

CODIFICATION

Section was formerly classified to section 15501 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21102. Process for adoption

The adoption of the voluntary guidance under this part shall be carried out by the Commission in a manner that provides for each of the following:

- (1) Publication of notice of the proposed recommendations in the Federal Register.
- (2) An opportunity for public comment on the proposed recommendations.
- (3) An opportunity for a public hearing on the record.
- (4) Publication of the final recommendations in the Federal Register.

(Pub. L. 107-252, title III, §312, Oct. 29, 2002, 116 Stat. 1715.)

CODIFICATION

Section was formerly classified to section 15502 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER IV—ENFORCEMENT

§ 21111. Actions by the Attorney General for declaratory and injunctive relief

The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and non-discriminatory election technology and administration requirements under sections 21081, 21082, and 21083 of this title.

(Pub. L. 107-252, title IV, §401, Oct. 29, 2002, 116 Stat. 1715.)

CODIFICATION

Section was formerly classified to section 15511 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21112. Establishment of State-based administrative complaint procedures to remedy grievances**(a) Establishment of State-based administrative complaint procedures to remedy grievances****(1) Establishment of procedures as condition of receiving funds**

If a State receives any payment under a program under this chapter, the State shall be required to establish and maintain State-based administrative complaint procedures which meet the requirements of paragraph (2).

(2) Requirements for procedures

The requirements of this paragraph are as follows:

(A) The procedures shall be uniform and nondiscriminatory.

(B) Under the procedures, any person who believes that there is a violation of any provision of subchapter III (including a violation which has occurred, is occurring, or is about to occur) may file a complaint.

(C) Any complaint filed under the procedures shall be in writing and notarized, and signed and sworn by the person filing the complaint.

(D) The State may consolidate complaints filed under subparagraph (B).

(E) At the request of the complainant, there shall be a hearing on the record.

(F) If, under the procedures, the State determines that there is a violation of any provision of subchapter III, the State shall provide the appropriate remedy.

(G) If, under the procedures, the State determines that there is no violation, the State shall dismiss the complaint and publish the results of the procedures.

(H) The State shall make a final determination with respect to a complaint prior to the expiration of the 90-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination.

(I) If the State fails to meet the deadline applicable under subparagraph (H), the complaint shall be resolved within 60 days under alternative dispute resolution procedures established for purposes of this section. The record and other materials from any proceedings conducted under the complaint procedures established under this section shall be made available for use under the alternative dispute resolution procedures.

(b) Requiring Attorney General approval of compliance plan for States not receiving funds**(1) In general**

Not later than January 1, 2004, each nonparticipating State shall elect—

(A) to certify to the Commission that the State meets the requirements of subsection (a) in the same manner as a State receiving a payment under this chapter; or

(B) to submit a compliance plan to the Attorney General which provides detailed information on the steps the State will take to ensure that it meets the requirements of subchapter III.

(2) States without approved plan deemed out of compliance

A nonparticipating State (other than a State which makes the election described in paragraph (1)(A)) shall be deemed to not meet the requirements of subchapter III if the Attorney General has not approved a compliance plan submitted by the State under this subsection.

(3) Nonparticipating State defined

In this section, a “nonparticipating State” is a State which, during 2003, does not notify any office which is responsible for making payments to States under any program under this chapter of its intent to participate in, and receive funds under, the program.

(Pub. L. 107-252, title IV, §402, Oct. 29, 2002, 116 Stat. 1715.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (b)(1)(A), (3), was in the original “this Act”, meaning Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1666, known as the Help America Vote Act of 2002, which is classified

principally to this chapter. For complete classification of this Act to the Code, see Tables.

Subchapter III, referred to in subsecs. (a)(2)(B), (F) and (b)(1)(B), (2), was in the original “title III”, meaning title III of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1704, which is classified principally to subchapter III (§21081 et seq.) of this chapter. For complete classification of title III to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 15512 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER V—HELP AMERICA VOTE COLLEGE PROGRAM

§ 21121. Establishment of program

(a) In general

Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the “Help America Vote College Program” (hereafter in this subchapter referred to as the “Program”).

(b) Purposes of Program

The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

(Pub. L. 107-252, title V, §501, Oct. 29, 2002, 116 Stat. 1717.)

CODIFICATION

Section was formerly classified to section 15521 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21122. Activities under Program

(a) In general

In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 21121(b) of this title.

(b) Requirements for grant recipients

In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) Coordination with institutions of higher education

The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assist-

ance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(Pub. L. 107-252, title V, §502, Oct. 29, 2002, 116 Stat. 1717.)

CODIFICATION

Section was formerly classified to section 15522 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21123. Authorization of appropriations

In addition to any funds authorized to be appropriated to the Commission under section 20930 of this title, there are authorized to be appropriated to carry out this subchapter—

- (1) \$5,000,000 for fiscal year 2003; and
- (2) such sums as may be necessary for each succeeding fiscal year.

(Pub. L. 107-252, title V, §503, Oct. 29, 2002, 116 Stat. 1717.)

CODIFICATION

Section was formerly classified to section 15523 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER VI—TRANSFER TO COMMISSION OF FUNCTIONS UNDER CERTAIN LAWS

§ 21131. Transfer of functions of Office of Election Administration of Federal Election Commission

There are transferred to the Election Assistance Commission established under section 20921 of this title all functions which the Office of Election Administration, established within the Federal Election Commission, exercised before October 29, 2002.

(Pub. L. 107-252, title VIII, §801(a), Oct. 29, 2002, 116 Stat. 1725.)

CODIFICATION

Section was formerly classified to section 15531 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21132. Transfer of functions

There are transferred to the Election Assistance Commission established under section 20921 of this title all functions which the Federal Election Commission exercised under section 20508(a) of this title before October 29, 2002.

(Pub. L. 107-252, title VIII, §802(a), Oct. 29, 2002, 116 Stat. 1726.)

CODIFICATION

Section was formerly classified to section 15532 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 21133. Transfer of property, records, and personnel

(a) Property and records

The contracts, liabilities, records, property, and other assets and interests of, or made avail-