK - No Comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

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HAWKINS	☒	☐	_____	☐	☐

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RESPONSE:

Legislation Affairs (Howard) - ab

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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SS/ RM NO. 521799

HELGI

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

Subject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



Helgard C. Walker
10/28/2002 08:46:44 AM

Record Type: Record

To: James J. Jukes/OMB/EOP@EOP
cc: Stuart W. Bowen/WHO/EOP@EOP, Patrick J. Burnatay/WHO/EOP@EOP
Subject: Election reform -- Signing Statement staffing memo

Jim:

Just a few suggested edits to the signing statement:

- (1) Para. 2, line 5, "Congressional" should start with a lower case c -- "congressional";
- (2) Para. 5 (the last paragraph), line 2, say "concerning" instead of "which concerns".

That's it for me. Thanks!

SS/ RM NO. 521799

WHITE HOUSE STAFFING MEMORANDUM

10-28-02 AM 11:38

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

Subject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

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No comment

RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM ~~PH1:27~~Subject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

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SS/ RM NO. 521799

WHITE HOUSE STAFFING MEMORANDUM

02 OCT 28 PM 12:55

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

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RESPONSE:

No comment

Harriet E. Miers
Assistant to the President
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RESPONSE:

OK - but try!
AKC
10/28/02 0640

Harriet E. Miers
 Assistant to the President
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 Ext. 62702

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Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [1]

FRC ID:

6362

OA Num.:

9469

NARA Num.:

9360

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [1]

FRC ID:

6362

OA Num.:

9469

NARA Num.:

9360

RESTRICTION CODES

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Attachment B

H.R. 3295
Help America Vote Act of 2002
Appropriations Authorizations
(\$ in millions)

	FY 2003	FY 2004	FY 2005	FY 2006	Total
Election Assistance Commission					
Requirements Payments	1,400.0	1,000.0	600.0	---	3,000.0
Voting Technology Research Grants	20.0	---	---	---	20.0
Pilot Program Grants	10.0	---	---	---	10.0
Help America Vote College Program	5.0	---	---	---	5.0
Help America Vote Foundation	5.0	---	---	---	5.0
National Student Parent Mock Election	0.2	---	---	---	0.2
Commission Administration	10.0	10.0	10.0	---	30.0
General Services Administration					
Equipment Replacement*	325.0	---	---	---	325.0
Election Administration*	325.0	---	---	---	325.0
Department of Health and Human Services					
Access for Individuals with Disabilities	50.0	25.0	25.0	---	100.0
Protection and Advocacy Systems	10.0	10.0	10.0	10.0	40.0
Total	2,160.2	1,045.0	645.0	10.0	3,860.2

*Any amounts appropriated for these programs that are unobligated as of September 1, 2003, would have to be transferred to the Election Assistance Commission to be used to make requirements payments to States.



Dianne M. Wells

10/25/2002 07:51:20 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: James J. Jukes/OMB/EOP@EOP, Richard E. Green/OMB/EOP@EOP, Oscar Gonzalez/OMB/EOP@EOP

Subject: Attached is the OMB proposed Signing Statement for H.R. 3295 - Help America Vote Act of 2002



hr3295 ss.wpd

Message Sent To:

G. Timothy Saunders/WHO/EOP@EOP
David E. Kalbaugh/WHO/EOP@EOP
William W. McCathran/WHO/EOP@EOP
Sherman A. Williams/WHO/EOP@EOP
Edwin R. Thomas III/WHO/EOP@EOP
Wanda M. Evans/WHO/EOP@EOP
Harriet Miers/WHO/EOP@EOP
Stuart W. Bowen/WHO/EOP@EOP

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 3295, the "Help America Vote Act of 2002." This Act comports with the basic principles set forth in the final report of the bipartisan National Commission on Federal Election Reform, which I endorsed in July of 2001. Consequently, the Act appropriately respects the primacy of State and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in Federal elections by providing Federal governmental support for that vital endeavor.

Section 203(a)(2) of the Act mandates that members of the congressional leadership submit to the President recommendations of persons to be appointed to the Election Assistance Commission -- an entity, created by the Act, that will exercise significant governmental functions of an executive nature. The executive branch will not construe this provision as establishing the submission of congressional recommendations as a condition precedent to presidential nomination of persons for appointment to the Commission. Such a construction would impose impermissible constraints on presidential power under the Appointments Clause of the Constitution.

Section 203(a)(4) purports to require the President to make appointments to the Commission no later than 120 days after enactment of the new law. As with the provision regarding recommendations for appointment, this deadline unduly circumscribes the presidential appointment power. Moreover, this deadline is practically impossible to satisfy given the time required for the pre-nomination personnel process and confirmation by the full Senate. For these reasons, the executive branch shall interpret this provision as advisory.

Section 902(c) would authorize the Comptroller General, an officer of the legislative branch, to make determinations that would impose binding payment obligations upon entities

outside that branch. Because this provision attempts to vest executive functions in the Comptroller General, it violates the constitutional principle of separation of powers.

Finally, the executive branch shall implement section 101, concerning the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

THE WHITE HOUSE,

October 29, 2002.

STATEMENT BY THE PRESIDENT

Today, I sign ^{the} ~~Act~~ into law H.R. 3295, the "Help America Vote Act of 2002." This legislation comports with the basic principles set forth in the final report of the bipartisan National Commission on Federal Election Reform, which I endorsed in July of 2001. Consequently, the Act appropriately respects the primacy of State and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in Federal elections by providing Federal governmental support for that vital endeavor.

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Hooyay!

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WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AM

Subject: ENROLLED BILL H.R. 3295, HELP AMERICA VOTE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, TEL. 53458, FAX 56148, NO LATER THAN 10:00 AM MONDAY, 10-28-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;

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10/29/2002 [H.R. 3295] [771530] [1]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;

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Attachment B

H.R. 3295
Help America Vote Act of 2002
Appropriations Authorizations
(\$ in millions)

	FY 2003	FY 2004	FY 2005	FY 2006	Total
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*Any amounts appropriated for these programs that are unobligated as of September 1, 2003, would have to be transferred to the Election Assistance Commission to be used to make requirements payments to States.

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-02, 9:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-28-02, 10:00 AMSubject: SIGNING STATEMENT FOR H.R. 3295, HELP AMERICA VOTE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY NO LATER THAN 10:00 AM MONDAY,
10-28-02, WITH COPY TO JIM JUKES, EXT. 53458, FAX 56148. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

STATEMENT BY THE PRESIDENT

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Finally, the Executive branch shall implement Section 101, which concerns the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

ENROLLED BILL MEMORANDUM FOR THE PRESIDENT

DATE: 10/25/02

TO: (1)
(2) Executive Associate
(3) ^ Director (for signature)

FROM:

Jim Gahan
Legislative Reference Division

Enrolled Bill/Resolution -

H.R. 3295 - Help America Vote Act of 2002

Policy Officer -

McMillin (approved in draft); Capretta (sent in draft);
Graham (sent in draft); Foran (sent in draft).
(Also coordinated with GG (M. Schwartz), GC (Schneider), HR (Smelligan),
OIRA (Kuehneman), + BR (Balis).)

DUE AT WHITE HOUSE -

ASAP - Staff Secretary has asked us to expedite
this memo in anticipation of Presidential action
on Tuesday, 10/29.

**After memorandum has been signed, please send memorandum and
accompanying material to the White House.**

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Views of the Department of Justice] - To: Mitchell E. Daniels, Jr. - From: Daniel J. Bryant	3	10/23/2002	P5;

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**NATIONAL COUNCIL ON DISABILITY**

An independent federal agency working with the President and Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

October 17, 2002

The President
The White House
Washington, DC 20500

Dear Mr. President:

The National Council on Disability (NCD) is hereby providing its comments regarding enrolled bill HR 3295, the Help America Vote Act of 2002. Our comments are provided in accordance with OMB Circular A-19.

NCD acknowledges that the enrolled bill creates new federal standards, provides states with funds needed to buy new voting machines that work, addresses the issue of poll worker recruitment and training, and creates voter registration databases in states. NCD has also heard from people with disabilities that while the enrolled bill may be the best that they can get to ensure greater voting access at this time, they have also expressed significant concerns that the enrolled bill might not go far enough in ensuring full access. NCD has also heard from people with disabilities that effective and timely implementation of the provisions of the enrolled bill is a prerequisite in achieving the progress promised in this legislation.

At this point in time, NCD recommends HR 3295 for approval. Thank you.

Sincerely,

Lex Frieden, NCD Chairperson



October 18, 2002

Mr. James J. Jukes
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503-0001

Dear Mr. Jukes:

This responds to the request for the views of the Postal Service on the following enrolled bill: H.R. 3295, the Help America Vote Act of 2002.

1. Purpose of Legislation. In general, this bill would establish a program to provide funds to States to replace punch card voting systems, establish the Election Assistance Commission to assist in the administration of Federal elections and otherwise provide assistance with the administration of certain Federal election laws and programs, and establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections.

Of specific interest to the Postal Service is section 246 of the bill, which would direct the Election Assistance Commission, in consultation with the Postal Service, to conduct a study on the feasibility and advisability of the establishment of a program under which the Postal Service would waive or otherwise reduce the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office.

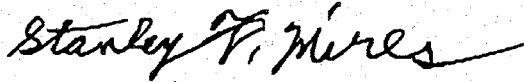
2. Position of the Postal Service. The Postal Service defers to Congress concerning the establishment of reduced rates of postage, but believes that any legislation providing such rates should provide for sufficient funding to ensure that neither any losses to the United States Postal Service nor any increase in the rates of postage for any of the other classes of mail or kinds of mailers will result.

3. Timing. No recommendation.

4. Cost or Savings. No information.

5. Recommendation Concerning Presidential Action. The Postal Service does not object to approval of this bill by the President.

Sincerely,

A handwritten signature in cursive script, reading "Stanley F. Mires". The signature is written in dark ink and is positioned above the printed name and title.

Stanley F. Mires
Chief Counsel, Legislative

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [1]

FRC ID:

6362

OA Num.:

9469

NARA Num.:

9360

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Attachment B

H.R. 3295
Help America Vote Act of 2002
Appropriations Authorizations
(\$ in millions)

	FY 2003	FY 2004	FY 2005	FY 2006	Total
Election Assistance Commission					
Requirements Payments	1,400.0	1,000.0	600.0	---	3,000.0
Voting Technology Research Grants	20.0	---	---	---	20.0
Pilot Program Grants	10.0	---	---	---	10.0
Help America Vote College Program	5.0	---	---	---	5.0
Help America Vote Foundation	5.0	---	---	---	5.0
National Student Parent Mock Election	0.2	---	---	---	0.2
Commission Administration	10.0	10.0	10.0	---	30.0
General Services Administration					
Equipment Replacement*	325.0	---	---	---	325.0
Election Administration*	325.0	---	---	---	325.0
Department of Health and Human Services					
Access for Individuals with Disabilities	50.0	25.0	25.0	---	100.0
Protection and Advocacy Systems	10.0	10.0	10.0	10.0	40.0
Total	2,160.2	1,045.0	645.0	10.0	3,860.2

*Any amounts appropriated for these programs that are unobligated as of September 1, 2003, would have to be transferred to the Election Assistance Commission to be used to make requirements payments to States.

STATEMENT BY THE PRESIDENT

Today, I sign into law H.R. 3295, the Help America Vote Act of 2002. This legislation comports with the basic principles set forth in the final report of the bipartisan National Commission on Federal Election Reform, which I endorsed in July of 2001. Consequently, the Act appropriately respects the primacy of State and local governments in the administration of elections, while helping to ensure the integrity and efficiency of voting processes in Federal elections by providing Federal governmental support for that vital endeavor.

Section 203(a)(2) of the Act mandates that members of the congressional leadership submit to the President recommendations of persons to be appointed to the Election Assistance Commission – an entity, created by the Act, that will exercise significant governmental functions of an executive nature. The Executive branch will not construe this provision as establishing the submission of Congressional recommendations as a condition precedent to presidential nomination of persons for appointment to the Commission. Such a construction would impose impermissible constraints on presidential power under the Appointments Clause of the Constitution.

Section 203(a)(4) purports to require the President to make appointments to the Commission no later than 120 days after enactment of the new law. As with the provision regarding recommendations for appointment, this deadline unduly circumscribes the presidential appointment power. Moreover, this deadline is practically impossible to satisfy given the time required for the pre-nomination personnel process and confirmation by the full Senate. For these reasons, the Executive branch shall interpret this provision as advisory.

Section 902(c) would authorize the Comptroller General, an officer of the Legislative branch, to make determinations that would impose binding payment obligations upon entities outside that branch. Because this provision attempts to vest executive functions in the Comptroller General, it violates the constitutional principle of separation of powers.

Finally, the Executive branch shall implement Section 101, which concerns the provision of voting assistance, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.