



# AMERICAN CONFIDENCE IN ELECTIONS ACT

*Educate. Engage. Reform.*

## American Confidence in Elections (ACE) Act Section-by-Section

**Summary:** The American Confidence in Elections Act (ACE Act), the key Republican election integrity bill as we move into the Majority, focuses on strong election integrity reforms that meet the moment while respecting the Constitution, federalism, and conservative principles. Further, the ACE Act continues to address disappointing challenges faced by military and overseas voters and makes the biggest legislative effort in a generation to protect political speech in a climate where Democrats are doing everything in their power to silence conservative voices.

### General Findings

- States have the primary role in establishing election law and administering elections.
- All eligible voters must be able to vote, and all lawful votes must be counted.
- Political speech is protected speech and all voices—including conservative voices—must be protected.

### Title I—Election Administration Integrity

#### *Subtitle A—Findings Related to Election Administration*

- Sec. 101: Findings Relating to Election Administration
  - General findings that explain Congress’ proper role under federalism and the Constitution.
  - Includes the Committee’s Elections Clause Report

#### *Subtitle B—Voluntary Considerations for State Administration of Federal Elections*

- Sec. 111: Short title.
  - This subtitle may be cited as the “Voluntarily Offered Tools for Election Reforms by States Act” or the “VOTERS Act.”
- Sec. 112: Election integrity voluntary considerations.
  - Establishes with the existing, bipartisan EAC Standards Board a federal forum for states to share best practices and discuss successes and failures so that all may benefit from innovation and lessons learned across the country. The forum will create no binding recommendations but will release records of its conversations in the form of voluntary considerations no later than December 31, 2023:
    - The administration of ballots delivered by mail;
    - Signature verification procedures;
    - Voter list maintenance;
    - Access for election observers;

- Timely and accurately reporting of the results of ballot counting and reporting unofficial results;
  - Recruiting poll workers and designating the location of polling places during a pandemic, natural disaster, or other emergency.
  - Public education with respect to the certification and testing of voter machines prior to Federal elections;
  - The conduct of post-election audits; and
  - Processes and procedures on secure chain of custody for ballots and election equipment.
- Nothing in this section may be construed to require compliance with the voluntary considerations as a condition of the receipt of Federal funds.
- Permits a State to use unused Help America Vote Act (HAVA) grant funds (requirements payments) to implement any voluntary considerations, including election audits.

***Subtitle C—Requirement to Promote Integrity in Election Administration***

- Sec. 121: Ensuring only eligible American citizens may participate in Federal elections.
  - Offers findings to support the need for effective voter list maintenance.
  - Offers the sense of Congress that many States are not currently complying with the important list maintenance requirements of the National Voter Registration Act (NVRA).
  - Clarifies that States have the authority to remove non-citizens from their federal voter registration lists under their regular voter list maintenance programs
  - Prohibits states from maintaining a single voter registration roll for state and Federal elections if the state permits non-citizens to vote in state and local elections. Prohibits states from using federal dollars to build or maintain a state-specific roll containing non-citizens.
  - Requires states that allow non-citizen voting to have separate ballots for local races if the election occurs during a federal election and prohibits federal dollars to create ballots for non-citizens.
  - Penalizes States that allow non-citizens to vote in state or local elections by reducing their share by 30% of any new HAVA dollars appropriated by Congress.
  - Requires federal agencies to share upon request relevant information with state agencies for list maintenance and voter registration purposes.
  - Requires federal courts to notify the chief state election official and attorney general of non-citizens excused from jury duty
  - Expressly restates that it is a felony for non-citizens to vote in federal elections.
- Sec. 122: State reporting requirements with respect to voter list maintenance.
  - Requires states to include with their existing biannual reports to the EAC the total number of inactive registrants and the number of registrants removed from the list of official voters, information already required to be collected and made available publicly under federal law. (Palmer).
- Sec. 123: Contents of State mail voter registration form.
  - Allows a state’s proof of citizenship requirement to be included in the state instructions on the national mail voter registration form maintained by EAC.
    - State Instruction Inclusion Act (Palmer).
- Sec. 124: Provision of photographic citizen voter identification tools for State use.
  - Reforms existing REAL ID Act to require “CITIZEN” to be printed on all qualifying individuals’ REAL ID identification documents issued or renewed after January 1, 2026.
  - Recognizes REAL ID identification documents as appropriate for photographic voter

identification, as recommended by the bipartisan Carter-Baker Commission.

- Sec. 125: Mandatory provision of identification for certain voters not voting in person.
  - Modernizes the existing HAVA first-time mail voter ID requirement to include all first-time voter registrations made using any method other than in-person at an election's office or state voter registration agency. Also requires certain voters who request a mail ballot or vote by mail to provide HAVA ID.
- Sec. 126: Confirming access for Congressional election observers.
  - Confirmation of Congressional Observer Access Act of 2022 (COCOA Act [Steil]).
  - Creates a citation of convenience for state and local elections officials who may have questions about the constitutional authority for the already-existing congressional observer program.
  - Confirming access for official Congressional election observers including, but without limitation, to all areas of polling places and other facilities where ballots in the election are processed, tabulated, and canvassed, in accordance with Congress' Constitutional role to serve as the "Judge of the Elections, Returns and Qualifications of its own Members[.]"
  - Does not expand the program beyond its current form.
- Sec. 127: Use of requirements payments for post-election audits.
  - Expressly allows States to use HAVA grant funds for the purpose of conducting and publishing post-election audits.
- Sec. 128: Certain tax benefits and simplification with respect to election workers.
  - Amends the IRS code by allowing compensation of election workers to be excluded from gross income.
  - Removes the federal requirement that elections officials issue 1099 or W-2 forms to election workers, eliminating a major administrative burden.
  - Encourages individuals to serve as poll workers through earned student loan repayments. This provision permanently extends the CARES Act provision (the Employer Participation in Repayment Act of 2022 [Davis]) for election workers.
- Sec. 129: Voluntary guidelines with respect to nonvoting election technology.
  - Directs the EAC to develop voluntary guidelines for the use of non-voting equipment, such as electronic pollbooks.
- Sec. 130: Status reports by National Institute of Standards and Technology.
  - Requires annual status reports by the Director of the National Institute of Standards and Technology (NIST) with respect to their requirement to carry out technical guidelines and the status of any projects requested by the Commission during the fiscal year.
- Sec. 131: 501(c)(3) organizations prohibited from providing direct or indirect funding for election administration.
  - End Zuckerbucks Act of 2022 (Tenney).
  - Removes federal tax exemption for provision of direct or indirect private funding for election administration.
- Sec. 132: Requirements with respect to election mail.
  - Requires the USPS to prioritize and mark all election mail with date of receipt and process and deliver all election mail, even if the sending jurisdiction's account is overdrawn or lacks sufficient

funds or the mail piece otherwise lacks sufficient postage. Allows the USPS to collect payment in arrears.

- Allows national, state, and local political committees to use the non-profit rate for the purpose of cooperative mailings.
- Adds criminal penalties for any individual who forges or backdates a postmark (Massie amendment).
- Sec. 133: Clarification of right of State to appeal decisions through duly authorized representative.
  - Confirms States' constitutional, sovereign authority to decide who may represent the state in court and requires SCOTUS to hear appeals in any case that invalidates a state statute on federal constitutional grounds. This codifies the recent *Berger v. NAACP* decision and overturns a failed Biden policy from the 1980s.
- Sec. 134: Clarification of Federal agency involvement in voter registration activities.
  - Executive Order 14019 (Biden election executive order) shall have no force (except as may otherwise be required by law).
- Sec. 135: Prohibition on use of Federal funds for election administration in States that permit ballot harvesting.
  - Prohibits the use of federal funds by states to administer elections for federal office unless the state imposes certain restrictions on ballot harvesting and on the transmission of mail ballots.
- Sec. 136: Clarification with respect to Federal election record-keeping requirement.
  - Election materials that must be preserved for 22 months pursuant to HAVA includes ballot envelopes.
- Sec. 137: Clarification of rules with respect to hiring election workers.
  - States may provide preference to veterans and individuals with disabilities when hiring election workers.
- Sec. 138: United States Postal Service coordination with States to ensure mailing addresses.
  - Within 2 years of this act, the Postmaster and State executives shall identify and assign a mailing address to each home in every state, including those residences on Native American land (Cole).
- Sec. 139: State defined.
  - Technical amendment to the definition of "State" in HAVA to include the Commonwealth of the Northern Mariana Islands, which did not have a congressional delegate at the time HAVA was enacted.

#### ***Subtitle D—District of Columbia Election Integrity and Voter Confidence***

- Sec. 141: Short title.
  - This subtitle may be cited as the "American Confidence in Elections: District of Columbia Election Integrity and Voter Confidence Act."
- Sec. 142: Requirements for elections in District of Columbia.
  - Includes the text of all American Confidence in Elections model state legislation paired with the federal American Confidence in Elections Act, which would require D.C., for which Congress has

a duty to provide effective government, to implement election integrity and voter confidence measures, including:

- Requires voters present photo voter ID to vote in person or when requesting a mail ballot. Directs the District of Columbia to provide a free copy of the voter's ID and include photos or digital images of registered voters in the poll books with measures in place to protect privacy.
    - American Confidence in Elections: District of Columbia Voter Identification Act.
  - Requires voter roll list maintenance be conducted annually. Prohibits same-day registration.
    - American Confidence in Elections: District of Columbia Voter List Maintenance Act.
  - Prohibits ballot harvesting.
    - American Confidence in Elections: District of Columbia Election Fraud Prevention Act.
  - Requires election officials report unofficial results no later than 10:00 a.m. the following day. After the closing of polls on the date of a District of Columbia election, the District must available on a publicly accessible website the total number of voted ballots in the possession of election officials in the District of Columbia as of the time of the closing of polls (Donalds) and publish the total number of UOCAVA ballots requested and received, including UOCAVA ballots received that may have been sent pursuant to law without a request. District of Columbia officials must ensure that all election administration activities are carried out in a bipartisan manner.
    - American Confidence in Elections: District of Columbia Timely Reporting of Election Results Act.
  - Prohibits non-citizen voting.
    - American Confidence in Elections: District of Columbia Citizen Voter Act.
  - Requires that provisional ballots only be counted when cast in the correct precinct.
    - American Confidence in Elections: District of Columbia Provisional Ballot Reform Act.
  - Requires post-election audits be conducted after each election before the time to contest the election expires.
    - American Confidence in Elections: District of Columbia Post-Election Audits Act.
  - Requires meaningful election observer access.
    - American Confidence in Elections: District of Columbia Public Observation of Election Procedures Act.
  - Prohibits mailing ballots except upon a voter's request, establishes a signature verification process, requires signatures to be dated, and requires all mail ballots except military/overseas ballots be received by the close of polls.
    - American Confidence in Elections: District of Columbia Mail Balloting Reform Act.
  - Places restrictions on the use of ballot drop boxes/receptacles.
    - American Confidence in Elections: District of Columbia Ballot Security Act.
- Sec. 143: Effective date.
    - Elections held on or after January 1, 2024

### ***Subtitle E—Administration of the Election Assistance Commission***

- Sec. 151: Short title.
  - This subtitle may be cited as the “Positioning the Election Assistance Commission for the Future Act of 2022.”
- Sec. 152: Findings related to the administration of the Election Assistance Commission.
  - Election Assistance Commission is the lead federal agency on all election administration matters.
  - Includes certain findings relating to the EAC and their limited role in our decentralized election system.
- Sec. 153: Requirements with respect to staff and funding of the Election Assistance Commission.
  - No more than 55 full-time employees with a budget of \$25,000,000 each fiscal year between 2023 through 2025.
  - Prohibits any new EAC funds from being used to establish any additional advisory committees.
  - Raises the Commissioner’s annual rate of pay of \$183,300 and indexes this amount for inflation in the same manner as the annual rate of pay for positions at each level of the Executive Schedule.
- Sec. 154: Exclusive authority of Election Assistance Commission to make election administration payments to States.
  - Grants the EAC exclusive authority to make election administration grant disbursements to the States, including obtaining election and voting equipment and infrastructure, enhancing election and voting technology, and making election and voting security improvements.
- Sec. 155: Executive Board of the Standards Board authority to enter into contracts.
  - Authorizes the Executive Board of the Standards Board to enter contracts to employ and retain no more than 2 individuals to enable them to discharge its duties with respect to providing voluntary considerations in accordance with Sec. 112.
- Sec. 156: Election Assistance Commission primary role in election administration.
  - EAC has primary jurisdiction on election administration issues for federal office.

### ***Subtitle F—Prohibition on Involvement in Elections by Foreign Nationals***

- Sec. 161: Prohibition on contributions and donations by foreign nationals
  - Prohibits foreign nationals from contributing money or in-kind donations in connection with State or local ballot initiatives or referenda and adds criminal penalties.

### ***Subtitle G—Constitutional Experts Panel With Respect to Presidential Elections***

- Sec. 171: Short title.
  - This subtitle may be cited as the “Solving an Overlooked Loophole in Votes for Executives (SOLVE) Act.”
- Sec. 172: Establishment of panel of constitutional experts.
  - Includes the *Solving an Overlooked Loophole in Votes for Executives (SOLVE) Act*, (Davis, Spanberger, A. King, Portman) which establishes the “Twentieth Amendment Section Four Panel” (“Panel”)

- The bipartisan panel, appointed by the Majority and Minority leaders of the Senate, and the Speaker and Minority Leader of the House, shall recommend to Congress model legislation providing for an appropriate process to resolve any vacancy created by the death of a candidate in a contingent presidential or vice-presidential election.
- Not later than a year and six months after all the appointments have been made, the Panel shall submit to Congress a final report containing the Panel’s findings, conclusions, and recommendations.
- The volunteer panel shall terminate 90 days after the date of which the panel submits the final report and will not be extended.

## **Title II—Military Voting Administration**

### *Subtitle A—Findings*

- Sec. 201: Findings relating to military voting.
  - Supplies certain Congressional findings related to military voting.

### *Subtitle B—GAO Analysis on Military Voting Access*

- Sec. 211: GAO analysis and report on effectiveness of Federal government in meeting obligations to promote voting access for absent uniformed services voters.
  - Directs GAO to conduct a study on voting access for absent uniformed services voters.
  - Requires the Comptroller General to submit a report to Congress by December 31, 2023, containing the results of the analysis required above.

## **Title III—Protection of Political Speech and Campaign Finance Reform**

### *Subtitle A—Protecting Political Speech*

- Sec. 301: Findings
  - Presents Congressional findings related to the importance of the First Amendment and the protection of political speech and its methods for dissemination.
- Sec. 302: Repeal of limits on coordinated party expenditures.
  - Repeals limits on coordinated political party expenditures, allowing party committees to work directly with candidates without current restrictions that require the use of IE units, hybrid advertisements, and other cumbersome methods.
- Sec. 303: Repeal of limit on aggregate contributions by individuals.
  - Codifies the Supreme Court’s decision in *McCutcheon v. FEC*, which held that statutory limits on aggregate individual contributions were unconstitutional.
- Sec. 304: Equalization of contribution limits to State and national political party committees.
  - Raises contribution limits for State political party committees to match national party committee contribution limits and allows the establishment of higher-limit convention, headquarters building, and legal proceedings funds as used by the national party committees.

- Sec. 305: Expansion of permissible Federal election activity by State and local political parties.
  - Expands the permissible use of funds not subject to contribution limits or source prohibitions by state and local political parties for federal election activity so long as the funds are not spent in coordination with a federal candidate.
- Sec. 306: Participation in joint fundraising activities by multiple political committees.
  - Allows two or more political committees to participate in joint fundraising activities without the hassle of establishing a joint fundraising agreement or a separate joint committee.
- Sec. 307: Protecting privacy of donors to tax-exempt organizations.
  - Codifies Supreme Court decisions in *NAACP v. Alabama* and *AFPF v. Bonta* to require privacy protections for donors to certain tax-exempt organizations.
    - Speech Privacy Act of 2022.
- Sec. 308: Reporting requirements for tax-exempt organizations.
  - Increases from \$5,000 to \$50,000 the gross receipts threshold used to determine the eligibility of tax-exempt organizations for the exemption from certain disclosure and reporting requirements.
    - Don't Weaponize the IRS Act (M. Kelly, McConnell, Braun, Cassidy).
- Sec. 309: Maintenance of standards for determining eligibility of section 501(c)(4) organizations.
  - Directs the Department of the Treasury to not issue, revise, or finalize any regulation revenue ruling, or other guidance not limited to a particular taxpayer relating to the standard which is used to determine whether an organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.
- Sec. 310: Increased funding for the 10-Year Pediatric Research Initiative Fund.
  - Sunsets the \$392 million currently in the Presidential Election Campaign Fund by transferring those funds to the pediatric cancer research initiatives.
    - Jonny Wade Pediatric Cancer Research Act (Davis).

***Subtitle B—Prohibition on Use of Federal Funds for Congressional Campaigns***

- Sec. 311: Prohibiting use of Federal funds for payments in support of congressional campaigns.
  - States that no federal funds, including amounts attributable to the collection of fines and penalties, may be used to make another payment in support of a campaign for election for the office of Senator or Representatives in, or Delegate or Resident Commissioner to, the Congress.

***Subtitle C—Registration and Reporting Requirements***

- Sec. 321: Reporting requirements with respect to electioneering communications.
  - Modernizes reporting requirements for electioneering communications.
- Sec. 322: Increased qualifying threshold and establishing purpose for political committees.
  - Modernizes threshold amount and establishes a price index adjustment for political committee threshold.
- Sec. 323: Increased threshold with respect to independent expenditure reporting requirement.
  - Increases the threshold from \$250 to \$1,000 and then indexes it for inflation.



- Sec. 324: Increased qualifying threshold with respect to candidates.
  - Increases the threshold from \$5,000 to \$10,000 and then indexes it for inflation.
- Sec. 325: Repeal requirement of persons making independent expenditures to report identification of certain donors.
  - Repeals Section 304(c)(2) of the Federal Election Campaign Act of 1971 to ensure public disclosure draws associations only between political committees and those donors who support their activities.

***Subtitle D—Exclusion of Certain Amounts From Treatment as Contributions or Expenditures***

- Sec. 331: Increased threshold for exemption of certain amounts as contributions.
  - Increases the threshold limits for the real or personal property exemption and the travel expenses exemption and then indexes them for inflation.
- Sec. 332: Exemption of uncompensated internet communications from treatment as contribution or expenditure.
  - Codifies existing regulatory exemption.
  - Exempts any payment for information or communication on the internet as a contribution unless it is disseminated for a fee on another person’s website.
- Sec. 333: Media exemption
  - Technical amendment to extend existing media exemption from a federal election activity to include media described in Sec. 332.

***Subtitle E—Prohibition on issues of regulations on Political Contributions***

- Sec. 341: Prohibition on issuance of regulations on Political Contributions.
  - Directs the Securities and Exchange Commission to not finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.

***Subtitle F—Miscellaneous Contributions***

- Sec. 351: Permanent extension of fines for qualified disclosure requirement violations.
  - Implements the FEC legislative recommendation to make permanent the extension of fines for qualified disclosure requirement violations, which for years has been extended on a temporary basis.
- Sec. 352: Political committee disbursement requirements.
  - Technical amendment to allow political committees to use payment methods other than check.
- Sec. 353: Designation of individual authorized to make campaign committee disbursements in event of death of candidate.
  - Includes a modified version of H.R.149 (114th [W.B. Jones]), which would permit the funds of a federal campaign committee to be dispersed in the event of a candidate’s death and a vacancy in the office of treasurer and successors or the incapacity of the treasurer and successors or the campaign’s inability to locate treasurer or successors.

- Sec. 354: Prohibition on contributions in the name of another.
  - Codifies the existing regulatory prohibition on making political contributions in the name of another person and requires the FEC to promptly conduct notice and comment rulemaking to implement the provisions in this section.
- Sec. 355: Unanimous consent of Commission members required for Commission to refuse to defend actions brought against the Commission.
  - The FEC may refuse to defend an action brought against the Commission subject only to the unanimous vote of its Members.
- Sec. 356: Federal Election Commission pay.
  - Raises the annual rate of pay of \$183,300 and indexes this amount for inflation in the same manner as the annual rate of pay for positions at each level of the Executive Schedule.
- Sec. 357: Uniform statute of limitations for proceedings to enforce Federal Election Campaign Act of 1971.
  - Establishes a 5-year statute of limitations for all violations of the Federal Election Campaign Act of 1971.
- Sec. 358: Deadline for promulgation of proposed regulations.
  - Imposes a 120-day deadline for the FEC to publish proposed regulations to carry out Title III.

## **Title IV—Election Security**

### ***Subtitle A—Promoting Election Security***

- Sec. 401: Short title.
  - This subtitle may be cited as the “Election Security Assistance Act.”
- Sec. 402: Reports to Congress on foreign threats to elections.
  - Establishes requirements for the Secretary of the Department of Homeland Security and the Director of National Intelligence to report on physical and cybersecurity threats to elections to the appropriate congressional committees and the chief State election official of each State.
  - Permits voluntary participation in development of record by all States.
- Sec. 403. Rule of Construction.
  - Confirms that the Secretary of Homeland Security is not authorized to carry out the administration of an election for federal office.

### ***Subtitle B—Cybersecurity for Election Systems***

- Sec. 411: Cybersecurity advisories relating to election systems.
  - Directs the Director of the Cybersecurity and Infrastructure Security Agency (CISA), in collaboration with the EAC, to determine if an elections-related cybersecurity advisory should be issued.
- Sec. 412: Process to test for and monitor cybersecurity vulnerabilities in election equipment.
  - Directs the Director of CISA, in collaboration with the Technical Guidelines Development Committee and the Standards Board of the EAC, to establish a voluntary process to test for and monitor covered voting systems for cybersecurity vulnerabilities.
- Sec. 413: Duty of Secretary of Homeland Security to notify State and local officials of election cybersecurity incidents.
  - Directs any Federal entity who receives information about an election cybersecurity incident to promptly inform the Department of Homeland Security (DHS).
  - Directs DHS to then analyze and make a decision as to next steps to this newly received information within 96 hours.
  - Requires DHS to collaborate with the EAC using the same process established for the development and release of any cybersecurity advisories.

### **Title V—Sense of Congress with Respect to Role of State Legislatures in Congressional Redistricting**

- Sec. 501: Sense of Congress with respect to role of States in congressional redistricting.
  - Sense of Congress has a very limited role in Congressional redistricting, ensuring that States carry out the process consistent with the Constitution, as states are best situated—and constitutionally hold the power—to determine the best redistricting methods in their jurisdictions.

### **Title VI—Disinformation Governance Board**

- Sec. 601: Termination of the Disinformation Governance Board.
  - Terminates the Disinformation Governance Board at DHS.
- Sec. 602: Prohibition on funding the activities of the Disinformation Governance Board.
  - Prevents the use of funds to establish the Disinformation Governance Board, or any board that is similar in nature.

### **Title VII—Severability**

- Sec. 701: Severability.
  - Provides that if any provision of the Act is held to be unconstitutional, the remainder of the Act shall not be affected.

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***Questions? Contact Caleb Hays, Republican General Counsel & Deputy Staff Director, Committee on House Administration, at [Caleb.Hays@mail.house.gov](mailto:Caleb.Hays@mail.house.gov).***