

[52 USCS § 21004](#)

Current through Public Law 116-139, approved April 24, 2020.

United States Code Service > TITLE 52. VOTING AND ELECTIONS (Subts. I — III) > Subtitle II. VOTING ASSISTANCE AND ELECTION ADMINISTRATION (Chs. 201 — 209) > CHAPTER 209. ELECTION ADMINISTRATION IMPROVEMENT (§§ 20901 — 21145) > COMMISSION (§§ 20921 — 21072) > ELECTION ASSISTANCE (§§ 21001 — 21072) > Requirements Payments (§§ 21001 — 21008)

§ 21004. State plan

(a) In general. The State plan shall contain a description of each of the following:

(1)How the State will use the requirements payment to meet the requirements of title III [[52 USCS §§ 21081](#) et seq.], and, if applicable under section 251(a)(2) [[52 USCS § 21001\(a\)\(2\)](#)], to carry out other activities to improve the administration of elections.

(2)How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

(A)the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B)the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

(3)How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III [[52 USCS §§ 21081](#) et seq.].

(4)How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301 [[52 USCS § 21081](#)].

(5)How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part [[52 USCS §§ 21001](#) et seq.], including information on fund management.

(6)The State's proposed budget for activities under this part [[52 USCS §§ 21001](#) et seq.], based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—

(A)the costs of the activities required to be carried out to meet the requirements of title III [[52 USCS §§ 21081](#) et seq.];

(B)the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C)the portion of the requirements payment which will be used to carry out other activities.

(7)How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

52 USCS § 21004

(8)How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

(9)A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402 [[52 USCS § 21112](#)].

(10)If the State received any payment under title I [[52 USCS §§ 20901](#) et seq.], a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

(11)How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless notice of the change—

(A)is developed and published in the Federal Register in accordance with section 255 [[52 USCS § 21005](#)] in the same manner as the State plan;

(B)is subject to public notice and comment in accordance with section 256 [[52 USCS § 21006](#)] in the same manner as the State plan; and

(C)takes effect only after the expiration of the 30-day period which begins on the date notice of the change is published in the Federal Register in accordance with subparagraph (A).

(12)In the case of a State with a State plan in effect under this subtitle [[52 USCS §§ 21001](#) et seq.] during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

(13)A description of the committee which participated in the development of the State plan in accordance with section 255 [[52 USCS § 21005](#)] and the procedures followed by the committee under such section and section 256 [[52 USCS § 21006](#)].

(14)How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.

(b) Requirements for election fund.

(1)Election fund described. For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A)Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part [[52 USCS §§ 21001](#) et seq.].

(B)The requirements payment made to the State under this part [[52 USCS §§ 21001](#) et seq.].

(C)Such other amounts as may be appropriated under law.

(D)Interest earned on deposits of the fund.

(2)Use of fund. Amounts in the fund shall be used by the State exclusively to carry out the activities for which the requirements payment is made to the State under this part [[52 USCS §§ 21001](#) et seq.].

(3)Treatment of States that require changes to State law. In the case of a State that requires State legislation to establish the fund described in this subsection, the Commission shall defer disbursement of the requirements payment to such State until such time as legislation establishing the fund is enacted.

(c) Protection against actions based on information in plan.

52 USCS § 21004

(1) In general. No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this part [[52 USCS §§ 21001](#) et seq.].

(2) Exception for criminal acts. Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

History

HISTORY:

Act Oct. 29, 2002, *P. L. 107-252*, Title II, Subtitle D, Part 1, § 254, *116 Stat. 1694*; Oct. 28, 2009, *P. L. 111-84*, Div A, Title V, Subtitle H, § 588(b)(1)(A), *123 Stat. 2333*; Dec. 23, 2011, *P. L. 112-74*, Div C, Title VI, § 622(3), (4), *125 Stat. 927*.

Annotations

Notes

HISTORY; ANCILLARY LAWS AND DIRECTIVES

References in text:

Explanatory notes:

Amendment Notes

2009.

2011.

References in text:

“This Act”, referred to in this section, is Act Oct. 29, 2002, *P. L. 107-252*, popularly known as the Help America Vote Act of 2002, which appears generally as [52 USCS §§ 20901](#) et seq. For full classification of such Act, consult USCS Tables volumes.

The “Military and Overseas Voter Empowerment Act”, referred to in subsec. (a)(14), is Subtitle H of Title V of Div A of Act Oct. 28, 2009, *P. L. 111-84*. For full classification of such Act, consult USCS Tables volumes.

Explanatory notes:

This section formerly appeared as [42 USCS § 15404](#).

Amendment Notes

2009.

52 USCS § 21004

Act Oct. 28, 2009, added subsec. (a)(14).

2011.

Act Dec. 23, 2011, in subsec. (a)(11), in the introductory matter and in subpara. (C), inserted “notice of”.

Research References & Practice Aids

Cross References:

This section is referred to in [52 USCS §§ 20904, 21001, 21003, 21008](#).

Law Review Articles:

Wassom. The Help America Vote Act of 2002 and Selected Issues in Election Law Reform. [29 T Marshall L Rev 357, Spring 2004](#).

Magpantay. Two Steps Forward, One Step Back, and a Side Step: Asian Americans and the Federal Help America Vote Act. [10 UCLA Asian Pac Am LJ 31, 2005](#).

Hierarchy Notes:

[52 USCS, Subtit. II, Ch. 209, Commission, Election Assistance](#)

[52 USCS, Subtit. II, Ch. 209, Commission, Election Assistance, Requirements Payments](#)

United States Code Service
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