

117TH CONGRESS  
1ST SESSION

# H. R. 607

To establish the Election Integrity Commission to study the integrity and administration of the general election for Federal office held in November 2020 and make recommendations to Congress to improve the security, integrity, and administration of Federal elections, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mr. SMUCKER (for himself and Mrs. McCLAIN) introduced the following bill;  
which was referred to the Committee on House Administration

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## A BILL

To establish the Election Integrity Commission to study the integrity and administration of the general election for Federal office held in November 2020 and make recommendations to Congress to improve the security, integrity, and administration of Federal elections, and for other purposes.

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. ESTABLISHMENT.**

4       There is established in the legislative branch the  
5       Election Integrity Commission (referred to in this Act as  
6       the “Commission”).

1 **SEC. 2. MEMBERSHIP.**

2 (a) COMPOSITION.—

3 (1) IN GENERAL.—The Commission shall be  
4 composed of 18 members as follows:

5 (A) 3 shall be Members of the House of  
6 Representatives from the majority party of the  
7 House who represent a congressional district in  
8 a State described in paragraph (2), who shall  
9 be appointed by the Speaker of the House.

10 (B) 3 shall be Members of the House of  
11 Representatives from the minority party of the  
12 House who represent a congressional district in  
13 a State described in paragraph (2), who shall  
14 be appointed by the minority leader of the  
15 House.

16 (C) 3 shall be Senators from the majority  
17 party of the Senate who represent a State de-  
18 scribed in paragraph (2), who shall be ap-  
19 pointed by the majority leader of the Senate.

20 (D) 3 shall be Senators from the minority  
21 party of the Senate who represent a State de-  
22 scribed in paragraph (2), who shall be ap-  
23 pointed by the minority leader of the Senate.

24 (E) 6 individuals who are State or local  
25 election officials, of whom—

1 (i) 3 shall be appointed jointly by the  
2 majority leader of the House and the ma-  
3 jority leader of the Senate; and

4 (ii) 3 shall be appointed jointly by the  
5 minority leader of the House and the mi-  
6 nority leader of the Senate.

7 (2) STATES DESCRIBED.—A State described in  
8 this paragraph is a State in which the winning can-  
9 didate for the office of President in the November  
10 2020 general election won by a margin of 1.5 per-  
11 centage points or less.

12 (b) CO-CHAIRS.—Two of the members of the Com-  
13 mission shall serve as Co-Chairs, of whom—

14 (1) one shall be designated jointly by the leader  
15 of the Senate (majority or minority leader, as the  
16 case may be) of the Republican Party and the leader  
17 of the House of Representatives (majority or minor-  
18 ity leader, as case may be) of the Republican Party;  
19 and

20 (2) one shall be designated jointly by the leader  
21 of the Senate (majority or minority leader, as the  
22 case may be) of the Democratic Party and the leader  
23 of the House of Representatives (majority or minor-  
24 ity leader, as case may be) of the Democratic Party.

1       (c) DATE.—The appointments of the members of the  
2 Commission shall be made not later than 90 days after  
3 the date of enactment of this Act.

4       (d) PERIOD OF APPOINTMENT; VACANCIES.—

5           (1) IN GENERAL.—Except as provided in para-  
6 graph (2), a member of the Commission shall be ap-  
7 pointed for the duration of the Commission.

8           (2) REMOVAL.—A member may be removed  
9 from the Commission at any time at the upon con-  
10 currence of both of the Co-Chairs of the Commis-  
11 sion.

12          (3) VACANCIES.—A vacancy in the Commis-  
13 sion—

14           (A) shall not affect the powers of the Com-  
15 mission; and

16           (B) shall be filled in the same manner as  
17 the original appointment.

18       (e) NO COMPENSATION.—The members of the Com-  
19 mission may not receive pay or benefits from the United  
20 States Government by reason of their service on the Com-  
21 mission, but may receive travel expenses, including per  
22 diem in lieu of subsistence, in accordance with applicable  
23 provisions under subchapter I of chapter 57 of title 5,  
24 United States Code.

1 **SEC. 3. DUTIES.**

2 (a) STUDY.—

3 (1) IN GENERAL.—The Commission shall, con-  
4 sistent with applicable law, study the integrity and  
5 administration of the general election for Federal of-  
6 fice held in November 2020 and make recommenda-  
7 tions to Congress to improve the security, integrity,  
8 and administration of Federal elections.

9 (2) MATTERS STUDIED.—The matters studied  
10 by the Commission shall include—

11 (A) the effects of the COVID–19 pandemic  
12 on the administration of the general election for  
13 Federal office held in November 2020;

14 (B) the election practices adopted by Fed-  
15 eral, State, and local governments in response  
16 to the COVID–19 pandemic, including—

17 (i) practices that undermined the se-  
18 curity and integrity of the election; and

19 (ii) practices that strengthened the se-  
20 curity and integrity of the election;

21 (C) the laws, rules, policies, activities,  
22 strategies, and practices regarding mail-in bal-  
23 lots, absentee ballots, and vote-by-mail proce-  
24 dures, including—

25 (i) measures that undermined the se-  
26 curity and integrity of the election; and

1 (ii) measures that strengthened the  
2 security and integrity of the election;

3 (D) any laws, rules, policies, activities,  
4 strategies, and practices that were inconsistent  
5 with or in violation of established State law and  
6 resulted in irregularities in the casting of bal-  
7 lots in the election; and

8 (E) any laws, rules, policies, activities,  
9 strategies, and practices that were inconsistent  
10 with or in violation of established State law and  
11 resulted in irregularities in voter registration  
12 for the election.

13 (b) REPORTS.—

14 (1) INITIAL REPORT.—Not later than 180 days  
15 after the date of the enactment of this Act, the  
16 Commission shall submit to the Election Assistance  
17 Commission and the appropriate Congressional com-  
18 mittees a report on the matters studied under sub-  
19 section (a). Such report shall include—

20 (A) precinct-by-precinct data highlighting  
21 the number and incidence of any irregularities  
22 in the casting of ballots in the election; and

23 (B) precinct-by-precinct data highlighting  
24 the number and incidence of any irregularities  
25 in voter registration for the election.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to the Election Assistance Commission and the appropriate Congressional committees a final report on the matters studied under subsection (a), and shall include in such report recommendations on the following:

(i) The best practices that should be adopted by at each level of local, State, and Federal Government for administering elections for Federal office—

(I) during the COVID–19 pandemic; and

(II) during other national emergencies.

(ii) The best practices that should be adopted at each level of local, State, and Federal Government to increase the integrity and security of mail-in ballots, absentee ballots, and vote-by-mail procedures.

(iii) The best practices that should be adopted at each level of local, State, and

1 Federal Government to prevent irregular-  
 2 ities in the casting of ballots.

3 (iv) The best practices that should be  
 4 adopted at each level of local, State, and  
 5 Federal Government to prevent irregular-  
 6 ities in voter registration.

7 (B) MINORITY VIEWS.—In the case of any  
 8 recommendation with respect to which one-third  
 9 or more of the Committee does not concur, the  
 10 report shall include a justification for why such  
 11 members do not concur.

12 (3) APPROPRIATE CONGRESSIONAL COMMIT-  
 13 TEES.—For purposes of this subsection, the term  
 14 “appropriate Congressional Committees” means—

15 (A) the Committee on Rules and Adminis-  
 16 tration of the Senate;

17 (B) the Committee on the Judiciary of the  
 18 Senate;

19 (C) the Committee on House Administra-  
 20 tion of the House of Representatives; and

21 (D) the Committee on the Judiciary of the  
 22 House of Representatives.

23 **SEC. 4. POWERS.**

24 (a) HEARINGS AND SESSIONS.—The Commission  
 25 may, for the purpose of carrying out this Act, hold hear-



1 ings, sit and act at times and places, take testimony, and  
2 receive evidence as the Commission considers appropriate.  
3 The Commission may administer oaths or affirmations to  
4 witnesses appearing before it.

5 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
6 ber or agent of the Commission may, if authorized by the  
7 Commission, take any action which the Commission is au-  
8 thorized to take by this section.

9 (c) OBTAINING OFFICIAL DATA.—The Commission  
10 may secure directly from any department or agency of the  
11 United States information necessary to enable it to carry  
12 out this Act. Upon request of the chair or the staff direc-  
13 tor of the Commission, the chair of any subcommittee cre-  
14 ated by a majority of the Commission, or any member des-  
15 ignated by a majority of the Commission, the head of that  
16 department or agency shall furnish that information to the  
17 Commission.

18 (d) GIFTS, BEQUESTS, AND DEVISES.—The Commis-  
19 sion may accept, use, and dispose of gifts, bequests, or  
20 devises of services or property, both real and personal, for  
21 the purpose of aiding or facilitating the work of the Com-  
22 mission.

23 (e) MAILS.—The Commission may use the United  
24 States mails in the same manner and under the same con-

1 ditions as other departments and agencies of the United  
2 States.

3 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the  
4 request of the Commission, the Architect of the Capitol  
5 shall provide to the Commission, on a reimbursable basis,  
6 the administrative support services necessary for the Com-  
7 mission to carry out its responsibilities under this Act.

8 (g) SUBPOENA POWER.—

9 (1) IN GENERAL.—The Commission may issue  
10 subpoenas requiring the attendance and testimony of  
11 witnesses and the production of any evidence relat-  
12 ing to any matter which the Commission is empow-  
13 ered to investigate under this Act. The attendance of  
14 witnesses and the production of evidence may be re-  
15 quired from any place within the United States at  
16 any designated place of hearing within the United  
17 States.

18 (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
19 son refuses to obey a subpoena issued under para-  
20 graph (1), the Commission may apply to a United  
21 States district court for an order requiring that per-  
22 son to appear before the Commission to give testi-  
23 mony, produce evidence, or both, relating to the  
24 matter under investigation. The application may be  
25 made within the judicial district where the hearing

1 is conducted or where that person is found, resides,  
2 or transacts business. Any failure to obey the order  
3 of the court may be punished by the court as civil  
4 contempt.

5 (3) SERVICE OF SUBPOENAS.—The subpoenas  
6 of the Commission shall be served in the manner  
7 provided for subpoenas issued by a United States  
8 district court under the Federal Rules of Civil Pro-  
9 cedure for the United States district courts.

10 (4) SERVICE OF PROCESS.—All process of any  
11 court to which application is made under paragraph  
12 (2) may be served in the judicial district in which  
13 the person required to be served resides or may be  
14 found.

15 (h) CONTRACT AUTHORITY.—The Commission may  
16 contract with and compensate government and private  
17 agencies or persons to enable the Commission to discharge  
18 its duties under this Act.

19 **SEC. 5. PERSONNEL MATTERS.**

20 (a) STAFF.—The Co-Chairs of the Commission may  
21 appoint and fix the compensation of such staff as may be  
22 appropriate to enable the Commission to carry out its du-  
23 ties, without regard to chapter 51 and subchapter III of  
24 chapter 53 of title 5, United States Code, relating to clas-  
25 sification of positions and General Schedule pay rates, ex-

cept that the rate of pay for the staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(c) EXPERTS AND CONSULTANTS.—The Commission is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) USE OF EXISTING STAFF.—Notwithstanding the previous provisions of this section, to the greatest extent practicable and consistent with applicable laws, rules, and regulations, the Commission is encouraged to carry out its functions utilizing the services of existing staff of offices of the legislative branch.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—There are authorized to be appropriated \$1,000,000 to carry out this Act, of which—

1           (1) 50 percent shall be derived from the appli-  
2       cable accounts of the House of Representatives; and

3           (2) 50 percent shall be derived from the contin-  
4       gent fund of the Senate.

5       (b) CONTINUING AVAILABILITY OF FUNDS.—Funds  
6       appropriated pursuant to the authorization under this sec-  
7       tion shall remain available until expended.

8       **SEC. 7. TERMINATION; NONAPPLICABILITY OF FEDERAL**  
9                               **ADVISORY COMMITTEE ACT.**

10       (a) TERMINATION.—The Commission shall terminate  
11       30 days after the date on which it submits the final report  
12       required under section 3(b)(2).

13       (b) NONAPPLICABILITY OF FACA.—The Federal Ad-  
14       visory Committee Act (5 U.S.C. App.) shall not apply to  
15       the Commission.

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