

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] [2]

Withdrawn/Redacted Material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;
003	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
004	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
005	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
006	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
007	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [2]

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]
- 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 advice 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]
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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
008	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;
009	Email	Election reform - Enrolled Bill staffing memo - To: James J. Jukes et al. - From: Helgard C. Walker	1	10/28/2002	P5;
010	Memorandum	Help America Vote Act of 2002 - To: POTUS - From: Austin Smythe	9	10/25/2002	P5;
011	Memorandum	Other Provisions of H.R. 3295 [Attachment A]	6	N.D.	P5;

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Memo to the Record

Date: 01/11/2017

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Hollinger ID: 85229

Folder Title: 10/29/2002 [H.R. 3295] [771530] [2]

RE: [107th Congress 2d Session HOUSE OF REPRESENTATIVES report, 107-730]

A copy of the report entitled "HELP AMERICA VOTE ACT OF 2002" is included at this location in this folder. It was not scanned.

It can be viewed at <https://www.congress.gov/107/crpt/hrpt730/CRPT-107hrpt730.pdf>. If this link is broken, please contact the George W. Bush Presidential Library archives for additional information regarding this item.

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RE: [107th Congress 1st Session HOUSE OF REPRESENTATIVES report, 107-329]

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STATEMENT BY THE PRESIDENT

Today I ^{have} signed into law H.R. 3295, the "Help America Vote Act of 2002." This ^{Act} 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 ~~E~~xecutive branch will not construe this provision as establishing the submission of ~~C~~ongressional 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 ~~E~~xecutive branch shall interpret this provision as advisory.

Hooraay!

Chuk
edits
AK

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 ^{ing} 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.

Bills Received at the White House

Date received and
notification to OMB: 10/23/2002

Last day for action: 11/4/2002

Official Title	
H.R.3295	An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes. 521799

WHITE HOUSE STAFFING MEMORANDUM

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

	ACTION	FYI		ACTION	FYI
<i>no obj</i> VICE PRESIDENT <i>[initials]</i>	☒	☐	HUBBARD	☐	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT <i>NC</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY <i>N/C</i>	☒	☐
BOLTEN <i>MC</i>	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☒
CALIO <i>OK</i>	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE <i>NC</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>comments (i objection)</i>	☒	☐	_____	☐	☐
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

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1014
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 10/25 10:18
 USAGE T 09'12
 PGS. SENT 17
 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

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

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VICE PRESIDENT →	☒	☐	HUBBARD	☐	☐
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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:

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

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1015
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 10/25 10:28
 USAGE T 09'10
 PGS. SENT 17
 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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TRANSMISSION OK

TX/RX NO 1016
 CONNECTION TEL 912544860295
 CONNECTION ID
 ST. TIME 10/25 10:38
 USAGE T 12'43
 PGS. SENT 17
 RESULT OK

SS/ RM NO. 521799

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TX/RX NO	1017	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
ST. TIME	10/25 10:55	
USAGE T	09'11	
PGS. SENT	17	
RESULT	OK	

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OA Num.:

9469

NARA Num.:

9360

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Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [2]

FRC ID:

6362

OA Num.:

9469

NARA Num.:

9360

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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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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.

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

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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:

Handwritten: 10/28 0630

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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Executive Clerk, Office Of the

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FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [2]

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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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(\$ in millions)

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SS/ RM NO. 521799

WHITE HOUSE STAFFING MEMORANDUM

102 OCT 28 AM 11:36

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

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BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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DANIELS	☐	☒	ROVE	☒	☐
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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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No comment

RESPONSE:

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



OFFICE OF THE VICE PRESIDENT
WASHINGTON

02 OCT 28 AM 11:52

October 28, 2002

MEMORANDUM FOR JIM JUKES
ASSISTANT DIRECTOR, OMB

FROM: JONATHAN BURKS
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3295, Help America Vote Act of 2002

The Office of the Vice President has reviewed the above-referenced draft and has no objection to the President signing the enrolled bill.

cc: Harriet Miers
Staff Secretary

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Legislative Affairs (Howard) - dh

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	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.

SS/ RM NO. 521799

HELG

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Email	Election reform - Enrolled Bill staffing memo - To: James J. Jukes et al. - From: Helgard C. Walker	1	10/28/2002	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] [2]

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]
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- 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

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- 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.

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- 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]

SS/ RM NO. 521799

10-28-02 PM 12:55

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	☐	☐
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CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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No comment

RESPONSE:

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

WHITE HOUSE STAFFING MEMORANDUM

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

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DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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no com

RESPONSE:

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

Withdrawal Marker

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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.
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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] [2]

FRC ID:

6362

OA Num.:

9469

NARA Num.:

9360

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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;

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/29/2002 [H.R. 3295] [771530] [2]

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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.

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Help America Vote Act of 2002".

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

Sec. 1. Short title; table of contents.

TITLE I—PAYMENTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS AND REPLACEMENT OF PUNCH CARD AND LEVER VOTING MACHINES

- Sec. 101. Payments to States for activities to improve administration of elections.
- Sec. 102. Replacement of punch card or lever voting machines.
- Sec. 103. Guaranteed minimum payment amount.
- Sec. 104. Authorization of appropriations.
- Sec. 105. Administration of programs.
- Sec. 106. Effective date.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

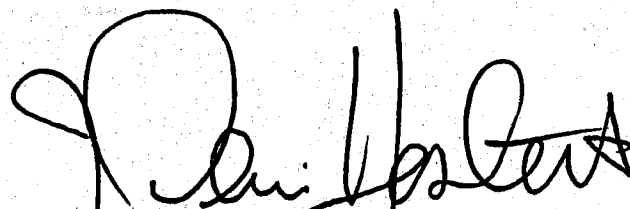
- Sec. 201. Establishment.
- Sec. 202. Duties.
- Sec. 203. Membership and appointment.
- Sec. 204. Staff.
- Sec. 205. Powers.
- Sec. 206. Dissemination of information.
- Sec. 207. Annual report.
- Sec. 208. Requiring majority approval for actions.
- Sec. 209. Limitation on rulemaking authority.
- Sec. 210. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

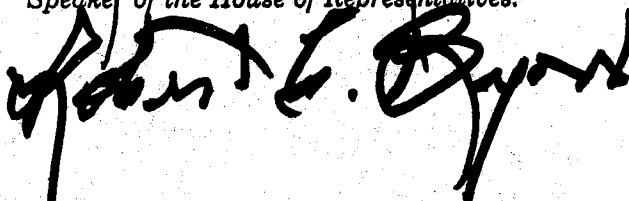
- Sec. 211. Establishment.
- Sec. 212. Duties.
- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of Boards; no compensation for service.
- Sec. 216. Status of Boards and members for purposes of claims against Board.

H. R. 3295—65

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Administrator or the Commission of a payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.



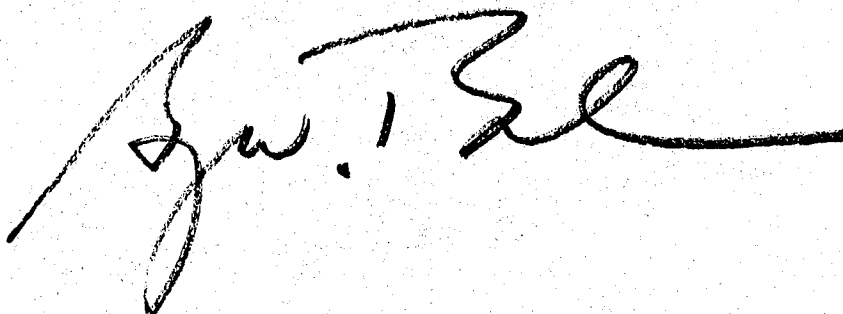
Speaker of the House of Representatives.



~~Vice President of the United States and~~
President of the Senate *pro tempore*.

APPROVED

OCT 29 2002



● Rachael L. Sunbarger

10/29/2002 11:48:03 AM

Record Type: Record

To:

cc:

Subject: REMARKS BY THE PRESIDENT AT SIGNING OF H.R. 3295, HELP AMERICAN VOTE ACT OF 2002

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
29, 2002

October

REMARKS BY THE PRESIDENT
AT SIGNING OF H.R. 3295,
HELP AMERICA VOTE ACT OF 2002

Room 450
Dwight D. Eisenhower Executive Office Building

11:10 A.M. EST

THE PRESIDENT: Thanks for coming. Good morning. Before we begin today, I would like to pause and remember a devoted public servant who was taken from us last Friday, along with his wife and his daughter and several other members -- several other Americans. Paul Wellstone was a deeply principled and a good-hearted man. He will be missed by all who knew him and by all who had the privilege of serving with him. So before we begin, would you join me in a moment of silence in honor of his memory.

(A moment of silence was observed.)

THE PRESIDENT: Today, I'm proud to sign into law an important reform for our nation. Americans are a self-governing people, and the central commitment of self-government is free and fair elections. The Help America Vote Act of 2002 is a bipartisan measure to help states and localities update their systems of voting and ensure the integrity of elections in America.

The commission that helped inspire this legislation was led by two exceptional Americans, with broad experience in public service: our 38th and 39th President -- Presidents. (Laughter.) Although Gerald Ford and Jimmy Carter could not be here today, our nation is grateful for their work on election reform and for all they have given to America. We're pleased, however to be joined by the co-chairman of the commission, former Congressman Bob Michel of Illinois, former Presidential Counselor Lloyd Cutler. Thank you both for coming. Thank you for your good work. (Applause.)

I also appreciate -- I also want to thank the members of Congress who are here with us today. I particularly want to thank Senator Christopher Dodd and Congressman Bob Ney for their hard work on this legislation. (Applause.) I appreciate Senators Mitch McConnell and Kit Bond for joining us. I appreciate Jim Langevin, from Rhode Island, for coming. And I'm honored that Connie Morella, from Maryland, is with us, as well. And Steny Hoyer, from Maryland, has joined us, as well. These members worked hard, along with the chairman, John Conyers, of the state of Michigan. (Applause.)

The members didn't let -- didn't get discouraged. They worked through the issues, and they produced a really good piece of legislation. I'm proud to be able to sign this bill.

I also want to thank the four secretaries of state from around the country who have joined us. I appreciate you taking time to witness this important -- the signing of this important piece of legislation.

The vitality of America's democracy depends on the fairness and accuracy of America's elections. Over two centuries our country has broadened the right to vote and

● Rachael L. Sunbarger

10/29/2002 03:56:18 PM

Record Type: Record

To:

cc:

Subject: STATEMENT BY THE PRESIDENT

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 29, 2002

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.

GEORGE W. BUSH

THE WHITE HOUSE,
October 29, 2002.

#

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

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Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

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H. R. 3295—65

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Speaker of the House of Representatives.

~~Vice President of the United States and~~
President of the Senate *pro tempore*

APPROVED

OCT 29 2002

Wm. L. Kel

● Rachael L. Sunbarger

10/29/2002 11:48:03 AM

Record Type: Record

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Subject: REMARKS BY THE PRESIDENT AT SIGNING OF H.R. 3295, HELP AMERICAN VOTE ACT OF 2002

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
29, 2002

October

REMARKS BY THE PRESIDENT
AT SIGNING OF H.R. 3295,
HELP AMERICA VOTE ACT OF 2002

Room 450

Dwight D. Eisenhower Executive Office Building

11:10 A.M. EST

THE PRESIDENT: Thanks for coming. Good morning. Before we begin today, I would like to pause and remember a devoted public servant who was taken from us last Friday, along with his wife and his daughter and several other members -- several other Americans. Paul Wellstone was a deeply principled and a good-hearted man. He will be missed by all who knew him and by all who had the privilege of serving with him. So before we begin, would you join me in a moment of silence in honor of his memory.

(A moment of silence was observed.)

THE PRESIDENT: Today, I'm proud to sign into law an important reform for our nation. Americans are a self-governing people, and the central commitment of self-government is free and fair elections. The Help America Vote Act of 2002 is a bipartisan measure to help

states and localities update their systems of voting and ensure the integrity of elections in America.

The commission that helped inspire this legislation was led by two exceptional Americans, with broad experience in public service: our 38th and 39th President -- Presidents. (Laughter.) Although Gerald Ford and Jimmy Carter could not be here today, our nation is grateful for their work on election reform and for all they have given to America. We're pleased, however to be joined by the co-chairman of the commission, former Congressman Bob Michel of Illinois, former Presidential Counselor Lloyd Cutler. Thank you both for coming. Thank you for your good work. (Applause.)

I also appreciate -- I also want to thank the members of Congress who are here with us today. I particularly want to thank Senator Christopher Dodd and Congressman Bob Ney for their hard work on this legislation. (Applause.) I appreciate Senators Mitch McConnell and Kit Bond for joining us. I appreciate Jim Langevin, from Rhode Island, for coming. And I'm honored that Connie Morella, from Maryland, is with us, as well. And Steny Hoyer, from Maryland, has joined us, as well. These members worked hard, along with the chairman, John Conyers, of the state of Michigan. (Applause.)

The members didn't let -- didn't get discouraged. They worked through the issues, and they produced a really good piece of legislation. I'm proud to be able to sign this bill.

I also want to thank the four secretaries of state from around the country who have joined us. I appreciate you taking time to witness this important -- the signing of this important piece of legislation.

The vitality of America's democracy depends on the fairness and accuracy of America's elections. Over two centuries our country has broadened the right to vote and sealed that right in law, making our government more accountable to the people, and more representative of the people.

When problems arise in the administration of elections we have a responsibility to fix them. Every registered voter deserves to have confidence that the system is fair and elections are honest, that every vote is recorded, and that the rules are consistently applied.

The legislation I sign today will add to the nation's confidence. Each state will be required to maintain a clean and current and accurate state -- statewide list of registered voters, making it easier to

7

register and easier to detect fraud. Under this law people registering to vote are required to prove that they are who they say they are, with appropriate identification. First-time voters who register by mail will be asked to provide identification when they cast their ballots. This law also creates new criminal penalties for providing false information, and punishes anyone guilty of conspiracy to deprive voters of a fair election.

Each polling place must have at least one voting machine accessible to persons with disabilities. When people show up at the polls, and their voting registration is in doubt, they should not be turned away, but allowed to cast a provisional ballot so their vote can be counted if it is later verified that they are properly registered.

And every state must have a fair procedure for hearing and resolving voter complaints. Under these reforms, training and education will be provided to poll workers and voters, reducing the possibility of confusion and error at the polls.

Along with the resources come high standards for the integrity of elections. States must ensure that voting systems have minimal rates of error and allow voters a reasonable opportunity to review their ballots and correct any mistakes before a vote is cast.

The administration of elections is primarily a state and local responsibility. The fairness of all elections, however, is a national priority. And through these reforms, the federal government will help state and local officials to conduct elections that have the confidence of all Americans. We're counting on these officials to meet their responsibilities, to protect the sanctity of the vote and to encourage Americans to exercise the right to vote.

All of us in America have a duty to vote. I urge all Americans to show up for this election cycle on November 5th, to do their duty as Americans, to recognize in a free society we have a responsibility to participate in the process. Citizens of every political viewpoint can be proud of this important law. This legislation reflects the judgments of a distinguished bipartisan commission. These measures were carefully considered, and overwhelmingly adopted by the House and the Senate. Congress has made a vital contribution to the democratic process.

Now it's my honor to sign into law the Help America Vote Act of 2002. (Applause.)

(The bill was signed.) (Applause.)

END

11:20 A.M. EST

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

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

LDA 11/4/2002

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER: _____

RECEIVED: (Advance: 10/25/02 Time: 1:51 a.m./p.m.)
In final: / /02 Time: 4:45 a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 10/28/02 Time: 9:45 a.m./p.m.)
In final: / /02 Time: / / a.m./p.m.

TO HARRIET MIERS' OFFICE:

(For staffing: / /02 Time: / / a.m./p.m.)
In final: 10/29/02 Time: 8:25 a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: 10/29/02 Time: 3:42 a.m./p.m.
POSTED: / /02 Time: / / a.m./p.m.

NOTIFICATIONS:

(Person/time) NSC (#____), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time) Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time) (Other)

(Person/time) (Other)

OTHER INFORMATION:

Note: per Staff Sec. Ceremony scheduled for
10/29 at 11:10am