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36 USC CHAPTER 1526 – HELP AMERICA VOTE FOUNDATION 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND  
ORGANIZATIONS

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Sec. 152601. Organization

–STATUTE–

(a) Federal Charter. – The Help America Vote Foundation (in this chapter, the "foundation") is a federally chartered corporation.

(b) Nature of Foundation. – The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

(c) Perpetual Existence. – Except as otherwise provided, the foundation has perpetual existence.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1718.)

–End–

–CITE–

36 USC Sec. 152602 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND

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#### Sec. 152602. Purposes

–STATUTE–

(a) In General. – The purposes of the foundation are to –

(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants (to the extent permitted under applicable State law);

(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States (to the extent permitted under applicable State law); and

(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

(b) Requiring Activities To Be Carried Out on Nonpartisan Basis.

– The foundation shall carry out its purposes without partisan bias

or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

(c) Consultation With State Election Officials. – The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1718.)

–REFTEXT–

#### REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(3), is classified to section 501 of Title 26, Internal Revenue Code.

–SECREP–

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 152609 of this title.

–End–

–CITE–

36 USC Sec. 152603 01/06/03

–EXPCITE–

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Sec. 152603. Board of directors

–STATUTE–

(a) General. – The board of directors is the governing body of the foundation.

(b) Members and Appointment. – (1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

(A) Four directors (of whom not more than two may be members of the same political party) shall be appointed by the President.

(B) Two directors shall be appointed by the Speaker of the House of Representatives.

(C) Two directors shall be appointed by the Minority Leader of the House of Representatives.

(D) Two directors shall be appointed by the Majority Leader of the Senate.

(E) Two directors shall be appointed by the Minority Leader of the Senate.

(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each

serve as an ex officio nonvoting member of the board.

(3) A director is not an employee of the Federal Government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

(4) The terms of office of the directors are 4 years.

(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

(c) Chair. – The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

(d) Quorum. – The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

(e) Meetings. – The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

(f) Reimbursement of Expenses. – Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(g) Liability of Directors. – Directors are not personally liable, except for gross negligence.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116

Stat. 1718.)

–REFTEXT–

#### REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec.

(b), is the date of enactment of Pub. L. 107–252, which was approved Oct. 29, 2002.

–End–

–CITE–

36 USC Sec. 152604 01/06/03

–EXPCITE–

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Sec. 152604. Officers and employees

–STATUTE–

(a) Appointment of Officers and Employees. – The board of directors appoints, removes, and replaces officers and employees of the foundation.

(b) Status and Compensation of Employees. –

(1) In general. – Officers and employees of the foundation –

(A) are not employees of the Federal Government (except as may otherwise be provided in this chapter);

(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(2) Availability of federal employee rates for travel. – For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal Government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal Government.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1719.)

–REFTEXT–

#### REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (b)(1)(B), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

–End–

–CITE–

36 USC Sec. 152605 01/06/03

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#### Sec. 152605. Powers

–STATUTE–

(a) In General. – The foundation may –

- (1) adopt a constitution and bylaws;
- (2) adopt a seal which shall be judicially noticed; and
- (3) do any other act necessary to carry out this chapter.

(b) Powers as Trustee. – To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power –

- (1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;
- (2) to acquire property or an interest in property by purchase or exchange;
- (3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;
- (4) to borrow money and issue instruments of indebtedness;
- (5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

(6) to sue and be sued; and

(7) to do any other act necessary and proper to carry out the purposes of the foundation.

(c) Encumbered or Restricted Gifts. – A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

(d) Contracts. – The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

(e) Annual Conference in Washington Metropolitan Area. – During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C. metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1720.)

–End–

–CITE–

36 USC Sec. 152606 01/06/03

–EXPCITE–

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Sec. 152606. Principal office

–STATUTE–

The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116

Stat. 1720.)

–End–

–CITE–

36 USC Sec. 152607 01/06/03

–EXPCITE–

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Sec. 152607. Service of process

–STATUTE–

The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1721.)

–End–

–CITE–

36 USC Sec. 152608 01/06/03

–EXPCITE–

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Sec. 152608. Annual audit

–STATUTE–

The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1721.)

–End–

–CITE–

36 USC Sec. 152609 01/06/03

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Sec. 152609. Civil action by Attorney General for equitable relief

–STATUTE–

The Attorney General may bring a civil action in the United  
States District Court for the District of Columbia for appropriate  
equitable relief if the foundation –

(1) engages or threatens to engage in any act, practice, or  
policy that is inconsistent with the purposes in section 152602  
of this title; or

(2) refuses, fails, or neglects to carry out its obligations  
under this chapter or threatens to do so.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116  
Stat. 1721.)

–End–

–CITE–

36 USC Sec. 152610 01/06/03

–EXPCITE–

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Sec. 152610. Immunity of United States Government

–STATUTE–

The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1721.)

–End–

–CITE–

36 USC Sec. 152611 01/06/03

–EXPCITE–

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Sec. 152611. Authorization of appropriations

–STATUTE–

There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter –

(1) \$5,000,000 for fiscal year 2003; and

(2) such sums as may be necessary for each succeeding fiscal year.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1721.)

–End–

–CITE–

36 USC Sec. 152612 01/06/03

–EXPCITE–

TITLE 36 – PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

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Sec. 152612. Annual report

–STATUTE–

As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students

describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.

–SOURCE–

(Added Pub. L. 107–252, title VI, Sec. 601(a), Oct. 29, 2002, 116 Stat. 1721.)

–End–