

117TH CONGRESS  
2D SESSION

# H. R. 8517

To amend the Help America Vote Act of 2022 to confirm the requirement that States allow access to designated congressional election observers to observe the election administration procedures in elections for Federal office.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2022

Mr. STEIL (for himself, Mr. RODNEY DAVIS of Illinois, and Mr. LOUDERMILK) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2022 to confirm the requirement that States allow access to designated congressional election observers to observe the election administration procedures in elections for Federal office.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Confirmation Of Congressional Observer Access Act of  
6 2022” or the “COCOA Act of 2022”.

1 (b) FINDINGS RELATING TO CONGRESSIONAL ELEC-  
2 TION OBSERVERS.—Congress finds the following:

3 (1) The Constitution delegates to each House of  
4 Congress the authority to “be the Judge of the Elec-  
5 tions, Returns and Qualifications of its own Mem-  
6 bers”.

7 (2) While, in general, Congress shall respect the  
8 determination of State authorities with respect to  
9 the election of members to each House, each House  
10 of Congress serves as the final arbiter over any con-  
11 test to the seating of any putative Member-elect or  
12 Senator-elect.

13 (3) These election contest procedures are con-  
14 tained in the precedents of each House of Congress.  
15 Further, for the House of Representatives the proce-  
16 dures exist under the Federal Contested Elections  
17 Act.

18 (4) In the post-Civil War modern era, more  
19 than 100 election contests have been filed with the  
20 House of Representatives.

21 (5) For decades, Congress has appointed and  
22 sent out official congressional observers to watch the  
23 administration of congressional elections in the  
24 States and territories.

1           (6) These observers serve to permit Congress to  
2       develop its own factual record in preparation for  
3       eventual contests and for other reasons.

4           (7) This Act and the amendments made by this  
5       Act do not establish any new authorities or proce-  
6       dures but are provided simply to permit a convenient  
7       statutory reference for existing congressional author-  
8       ity and activity.

9       **SEC. 2. CONFIRMING ACCESS FOR CONGRESSIONAL ELEC-**  
10           **TION OBSERVERS.**

11       (a) CONFIRMING REQUIREMENT THAT STATES PRO-  
12       VIDE ACCESS.—Title III of the Help America Vote Act  
13       of 2002 (52 U.S.C. 21081 et seq.) is amended—

14           (1) by redesignating sections 304 and 305 as  
15       sections 305 and 306; and

16           (2) by inserting after section 303 the following  
17       new section:

18       **“SEC. 304. CONFIRMING ACCESS FOR CONGRESSIONAL**  
19           **ELECTION OBSERVERS.**

20       “(a) FINDING OF CONSTITUTIONAL AUTHORITY.—  
21       Congress finds that it has the authority to require that  
22       States allow access to designated congressional election  
23       observers to observe the election administration proce-  
24       dures in an election for Federal office because the author-  
25       ity granted to Congress under article I, section 5 of the

1 Constitution of the United States gives each House of  
2 Congress the power to be the judge of the elections, re-  
3 turns and qualifications of its own Members.

4 “(b) REQUIRING STATES TO PROVIDE ACCESS.—A  
5 State shall provide each individual who is a designated  
6 congressional election observer for an election with full ac-  
7 cess to clearly observe all of the elements of the adminis-  
8 tration procedures with respect to such election, including  
9 but not limited to in all areas of polling places and other  
10 facilities where ballots in the election are processed, tab-  
11 ulated, cast, canvassed, and certified, in all areas where  
12 voter registration activities occur before such election, and  
13 in any other such place where election administration pro-  
14 cedures to prepare for the election or carry out any post-  
15 election recounts take place. No designated congressional  
16 election observer may handle ballots, elections equipment  
17 (voting or non-voting), advocate for a position or can-  
18 didate, take any action to reduce ballot secrecy, or other-  
19 wise interfere with the elections administration process.

20 “(c) DESIGNATED CONGRESSIONAL ELECTION OB-  
21 SERVER DESCRIBED.—In this section, a ‘designated con-  
22 gressional election observer’ is an individual who is des-  
23 ignated in writing by the chair or ranking minority mem-  
24 ber of the Committee on House Administration of the  
25 House of Representatives or the Committee on Rules and

1 Administration of the Senate, or the successor committee  
2 in either House of Congress to gather information with  
3 respect to an election, including in the event that the elec-  
4 tion is contested in the House of Representatives or the  
5 Senate and for other purposes permitted by article 1, sec-  
6 tion 5 of the Constitution of the United States.”.

7 (b) CONFORMING AMENDMENT RELATING TO EN-  
8 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
9 is amended by striking “and 303” and inserting “303, and  
10 304”.

11 (c) CLERICAL AMENDMENT.—The table of contents  
12 of such Act is amended—

13 (1) by redesignating the items relating to sec-  
14 tions 304 and 305 as relating to sections 305 and  
15 306; and

16 (2) by inserting after the item relating to sec-  
17 tion 303 the following:

“Sec. 304. Confirming access for congressional election observers.”.

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