119TH CONGRESS
2D SESSION

S. _____

To convert the program of public financing of presidential election campaigns to a program for providing grants to States for enhancing the security of election systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WARNER (for himself, Ms. COLLINS, Mr. PADILLA, and Mr. MCCONNELL) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To convert the program of public financing of presidential election campaigns to a program for providing grants to States for enhancing the security of election systems, 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.

This Act may be cited as the ''Election Infrastructure Security Act''.

SEC. 2. ELECTION SECURITY GRANTS.

(a) ESTABLISHMENT OF PERMANENT GRANT PROGRAM.—

(1) IN GENERAL.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by adding at the end the following new title:

"TITLE X—ELECTION SECURITY GRANTS

"SEC. 1001. ELECTION SECURITY GRANT PROGRAM.

''(a) IN GENERAL.—The Commission shall establish a program under which the Commission shall make a payment for each fiscal year to each State which meets the requirements described in section 1003 for such fiscal year.

''(b) SOURCE OF PAYMENTS.—A payment under subsection (a) shall be made from amounts available in the Election Security Fund established in section 2(b) of the Election Infrastructure Security Act.

''(c) USE OF PAYMENTS.—

''(1) IN GENERAL.—A State or unit of local government shall use the funds provided under a payment made under this section for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements.

''(2) LIMITATION.—A State or unit of local government may not use the funds provided under a payment made under this section—

"(A) to pay costs associated with any litigation; or

"(B) for the payment of any judgment.

"(d) AMOUNT OF PAYMENT.—

"(1) IN GENERAL.—The amount of payment made to a State under this section for any fiscal year shall be the amount determined using the formula under section 101(d), applied—

"(A) by substituting 'the annual payment amount determined under section 1001(d)(2)' for 'the aggregate amount made available under this section' each place it appears, and

"(B) by substituting 'such annual payment amount' for 'such aggregate amount' in paragraph (2)(B) thereof.

"(2) ANNUAL PAYMENT AMOUNT.—For purposes of this subsection, the annual payment amount for any fiscal year is equal to the balance of the Election Security Fund, determined as of the first day of such fiscal year.

"(e) TIMING OF PAYMENT.—A payment under this section for any fiscal year shall be made not later than 90 days after the first day of such fiscal year.

"(f) AUDITS.—

''(1) IN GENERAL.—The Commission shall conduct audits, as provided in section 902, of States receiving payments under this section not less often than—

''(A) in the case of any fiscal year ending before the date that is 10 years after the date of the enactment of this title, every four years, and

''(B) in the case of any fiscal year after the last fiscal year described in paragraph (1), annually.

''(2) EXCEPTION.—The commission may conduct audits less frequently than required under paragraph (1)(B) if the Commission submits to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, and makes publicly available, a report containing an explanation for such less frequent audits and a plan describing the frequency of the audits.

''(3) REPORT.—Not later than one year after the date of the enactment of this section, the Commission shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representa-

tives, and make publicly available, a plan on how the Commission will meet the requirements of paragraph (1)(B).

"SEC. 1002. CONDITIONS FOR RECEIPT OF FUNDS.

"(a) IN GENERAL.—A State is eligible to receive a payment under this title for a fiscal year if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). 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 requirements referred to in section 1002(b) of the Help America Vote Act of 2002.' (with the blank to be filled in with the name of the State involved).

"(b) REQUIREMENTS.—The requirements referred to in this subsection are as follows:

"(1) STATE PLAN REQUIREMENT.—The State has filed with the Commission a State plan covering the fiscal year which the State certifies—

"(A) contains each of the elements described in section 1003(a) with respect to the fiscal year;

"(B) is developed in accordance with section 255; and

"(C) meets the public notice and comment requirements of section 256.

"(2) DISTRIBUTION TO LOCAL ELECTION ADMINISTRATORS.—Except as provided by the Commission, in the case of States that primarily administer elections at the State level, a certification that the State shall provide not less than 67 percent of any payment received for a fiscal year under section 1001 to units of local government for purposes of carrying out the activities described in section 1001(c)(1).

"(3) CERTIFICATION OF COMPLIANCE WITH ADMINISTRATIVE COMPLAINT PROCEDURE REQUIREMENTS.—The State has filed with the Commission a plan for the implementation of the uniform, nondiscriminatory administrative complaint procedures required under section 402 (or has included such a plan in the State plan filed under paragraph (1)), and has such procedures in place for purposes of meeting the requirements of such section. If the State does not include such an implementation plan in the State plan filed under paragraph (1), the requirements of sections 255(b) and 256 shall apply to

the implementation plan in the same manner as such requirements apply to the State plan.

"(4) CERTIFICATION OF COMPLIANCE WITH OTHER APPLICABLE LAWS.—The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

"(5) OTHER CERTIFICATION REQUIREMENTS.—The State shall provide the Commission with certifications that—

"(A) the State will use the funds provided under the payment in a manner that is consistent with each of the laws described in section 906, as such laws relate to the provisions of this Act; and

"(B) the proposed uses of the funds are not inconsistent with the requirements of section 1001(c).

"(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

"(d) TIMING FOR FILING OF CERTIFICATION.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period (or, in the case of a fiscal year other than the first fiscal year

for which a payment is made to the State under this title, the 30-day period) which begins on the date notice of the State plan under this subtitle is published in the Federal Register pursuant to section 255(b).

''(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this subtitle, the 'chief State election official' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State's responsibilities under such Act.

''SEC. 1003. STATE PLAN.

''(a) IN GENERAL.—The State plan shall contain a description of each of the following:

''(1) How the State will use the payment to meet the requirements of section 1001(c).

''(2) How the State will meet the requirements of section 1002(b)(2), including a description of—

''(A) the criteria to be used to determine the eligibility of units of local government for receiving the payment; and

''(B) the methods to be used by the State to monitor the performance of the units of local government to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

''(3) Any programs for voter education, election official education and training, and poll worker training provided by the State using the funding provided under this title.

''(4) Any election security recommendations of the Commission adopted by the State.

''(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

''(6) The State's proposed budget for activities under this title, based on the State's best estimates of the costs of such activities.

''(7) How the State, in using the payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to the date of the enactment of this title.

''(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the

State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

''(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

''(10) If the State received any payment under an applicable prior election security grant (as defined in subsection (c)), a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

''(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless notice of the change—

''(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

''(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

''(C) takes effect only after the expiration of the 30-day period which begins on the date

notice of the change is published in the Federal Register in accordance with subparagraph (A).

''(12) In the case of a State with a State plan in effect under this title during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

''(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

''(b) FUND DESCRIBED.—

''(1) IN GENERAL.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

''(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this title.

"(B) The payment made to the State under this title.

"(C) Such other amounts as may be appropriated under law.

"(D) Interest earned on deposits of the fund.

"(2) USE OF FUND.—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the payment is made to the State under this title.

"(3) TREATMENT OF STATES THAT REQUIRE CHANGES TO STATE LAW.—In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the payment under this title to such State until such time as legislation establishing the fund is enacted.

"(c) APPLICABLE PRIOR ELECTION SECURITY GRANT DEFINED.—For purposes of subsection (a)(10), the term 'applicable prior election security grant' means any payment received pursuant to—

"(1) amounts appropriated under the heading 'Election reform program' under the heading 'Election Assistance Commission' in title V of Division E

of the Consolidated Appropriations Act, 2018 (Public Law 115–141);

''(2) amounts appropriated under the heading 'Election security grants' under the heading 'Election Assistance Commission' in title V of Division B of the CARES Act (Public Law 116–136);

''(3) amounts appropriated under the heading 'Election security grants' under the heading 'Election Assistance Commission' in title V of Division E of the Consolidated Appropriations Act, 2022 (Public Law 117–103);

''(4) amounts appropriated under the heading 'Election security grants' under the heading 'Election Assistance Commission' in title V of Division E of the Consolidated Appropriations Act, 2023 (Public Law 117–328);

''(5) amounts appropriated under the heading 'Election security grants' under the heading 'Election Assistance Commission' in title V of Division B of the Consolidated Appropriations Act, 2024 (Public Law 118–47);

''(6) amounts appropriated under section 1101(a)(5) of the Full-Year Continuing Appropriations and Extensions Act, 2025 (Public Law 110–4)

for the same purposes as the amounts described in paragraph (5); or

''(7) amounts appropriated under the heading 'Election security grants' under the heading 'Election Assistance Commission' in title V of Division B of the Consolidated Appropriations Act, 2026 (Public Law 119–75).

''(d) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—Rules similar to the rules of section 254(c) shall apply to the information contained in the State plan filed under this title.

''SEC. 1004. REPORTS.

''Not later than 6 months after the end of each fiscal year for which a State received a payment under this title, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

''(1) a list of expenditures made using such payment (including the number and types of any equipment obtained); and

''(2) an analysis and description of the activities funded under this title and an analysis and description of how such activities conform to the State plan under section 1003.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Help America Vote Act of 2002 is amended by adding at the end the following:

"TITLE X—ELECTION SECURITY GRANTS

"Sec. 1001. Election security grant program.
"Sec. 1002. Conditions for receipt of funds.
"Sec. 1003. State plan.
"Sec. 1004. Reports.".

(b) FUNDING.—

(1) ESTABLISHMENT OF ELECTION SECURITY FUND.—

(A) IN GENERAL.—There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Election Security Fund".

(B) TRANSFERS TO THE FUND.—The Secretary of the Treasury shall transfer from the Presidential Election Campaign Fund established under section 9006 of the Internal Revenue Code of 1986 to the Election Security fund amounts equal to the excess of—

(i) the sum of the amounts designated by individuals under section 6096 of the Internal Revenue Code of 1986 after the date of the enactment of this Act; over

(ii) the sum of—

(I) amounts required to be transferred under section 9008(i)(2) of such Code to the 10-Year Pediatric Research Initiative Fund, plus

(II) amounts required to be paid under section 9006 and 9037 of such Code before the date that is 240 days after the date of the enactment of this Act.

Transfers made under this subparagraph shall be made not less frequently than quarterly.

(C) EXPENDITURES.—Amounts in the Election Security Fund shall be available, without appropriation, for the purposes described in section 1001 of the Help America Vote Act of 2002.

(2) INCREASE IN AMOUNTS DESIGNATED.—

(A) IN GENERAL.—Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(i) in the first sentence, by striking ''$3'' each place it appears and inserting ''$5''; and

(ii) in the second sentence—

(I) by striking ''$6'' and inserting ''$10''; and

(II) by striking ''$3'' and inserting ''$5''.

(B) INFLATION ADJUSTMENTS.—Section 6096 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—In the case of a taxable year beginning in a calendar year after 2026, each of the dollar amounts in subsection (a) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2025' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(2) ROUNDING.—If any amount after adjustment under the preceding sentence is not a multiple of $1, such amount shall be rounded to the next lower multiple of $1.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to tax returns required to be filed for taxable years beginning after the date that is 240 days after the date of the enactment of this Act.

(3) TERMINATION OF PAYMENTS FOR TAXPAYER FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS.—

(A) TERMINATION OF PRESIDENTIAL ELECTION CAMPAIGN FUND.—Chapter 95 of subtitle H of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9013. TERMINATION.

''The provisions of this chapter shall not apply with respect to any Presidential election after the date that is 240 days after the date of the enactment of this section, or to any candidate in such an election.''.

(B) TERMINATION OF PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT.—Chapter 96 of subtitle H of such Code is amended by adding at the end the following new section:

"SEC. 9043. TERMINATION.

''The provisions of this chapter shall not apply to any candidate with respect to any Presidential election after

the date that is 240 days after the date of the enactment of this section.''.

(C) MAINTENANCE OF RECORDS.—The Federal Election Commission shall continue to maintain and make publicly available all records relating to activities under chapters 95 and 96 of the Internal Revenue Code of 1986.

(D) SUBMISSION OF WRITTEN WIND-DOWN PLAN.—Not later than 30 days after the later of the date of the enactment of this Act or the date of the most recent general election for the office of President occurring before such date of enactment, the Federal Election Commission shall submit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and make publicly available through publication in the Federal Register, a written plan for winding down its activities under chapters 95 and 96 of the Internal Revenue Code of 1986 in accordance with the amendments made by this Act.

(E) CLERICAL AMENDMENTS.—

(i) The table of sections for chapter 95 of subtitle H of such Code is amended

by adding at the end the following new item:

''Sec. 9013. Termination.''.

(ii) The table of sections for chapter 96 of subtitle H of such Code is amended by adding at the end the following new item:

''Sec. 9043. Termination.''.

SEC. 3. TREATMENT OF NORTHERN MARIANA ISLANDS UNDER HELP AMERICA VOTE ACT OF 2002.

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''.