



AMERICAN CONFIDENCE IN ELECTIONS ACT

Educate. Engage. Reform.

American Confidence in Elections Act (ACE Act)

Summary: The American Confidence in Elections Act (ACE Act), the key Republican election integrity bill as we move into the Majority, focuses on the importance of strong election integrity reforms that meet the moment by bolstering voter confidence in our elections 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 determine “truth” and 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 must be protected.
- Includes the Committee’s report on the constitutional role of the States and Congress in election regulation.

Title I – Election Integrity and Voter Confidence

Providing States with the Tools to Bolster Voter Confidence and Improve Election Integrity

- General findings that explain Congress’ proper role under the Constitution.
- 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 on the following topics: the process for the administration of ballots delivered by mail, signature verification procedures, voter list maintenance, access for election observers, timely reporting of the results of ballot counting, recruiting poll workers, public education with respect to the certification and testing of voter machines prior to elections, post-election audits, and secure chain of custody procedures for ballots and election equipment. Directs the EAC to develop voluntary guidelines for the use of nonvoting election technology like electronic pollbooks.
- EAC as lead federal agency on all election administration matters and grants the agency exclusive authority to make election administration grant disbursements to States
- Requires the National Institute of Science and Technology to provide status reports to Congress on its responsibilities under HAVA, .
- Confirms that States must provide access for Congressional election observers under Congress’ constitutional role to serve as the “Judge of the Elections, Returns and Qualifications of its own Members[.]”
- Requires USPS to prioritize election mail and to mark all election mail with date of receipt, and process and deliver election mail even if the election officials’ account is underfunded or overdrawn. Allows the USPS to recoup any such costs in arrears. Adds criminal penalties for forging a postmark. (Massie Amendment).
- Allows national, state, and local political committees to use the non-profit rate for the purpose of cooperative mailings.
- Requires the U.S. Postal Service to coordinate with states to identify and assign a mailing address to each home in every state, including those residences on Native American land (Cole).
- Amends the IRS code by allowing certain compensation of election workers to be excluded from gross income and removes the federal requirement that elections officials issue 1099 or W-2 forms to election workers, eliminating a major administrative burden.
- Expressly allows States to use Help America Vote Act (“HAVA”) dollars to conduct post-election audits.
- Encourages individuals to serve as poll workers by permanently extending the Employer Participation in Repayment Act for election works and improves tax treatment for poll worker pay. States may also provide preference to veterans and individuals with disabilities when hiring election workers.
- Disincentives “collusive” settlements by requiring SCOTUS to hear an appeal in any case that invalidates a state statute on federal constitutional grounds. (Repeals 1988 Biden law change).
- Clarifies that election materials that must be preserved for 22 months pursuant to HAVA includes ballot envelopes.
- Clarifies the federal agency involvement in voter registration by establishing that Executive Order 14019 (Biden election executive order) shall have no force (except as may otherwise be required by law)
- 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.

- Establishes a bipartisan panel to 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 elect. (*Solving an Overlooked Loophole in Votes for Executives (SOLVE) Act*, (Davis, Spanberger, A. King, Portman)

Preventing Non-Citizens from Participating in our Elections

- Clarifies that States have the authority to remove non-citizens from their federal voter registration lists under their regular voter list maintenance programs.
- Expressly restates that it is a felony for non-citizens to vote in federal elections.
- Penalizes States that allow non-citizen voting in state or local elections by reducing share of new HAVA grant funds by 30%.
- 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.
- Requires federal courts to notify the chief state election official and attorney general when non-citizens are excused from jury duty so that States may update their voter rolls and requires election officials to coordinate their registration rolls with federal court jury lists.
- Prohibits foreign nationals from making financial or in-kind contributions in connection with State or local ballot initiatives or referendum and adds criminal penalties for doing so.
- 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. (Palmer).
- 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))

Other List Maintenance Provisions

- Subject to privacy considerations, requires federal agencies upon state request to share relevant information with state agencies for list maintenance and voter registration purposes.

Voter Identification

- 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 elections office or state voter registration agency. Also requires certain voters who request a mail ballot or vote by mail to provide HAVA ID.
- Reforms existing REAL ID Act to require "CITIZEN" to be printed on all qualifying individuals' identification documents issued or renewed after January 1, 2026.
- Recognizes REAL ID identification documents as appropriate for photographic voter identification, as recommended by the Carter-Baker Commission.

Ending Private Funding for Election Administration

- Includes the *End Zuckerbucks Act of 2022*, which would remove federal tax exemption for provision of direct or indirect private funding for election administration. (Tenney).

Requiring D.C., which Congress controls, to Implement Election Integrity and Voter Confidence Measures

- In addition to above, implements in the District of Columbia the American Confidence in Elections: D.C. Election Integrity and Voter Confidence Act, which would serve as an example to the States of effective election administration and would include:
 - a requirement all voters present photo voter ID to vote in person or to request an absentee/mail ballot and for DC 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.
 - a requirement that voter roll list maintenance be conducted annually and a prohibition on same-day registration;
 - a prohibition on ballot harvesting (*Election Fraud Prevention Act*, Davis) and places certain restrictions on use of ballot drop boxes;
 - a prohibition on mailing ballots except upon voter's request;
 - a prohibition on non-citizen voting;
 - a requirement for meaningful observer access;
 - a requirement for a signature verification process for mail ballots and a requirement for signatures to be dated;
 - a requirement that all ballots except military/overseas ballots be received by the close of polls and that election officials report unofficial results no later than 10:00 a.m. the following day;
 - a requirement that after the closing of polls on the date of a District of Columbia election, the District make 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;

- a requirement that provisional ballots only be counted when cast in the correct precinct; and
- a requirement that an audit be conducted following each election before the time to contest the election expires.

Title II – Military Voting Administration

- Directs GAO to conduct a study on voting access for absent uniformed services voters.

Title III – Protecting Political Speech and Campaign Finance Reform

- Includes the *Jonny Wade Pediatric Cancer Research Act* (Davis) to sunset public funding of presidential elections and transfers those monies deposited in the Presidential Election Campaign Fund to pediatric cancer research.
- 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 methods.
- 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 (but maintains existing formal requirements as an option).
- Raises contribution limits for State political party committees and allows the establishment of higher-limit building, legal, and convention funds as used by the national party committees and indexes limits for inflation.
- Increases qualifying threshold for political committees, candidate committees, and independent expenditure reporting requirement and indexes for inflation.
- Increases “at-home” event exemption amounts and indexes for inflation.
- Excludes certain costs related to party committee and candidate communications soliciting funds from treatment as contributions or expenditures.
- Prohibits the use of federal funds in support of Congressional campaigns (*H.R. 4261* [116th], Davis).
- Codifies existing donor disclosure protections for certain tax-exempt organizations (*NAACP v. Alabama* and *AFPP v. Bonta*).
- Removes statutory limits on aggregate individual contributions, which SCOTUS struck down in 2014 (*McCutcheon v. FEC*).
- Makes permanent the FEC’s alternative dispute resolution process, which had been extended on a temporary basis.
- Includes H.R. 149 (114th), which would permit candidates to name individuals who could disperse the funds of a federal campaign committee in accordance with law in the event of a candidate's death.
- Codifies the existing regulatory prohibition on making political contributions in the name of another person.
- 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)).
- 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.
- Modernizes reporting requirements for electioneering communications.
- Modernizes threshold amount and establishes a price index adjustment for political committee threshold.
- Repeals requirement of persons making independent expenditures to report identification of certain donors.
- Increases the threshold limits for the real or personal property exemption and the travel expenses exemption and then indexes them for inflation,
- 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 and expands the existing media exemption.
- Prohibits the Securities and Exchange Commission from issuing regulations regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations.
- Requires unanimous consent of FEC Commissioners to decline to defend an action against the agency,
- Establishes a 5-year statute of limitations for all violations of the Federal Election Campaign Act of 1971.

Title IV – Election Security

- Directs the U.S. Department of Homeland Security (DHS) and the Director of National Intelligence to report on physical and cybersecurity threats to elections to Congress and the chief State election official of each State.
- Directs the Cybersecurity and Infrastructure Security Agency (CISA), in collaboration with the EAC, to determine if an elections-related cybersecurity advisory should be issued.
- Directs 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.
- Directs any Federal entity who receives information about an election cybersecurity incident to promptly inform the Department of Homeland Security (DHS).

- Requires DHS to notify State and local officials of election cybersecurity incidents and collaborate with the EAC for the development and release of any cybersecurity advisories.

Title V – Sense of Congress with Respect to Role of State Legislatures in Congressional Redistricting

- Congress plays a very limited role in Congressional redistricting, ensuring that States carry out the process consistent with the Constitution.
- States are best situated—and constitutionally hold the power—to determine the best redistricting methods in their jurisdictions.

Title VI – Disinformation Governance Board

- Terminates the Disinformation Governance Board at DHS and prevents the use of funds to establish the Disinformation Governance Board, or any board that is similar in nature.

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