

**§ 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.)

**Editorial Notes**

## 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 available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission for appropriate allocation.

**(b) Personnel****(1) In general**

The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subchapter are transferred to the Election Assistance Commission.

**(2) Effect**

Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on October 29, 2002.

(Pub. L. 107-252, title VIII, § 803, Oct. 29, 2002, 116 Stat. 1726.)

**Editorial Notes**

## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§ 801-804) of title VIII of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1725. For complete classification of subtitle A to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15533 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21134. Effective date; transition****(a) Effective date**

This subchapter and the amendments made by this subchapter shall take effect upon the appointment of all members of the Election Assistance Commission under section 20923 of this title.

**(b) Transition**

With the consent of the entity involved, the Election Assistance Commission is authorized to

utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this subchapter or the amendments made by this subchapter for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

**(c) No effect on authorities of Office of Election Administration prior to appointment of members of Commission**

During the period which begins on October 29, 2002, and ends on the effective date described in subsection (a), the Office of Election Administration of the Federal Election Commission shall continue to have the authority to carry out any of the functions (including the development of voluntary standards for voting systems and procedures for the certification of voting systems) which it has the authority to carry out as of October 29, 2002.

(Pub. L. 107-252, title VIII, § 804, Oct. 29, 2002, 116 Stat. 1726.)

**Editorial Notes**

## REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this title”, meaning title VIII of Pub. L. 107-252, Oct. 29, 2002, 116 Stat. 1725. For complete classification of title VIII to the Code, see Tables.

## CODIFICATION

Section was formerly classified to section 15534 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**SUBCHAPTER VII—MISCELLANEOUS PROVISIONS****§ 21141. “State” defined**

In this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

(Pub. L. 107-252, title IX, § 901, Oct. 29, 2002, 116 Stat. 1727.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, 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.

## CODIFICATION

Section was formerly classified to section 15541 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21142. Audits and repayment of funds****(a) Recordkeeping requirement**

Each recipient of a grant or other payment made under this chapter shall keep such records with respect to the payment as are consistent with sound accounting principles, including records which fully disclose the amount and disposition by such recipient of funds, the total

cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

**(b) Audits and examinations**

**(1) Audits and examinations**

Except as provided in paragraph (4), each office making a grant or other payment under this chapter, or any duly authorized representative of such office, may audit or examine any recipient of the grant or payment and shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient which in the opinion of the entity may be related or pertinent to the grant or payment.

**(2) Recipients of assistance subject to provisions of section**

The provisions of this section shall apply to all recipients of grants or other payments under this chapter, whether by direct grant, cooperative agreement, or contract under this chapter or by subgrant or subcontract from primary grantees or contractors under this chapter.

**(3) Special rule for payments by General Services Administration**

With respect to any grant or payment made under this chapter by the Administrator of General Services, the Election Assistance Commission shall be deemed to be the office making the grant or payment for purposes of this section.

**(4) Special rule**

In the case of grants or payments made under section 21001 of this title, audits and examinations conducted under paragraph (1) shall be performed on a regular basis (as determined by the Commission).

**(5) Special rules for audits by the Commission**

In addition to the audits described in paragraph (1), the Election Assistance Commission may conduct a special audit or special examination of a recipient described in paragraph (1) upon a vote of the Commission.

**(c) Recoupment of funds**

If the Comptroller General determines as a result of an audit conducted under subsection (b) prior to November 26, 2014, that—

(1) a recipient of funds under this chapter is not in compliance with each of the requirements of the program under which the funds are provided; or

(2) an excess payment has been made to the recipient under the program,

the recipient shall pay to the office which made the grant or payment involved a portion of the funds provided which reflects the proportion of the requirements with which the recipient is not in compliance, or the extent to which the payment is in excess, under the program involved.

(Pub. L. 107-252, title IX, §902, Oct. 29, 2002, 116 Stat. 1727; Pub. L. 113-188, title IX, §901(c), Nov. 26, 2014, 128 Stat. 2020.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (b)(1) to (3), and (c)(1), 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.

CODIFICATION

Section was formerly classified to section 15542 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2014—Subsec. (b)(1). Pub. L. 113-188, §901(c)(1)(A), substituted “paragraph (4)” for “paragraph (5)”.

Subsec. (b)(3) to (6). Pub. L. 113-188, §901(c)(1)(B), (C), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3). Prior to amendment, text of par. (3) read as follows: “In addition to audits conducted pursuant to paragraph (1), all funds provided under this chapter shall be subject to mandatory audit by the Comptroller General at least once during the lifetime of the program involved. For purposes of an audit under this paragraph, the Comptroller General shall have access to books, documents, papers, and records of recipients of funds in the same manner as the office making the grant or payment involved has access to such books, documents, papers, and records under paragraph (1).”

Subsec. (c). Pub. L. 113-188, §901(c)(2), inserted “prior to November 26, 2014,” after “subsection (b)” in introductory provisions.

**§ 21143. Review and report on adequacy of existing electoral fraud statutes and penalties**

**(a) Review**

The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

**(b) Report**

The Attorney General shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives, the Committee on Rules and Administration of the Senate, and the Committee on House Administration of the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

(Pub. L. 107-252, title IX, §904, Oct. 29, 2002, 116 Stat. 1729.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 15543 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 21144. Other criminal penalties**

**(a) Conspiracy to deprive voters of a fair election**

Any individual who knowingly and willfully gives false information in registering or voting