

116TH CONGRESS  
1ST SESSION

# H. R. 2722

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IN THE SENATE OF THE UNITED STATES

JUNE 28 (legislative day, JUNE 27), 2019

Received; read twice and referred to the Committee on Rules and  
Administration

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## AN ACT

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Securing America’s Federal Elections Act” or the  
 4 “SAFE Act”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

PART 1—PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH  
 VOTER-VERIFIED PERMANENT PAPER BALLOT

- Sec. 101. Short title.
- Sec. 102. Paper ballot and manual counting requirements.
- Sec. 103. Accessibility and ballot verification for individuals with disabilities.
- Sec. 104. Durability and readability requirements for ballots.
- Sec. 105. Paper ballot printing requirements.
- Sec. 106. Study and report on optimal ballot design.
- Sec. 107. Effective date for new requirements.

PART 2—GRANTS TO CARRY OUT IMPROVEMENTS

- Sec. 111. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
- Sec. 112. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 113. Incorporation of definitions.

Subtitle B—Risk-Limiting Audits

- Sec. 121. Risk-limiting audits.
- Sec. 122. Funding for conducting post-election risk-limiting audits.
- Sec. 123. GAO analysis of effects of audits.

TITLE II—PROMOTING CYBERSECURITY THROUGH  
 IMPROVEMENTS IN ELECTION ADMINISTRATION

- Sec. 201. Voting system cybersecurity requirements.
- Sec. 202. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 203. Requiring use of software and hardware for which information is disclosed by manufacturer.
- Sec. 204. Treatment of electronic poll books as part of voting systems.
- Sec. 205. Pre-election reports on voting system usage.
- Sec. 206. Streamlining collection of election information.

TITLE III—USE OF VOTING MACHINES MANUFACTURED IN THE  
UNITED STATES

Sec. 301. Use of voting machines manufactured in the United States.

TITLE IV—SEVERABILITY

Sec. 401. Severability.

1 **TITLE I—FINANCIAL SUPPORT**  
2 **FOR ELECTION INFRASTRUC-**  
3 **TURE**

4 **Subtitle A—Voting System Security**  
5 **Improvement Grants**

6 **PART 1—PROMOTING ACCURACY, INTEGRITY,**  
7 **AND SECURITY THROUGH VOTER-VERIFIED**  
8 **PERMANENT PAPER BALLOT**

9 **SEC. 101. SHORT TITLE.**

10 This subtitle may be cited as the “Voter Confidence  
11 and Increased Accessibility Act of 2019”.

12 **SEC. 102. PAPER BALLOT AND MANUAL COUNTING RE-**  
13 **QUIREMENTS.**

14 (a) IN GENERAL.—Section 301(a)(2) of the Help  
15 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is  
16 amended to read as follows:

17 “(2) PAPER BALLOT REQUIREMENT.—

18 “(A) VOTER-VERIFIED PAPER BALLOTS.—

19 “(i) PAPER BALLOT REQUIREMENT.—

20 (I) The voting system shall require the use  
21 of an individual, durable, voter-verified  
22 paper ballot of the voter’s vote that shall

1 be marked and made available for inspec-  
2 tion and verification by the voter before  
3 the voter's vote is cast and counted, and  
4 which shall be counted by hand or read by  
5 an optical character recognition device or  
6 other counting device. For purposes of this  
7 subclause, the term 'individual, durable,  
8 voter-verified paper ballot' means a paper  
9 ballot marked by the voter by hand or a  
10 paper ballot marked through the use of a  
11 nontabulating ballot marking device or sys-  
12 tem, so long as the voter shall have the op-  
13 tion to mark his or her ballot by hand. The  
14 paper ballot shall be printed or marked in  
15 such a way that vote selections, including  
16 all vote selections scanned by voting sys-  
17 tems to tabulate votes, can be inspected  
18 and verified by the voter without training  
19 or instruction or audited by election offi-  
20 cials without the aid of any machine or  
21 other equipment.

22 “(II) The voting system shall provide  
23 the voter with an opportunity to correct  
24 any error on the paper ballot before the

1 permanent voter-verified paper ballot is  
2 preserved in accordance with clause (ii).

3 “(III) The voting system shall not  
4 preserve the voter-verified paper ballots in  
5 any manner that makes it possible, at any  
6 time after the ballot has been cast, to asso-  
7 ciate a voter with the record of the voter’s  
8 vote without the voter’s consent.

9 “(ii) PRESERVATION AS OFFICIAL  
10 RECORD.—The individual, durable, voter-  
11 verified paper ballot used in accordance  
12 with clause (i) shall constitute the official  
13 ballot and shall be preserved and used as  
14 the official ballot for purposes of any re-  
15 count or audit conducted with respect to  
16 any election for Federal office in which the  
17 voting system is used.

18 “(iii) MANUAL COUNTING REQUIRE-  
19 MENTS FOR RECOUNTS AND AUDITS.—(I)  
20 Each paper ballot used pursuant to clause  
21 (i) shall be suitable for a manual audit,  
22 and shall be counted by hand in any re-  
23 count or audit conducted with respect to  
24 any election for Federal office.

1           “(II) In the event of any inconsist-  
2           encies or irregularities between any elec-  
3           tronic vote tallies and the vote tallies de-  
4           termined by counting by hand the indi-  
5           vidual, durable, voter-verified paper ballots  
6           used pursuant to clause (i), and subject to  
7           subparagraph (B), the individual, durable,  
8           voter-verified paper ballots shall be the  
9           true and correct record of the votes cast.

10           “(iv) APPLICATION TO ALL BAL-  
11           LOTS.—The requirements of this subpara-  
12           graph shall apply to all ballots cast in elec-  
13           tions for Federal office, including ballots  
14           cast by absent uniformed services voters  
15           and overseas voters under the Uniformed  
16           and Overseas Citizens Absentee Voting Act  
17           and other absentee voters.

18           “(B) SPECIAL RULE FOR TREATMENT OF  
19           DISPUTES WHEN PAPER BALLOTS HAVE BEEN  
20           SHOWN TO BE COMPROMISED.—

21           “(i) IN GENERAL.—In the event  
22           that—

23                   “(I) there is any inconsistency  
24                   between any electronic vote tallies and  
25                   the vote tallies determined by count-

1 ing by hand the individual, durable,  
2 voter-verified paper ballots used pur-  
3 suant to subparagraph (A)(i) with re-  
4 spect to any election for Federal of-  
5 fice; and

6 “(II) it is demonstrated by clear  
7 and convincing evidence (as deter-  
8 mined in accordance with the applica-  
9 ble standards in the jurisdiction in-  
10 volved) in any recount, audit, or con-  
11 test of the result of the election that  
12 the paper ballots have been com-  
13 promised (by damage or mischief or  
14 otherwise) and that a sufficient num-  
15 ber of the ballots have been so com-  
16 promised that the result of the elec-  
17 tion could be changed,

18 the determination of the appropriate rem-  
19 edy with respect to the election shall be  
20 made in accordance with applicable State  
21 law, except that the electronic tally shall  
22 not be used as the exclusive basis for de-  
23 termining the official certified result.

24 “(ii) RULE FOR CONSIDERATION OF  
25 BALLOTS ASSOCIATED WITH EACH VOTING

1 MACHINE.—For purposes of clause (i),  
2 only the paper ballots deemed com-  
3 promised, if any, shall be considered in the  
4 calculation of whether or not the result of  
5 the election could be changed due to the  
6 compromised paper ballots.”.

7 (b) CONFORMING AMENDMENT CLARIFYING APPLI-  
8 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—  
9 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))  
10 is amended by inserting “(including the paper ballots re-  
11 quired to be used under paragraph (2))” after “voting sys-  
12 tem”.

13 (c) OTHER CONFORMING AMENDMENTS.—Section  
14 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
15 ed—

16 (1) in subparagraph (A)(i), by striking “count-  
17 ed” and inserting “counted, in accordance with  
18 paragraphs (2) and (3)”;

19 (2) in subparagraph (A)(ii), by striking “count-  
20 ed” and inserting “counted, in accordance with  
21 paragraphs (2) and (3)”;

22 (3) in subparagraph (A)(iii), by striking “count-  
23 ed” each place it appears and inserting “counted, in  
24 accordance with paragraphs (2) and (3)”;

1           (4) in subparagraph (B)(ii), by striking “count-  
2           ed” and inserting “counted, in accordance with  
3           paragraphs (2) and (3)”.

4 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
5 **INDIVIDUALS WITH DISABILITIES.**

6           (a) IN GENERAL.—Section 301(a)(3)(B) of the Help  
7 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is  
8 amended to read as follows:

9                   “(B)(i) ensure that individuals with dis-  
10                   abilities and others are given an equivalent op-  
11                   portunity to vote, including with privacy and  
12                   independence, in a manner that produces a  
13                   voter-verified paper ballot as for other voters;

14                   “(ii) satisfy the requirement of subpara-  
15                   graph (A) through the use of at least one voting  
16                   system equipped for individuals with disabili-  
17                   ties, including nonvisual and enhanced visual  
18                   accessibility for the blind and visually impaired,  
19                   and nonmanual and enhanced manual accessi-  
20                   bility for the mobility and dexterity impaired, at  
21                   each polling place; and

22                   “(iii) meet the requirements of subpara-  
23                   graph (A) and paragraph (2)(A) by using a sys-  
24                   tem that—

1           “(I) allows the voter to privately and  
2           independently verify the permanent paper  
3           ballot through the presentation, in acces-  
4           sible form, of the printed or marked vote  
5           selections from the same printed or  
6           marked information that would be used for  
7           any vote counting or auditing; and

8           “(II) allows the voter to privately and  
9           independently verify and cast the perma-  
10          nent paper ballot without requiring the  
11          voter to manually handle the paper ballot;  
12          and”.

13          (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
14          AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
15          VERIFICATION MECHANISMS.—

16               (1) STUDY AND REPORTING.—Subtitle C of  
17          title II of such Act (52 U.S.C. 21081 et seq.) is  
18          amended—

19                       (A) by redesignating section 247 as section  
20                       248; and

21                       (B) by inserting after section 246 the fol-  
22                       lowing new section:

1 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
2 **BALLOT VERIFICATION MECHANISMS.**

3 “(a) **STUDY AND REPORT.**—The Director of the Na-  
4 tional Science Foundation shall make grants to not fewer  
5 than three eligible entities to study, test, and develop ac-  
6 cessible paper ballot voting, verification, and casting mech-  
7 anisms and devices and best practices to enhance the ac-  
8 cessibility of paper ballot voting and verification mecha-  
9 nisms for individuals with disabilities, for voters whose pri-  
10 mary language is not English, and for voters with difficul-  
11 ties in literacy, including best practices for the mecha-  
12 nisms themselves and the processes through which the  
13 mechanisms are used.

14 “(b) **ELIGIBILITY.**—An entity is eligible to receive a  
15 grant under this part if it submits to the Director (at such  
16 time and in such form as the Director may require) an  
17 application containing—

18 “(1) certifications that the entity shall specifi-  
19 cally investigate enhanced methods or devices, in-  
20 cluding non-electronic devices, that will assist such  
21 individuals and voters in marking voter-verified  
22 paper ballots and presenting or transmitting the in-  
23 formation printed or marked on such ballots back to  
24 such individuals and voters, and casting such ballots;

1           “(2) a certification that the entity shall com-  
2           plete the activities carried out with the grant not  
3           later than December 31, 2020; and

4           “(3) such other information and certifications  
5           as the Director may require.

6           “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
7           nology developed with the grants made under this section  
8           shall be treated as non-proprietary and shall be made  
9           available to the public, including to manufacturers of vot-  
10          ing systems.

11          “(d) COORDINATION WITH GRANTS FOR TECH-  
12          NOLOGY IMPROVEMENTS.—The Director shall carry out  
13          this section so that the activities carried out with the  
14          grants made under subsection (a) are coordinated with the  
15          research conducted under the grant program carried out  
16          by the Commission under section 271, to the extent that  
17          the Director and Commission determine necessary to pro-  
18          vide for the advancement of accessible voting technology.

19          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
20          is authorized to be appropriated to carry out subsection  
21          (a) \$5,000,000, to remain available until expended.”.

22                 (2) CLERICAL AMENDMENT.—The table of con-  
23          tents of such Act is amended—

24                         (A) by redesignating the item relating to  
25                         section 247 as relating to section 248; and

1 (B) by inserting after the item relating to  
2 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mechanisms.”.

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
5 adopting any voluntary guidance under subtitle B of title  
6 III of the Help America Vote Act with respect to the ac-  
7 cessibility of the paper ballot verification requirements for  
8 individuals with disabilities, the Election Assistance Com-  
9 mission shall include and apply the same accessibility  
10 standards applicable under the voluntary guidance adopt-  
11 ed for accessible voting systems under such subtitle.

12 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
13 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
14 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
15 tion 292(a) of the Help America Vote Act of 2002 (52  
16 U.S.C. 21062(a)) is amended by striking “; except that”  
17 and all that follows and inserting a period.

18 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**  
19 **FOR BALLOTS.**

20 Section 301(a) of the Help America Vote Act of 2002  
21 (52 U.S.C. 21081(a)) is amended by adding at the end  
22 the following new paragraph:

23 “(7) DURABILITY AND READABILITY REQUIRE-  
24 MENTS FOR BALLOTS.—

1           “(A) DURABILITY REQUIREMENTS FOR  
2 PAPER BALLOTS.—

3           “(i) IN GENERAL.—All voter-verified  
4 paper ballots required to be used under  
5 this Act shall be marked or printed on du-  
6 rable paper.

7           “(ii) DEFINITION.—For purposes of  
8 this Act, paper is ‘durable’ if it is capable  
9 of withstanding multiple counts and re-  
10 counts by hand without compromising the  
11 fundamental integrity of the ballots, and  
12 capable of retaining the information  
13 marked or printed on them for the full du-  
14 ration of a retention and preservation pe-  
15 riod of 22 months.

16           “(B) READABILITY REQUIREMENTS FOR  
17 PAPER BALLOTS MARKED BY BALLOT MARKING  
18 DEVICE.—All voter-verified paper ballots com-  
19 pleted by the voter through the use of a ballot  
20 marking device shall be clearly readable by the  
21 voter without assistance (other than eyeglasses  
22 or other personal vision enhancing devices) and  
23 by an optical character recognition device or  
24 other device equipped for individuals with dis-  
25 abilities.”.

1 **SEC. 105. PAPER BALLOT PRINTING REQUIREMENTS.**

2 (a) REQUIRING PAPER BALLOTS TO BE PRINTED ON  
3 RECYCLED PAPER MANUFACTURED IN UNITED  
4 STATES.—Section 301(a) of the Help America Vote Act  
5 of 2002 (52 U.S.C. 21081(a)), as amended by section 104,  
6 is amended by adding at the end the following new para-  
7 graph:

8 “(8) PRINTING REQUIREMENTS FOR BAL-  
9 LOTS.—All paper ballots used in an election for Fed-  
10 eral office shall be printed in the United States on  
11 recycled paper manufactured in the United States.”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 subsection (a) shall apply with respect to elections occur-  
14 ring on or after January 1, 2021.

15 **SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DE-**  
16 **SIGN.**

17 (a) STUDY.—The Election Assistance Commission  
18 shall conduct a study of the best ways to design ballots  
19 used in elections for public office, including paper ballots  
20 and electronic or digital ballots, to minimize confusion and  
21 user errors.

22 (b) REPORT.—Not later than January 1, 2020, the  
23 Election Assistance Commission shall submit to Congress  
24 a report on the study conducted under subsection (a).

1 **SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

2 Section 301(d) of the Help America Vote Act of 2002  
3 (52 U.S.C. 21081(d)) is amended to read as follows:

4 “(d) EFFECTIVE DATE.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), each State and jurisdiction shall be re-  
7 quired to comply with the requirements of this sec-  
8 tion on and after January 1, 2006.

9 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
10 MENTS.—

11 “(A) IN GENERAL.—Except as provided in  
12 section 105(b) of the Securing America’s Fed-  
13 eral Elections Act and subparagraphs (B) and  
14 (C), the requirements of this section which are  
15 first imposed on a State and jurisdiction pursu-  
16 ant to the amendments made by the Voter Con-  
17 fidence and Increased Accessibility Act of 2019  
18 shall apply with respect to voting systems used  
19 for any election for Federal office held in 2020  
20 or any succeeding year.

21 “(B) DELAY FOR JURISDICTIONS USING  
22 CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
23 SYSTEMS USING OR PRODUCING VOTER-  
24 VERIFIED PAPER RECORDS IN 2018.—

25 “(i) DELAY.—In the case of a juris-  
26 diction described in clause (ii), subpara-

1 graph (A) shall apply to a voting system in  
2 the jurisdiction as if the reference in such  
3 subparagraph to ‘2020’ were a reference to  
4 ‘2022’, but only with respect to the fol-  
5 lowing requirements of this section:

6 “(I) Paragraph (2)(A)(i)(I) of  
7 subsection (a) (relating to the use of  
8 voter-verified paper ballots).

9 “(II) Paragraphs (3)(B)(iii)(I)  
10 and (II) of subsection (a) (relating to  
11 access to verification from and casting  
12 of the durable paper ballot).

13 “(III) Paragraph (7) of sub-  
14 section (a) (relating to durability and  
15 readability requirements for ballots).

16 “(ii) JURISDICTIONS DESCRIBED.—A  
17 jurisdiction described in this clause is a ju-  
18 risdiction—

19 “(I) which used voter-verified  
20 paper record printers attached to di-  
21 rect recording electronic voting ma-  
22 chines, or which used other voting  
23 systems that used or produced paper  
24 records of the vote verifiable by voters  
25 but that are not in compliance with

1 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)  
2 and (II), and (7) of subsection (a) (as  
3 amended or added by the Voter Con-  
4 fidence and Increased Accessibility  
5 Act of 2019), for the administration  
6 of the regularly scheduled general  
7 election for Federal office held in No-  
8 vember 2018; and

9 “(II) which will continue to use  
10 such printers or systems for the ad-  
11 ministration of elections for Federal  
12 office held in years before 2022.

13 “(iii) MANDATORY AVAILABILITY OF  
14 PAPER BALLOTS AT POLLING PLACES  
15 USING GRANDFATHERED PRINTERS AND  
16 SYSTEMS.—

17 “(I) REQUIRING BALLOTS TO BE  
18 OFFERED AND PROVIDED.—The ap-  
19 propriate election official at each poll-  
20 ing place that uses a printer or sys-  
21 tem described in clause (ii)(I) for the  
22 administration of elections for Federal  
23 office shall offer each individual who  
24 is eligible to cast a vote in the election  
25 at the polling place the opportunity to

1 cast the vote using a blank pre-print-  
2 ed paper ballot which the individual  
3 may mark by hand and which is not  
4 produced by the direct recording elec-  
5 tronic voting machine or other such  
6 system. The official shall provide the  
7 individual with the ballot and the sup-  
8 plies necessary to mark the ballot, and  
9 shall ensure (to the greatest extent  
10 practicable) that the waiting period  
11 for the individual to cast a vote is the  
12 lesser of 30 minutes or the average  
13 waiting period for an individual who  
14 does not agree to cast the vote using  
15 such a paper ballot under this clause.

16 “(II) TREATMENT OF BALLOT.—  
17 Any paper ballot which is cast by an  
18 individual under this clause shall be  
19 counted and otherwise treated as a  
20 regular ballot for all purposes (includ-  
21 ing by incorporating it into the final  
22 unofficial vote count (as defined by  
23 the State) for the precinct) and not as  
24 a provisional ballot, unless the indi-  
25 vidual casting the ballot would have

1 otherwise been required to cast a pro-  
2 visional ballot.

3 “(III) POSTING OF NOTICE.—

4 The appropriate election official shall  
5 ensure there is prominently displayed  
6 at each polling place a notice that de-  
7 scribes the obligation of the official to  
8 offer individuals the opportunity to  
9 cast votes using a pre-printed blank  
10 paper ballot.

11 “(IV) TRAINING OF ELECTION

12 OFFICIALS.—The chief State election  
13 official shall ensure that election offi-  
14 cials at polling places in the State are  
15 aware of the requirements of this  
16 clause, including the requirement to  
17 display a notice under subclause (III),  
18 and are aware that it is a violation of  
19 the requirements of this title for an  
20 election official to fail to offer an indi-  
21 vidual the opportunity to cast a vote  
22 using a blank pre-printed paper ballot.

23 “(V) PERIOD OF APPLICA-

24 BILITY.—The requirements of this  
25 clause apply only during the period in

1                   which the delay is in effect under  
2                   clause (i).

3                   “(C) SPECIAL RULE FOR JURISDICTIONS  
4                   USING CERTAIN NONTABULATING BALLOT  
5                   MARKING DEVICES.—In the case of a jurisdic-  
6                   tion which uses a nontabulating ballot marking  
7                   device which automatically deposits the ballot  
8                   into a privacy sleeve, subparagraph (A) shall  
9                   apply to a voting system in the jurisdiction as  
10                  if the reference in such subparagraph to ‘any  
11                  election for Federal office held in 2020 or any  
12                  succeeding year’ were a reference to ‘elections  
13                  for Federal office occurring held in 2022 or  
14                  each succeeding year’, but only with respect to  
15                  paragraph (3)(B)(iii)(II) of subsection (a) (re-  
16                  lating to nonmanual casting of the durable  
17                  paper ballot).”.

18                  **PART 2—GRANTS TO CARRY OUT**

19                                   **IMPROVEMENTS**

20                  **SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**

21                                   **LOT VOTING SYSTEMS AND CARRYING OUT**

22                                   **VOTING SYSTEM SECURITY IMPROVEMENTS.**

23                  (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
24                  II of the Help America Vote Act of 2002 (52 U.S.C.

1 21001 et seq.) is amended by adding at the end the fol-  
2 lowing new part:

3 **“PART 7—GRANTS FOR OBTAINING COMPLIANT**  
4 **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
5 **RYING OUT VOTING SYSTEM SECURITY IM-**  
6 **PROVEMENTS**

7 **“SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER**  
8 **BALLOT VOTING SYSTEMS AND CARRYING**  
9 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
10 **MENTS.**

11 **“(a) AVAILABILITY AND USE OF GRANT.—**The Com-  
12 mission shall make a grant to each eligible State—

13 **“(1) to replace a voting system—**

14 **“(A) which does not meet the requirements**  
15 **which are first imposed on the State pursuant**  
16 **to the amendments made by the Voter Con-**  
17 **fidence and Increased Accessibility Act of 2019**  
18 **with a voting system which does meet such re-**  
19 **quirements, for use in the regularly scheduled**  
20 **general elections for Federal office held in No-**  
21 **vember 2020; or**

22 **“(B) which does meet such requirements**  
23 **but which is not in compliance with the most**  
24 **recent voluntary voting system guidelines issued**  
25 **by the Commission prior to the regularly sched-**

1           uled general election for Federal office held in  
2           November 2020 with another system which does  
3           meet such requirements and is in compliance  
4           with such guidelines;

5           “(2) to carry out voting system security im-  
6           provements described in section 297A with respect  
7           to the regularly scheduled general elections for Fed-  
8           eral office held in November 2020 and each suc-  
9           ceeding election for Federal office; and

10           “(3) to implement and model best practices for  
11           ballot design, ballot instructions, and the testing of  
12           ballots.

13           “(b) AMOUNT OF GRANT.—The amount of a grant  
14           made to a State under this section shall be such amount  
15           as the Commission determines to be appropriate, except  
16           that such amount may not be less than the product of  
17           \$1 and the average of the number of individuals who cast  
18           votes in any of the two most recent regularly scheduled  
19           general elections for Federal office held in the State.

20           “(c) PRO RATA REDUCTIONS.—If the amount of  
21           funds appropriated for grants under this part is insuffi-  
22           cient to ensure that each State receives the amount of the  
23           grant calculated under subsection (b), the Commission  
24           shall make such pro rata reductions in such amounts as

1 may be necessary to ensure that the entire amount appro-  
2 priated under this part is distributed to the States.

3 “(d) SURPLUS APPROPRIATIONS.—If the amount of  
4 funds appropriated for grants authorized under section  
5 297D(a)(2) exceed the amount necessary to meet the re-  
6 quirements of subsection (b), the Commission shall con-  
7 sider the following in making a determination to award  
8 remaining funds to a State:

9 “(1) The record of the State in carrying out the  
10 following with respect to the administration of elec-  
11 tions for Federal office:

12 “(A) Providing voting machines that are  
13 less than 10 years old.

14 “(B) Implementing strong chain of custody  
15 procedures for the physical security of voting  
16 equipment and paper records at all stages of  
17 the process.

18 “(C) Conducting pre-election testing on  
19 every voting machine and ensuring that paper  
20 ballots are available wherever electronic ma-  
21 chines are used.

22 “(D) Maintaining offline backups of voter  
23 registration lists.

1           “(E) Providing a secure voter registration  
2           database that logs requests submitted to the  
3           database.

4           “(F) Publishing and enforcing a policy de-  
5           tailing use limitations and security safeguards  
6           to protect the personal information of voters in  
7           the voter registration process.

8           “(G) Providing secure processes and proce-  
9           dures for reporting vote tallies.

10           “(H) Providing a secure platform for dis-  
11           seminating vote totals.

12           “(2) Evidence of established conditions of inno-  
13           vation and reform in providing voting system secu-  
14           rity and the proposed plan of the State for imple-  
15           menting additional conditions.

16           “(3) Evidence of collaboration between relevant  
17           stakeholders, including local election officials, in de-  
18           veloping the grant implementation plan described in  
19           section 297B.

20           “(4) The plan of the State to conduct a rig-  
21           orous evaluation of the effectiveness of the activities  
22           carried out with the grant.

23           “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-  
24           MINISTER RANKED CHOICE ELECTIONS.—To the greatest  
25           extent practicable, an eligible State which receives a grant

1 to replace a voting system under this section shall ensure  
2 that the replacement system is capable of administering  
3 a system of ranked choice voting under which each voter  
4 shall rank the candidates for the office in the order of  
5 the voter's preference.

6 **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
7 **DESCRIBED.**

8 “(a) PERMITTED USES.—A voting system security  
9 improvement described in this section is any of the fol-  
10 lowing:

11 “(1) The acquisition of goods and services from  
12 qualified election infrastructure vendors by purchase,  
13 lease, or such other arrangements as may be appro-  
14 priate.

15 “(2) Cyber and risk mitigation training.

16 “(3) A security risk and vulnerability assess-  
17 ment of the State's election infrastructure which is  
18 carried out by a provider of cybersecurity services  
19 under a contract entered into between the chief  
20 State election official and the provider.

21 “(4) The maintenance of election infrastruc-  
22 ture, including addressing risks and vulnerabilities  
23 which are identified under either of the security risk  
24 and vulnerability assessments described in para-  
25 graph (3), except that none of the funds provided

1 under this part may be used to renovate or replace  
2 a building or facility which is used primarily for pur-  
3 poses other than the administration of elections for  
4 public office.

5 “(5) Providing increased technical support for  
6 any information technology infrastructure that the  
7 chief State election official deems to be part of the  
8 State’s election infrastructure or designates as crit-  
9 ical to the operation of the State’s election infra-  
10 structure.

11 “(6) Enhancing the cybersecurity and oper-  
12 ations of the information technology infrastructure  
13 described in paragraph (4).

14 “(7) Enhancing the cybersecurity of voter reg-  
15 istration systems.

16 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
17 DORS DESCRIBED.—

18 “(1) IN GENERAL.—For purposes of this part,  
19 a ‘qualified election infrastructure vendor’ is any  
20 person who provides, supports, or maintains, or who  
21 seeks to provide, support, or maintain, election in-  
22 frastructure on behalf of a State, unit of local gov-  
23 ernment, or election agency, who meets the criteria  
24 described in paragraph (2).

1           “(2) CRITERIA.—The criteria described in this  
2 paragraph are such criteria as the Chairman, in co-  
3 ordination with the Secretary of Homeland Security,  
4 shall establish and publish, and shall include each of  
5 the following requirements:

6           “(A) The vendor must be owned and con-  
7 trolled by a citizen or permanent resident of the  
8 United States.

9           “(B) The vendor must disclose to the  
10 Chairman and the Secretary, and to the chief  
11 State election official of any State to which the  
12 vendor provides any goods and services with  
13 funds provided under this part, of any sourcing  
14 outside the United States for parts of the elec-  
15 tion infrastructure.

16           “(C) The vendor agrees to ensure that the  
17 election infrastructure will be developed and  
18 maintained in a manner that is consistent with  
19 the cybersecurity best practices issued by the  
20 Technical Guidelines Development Committee.

21           “(D) The vendor agrees to maintain its in-  
22 formation technology infrastructure in a man-  
23 ner that is consistent with the cybersecurity  
24 best practices issued by the Technical Guide-  
25 lines Development Committee.

1           “(E) The vendor agrees to meet the re-  
2           quirements of paragraph (3) with respect to  
3           any known or suspected cybersecurity incidents  
4           involving any of the goods and services provided  
5           by the vendor pursuant to a grant under this  
6           part.

7           “(F) The vendor agrees to permit inde-  
8           pendent security testing by the Commission (in  
9           accordance with section 231(a)) and by the Sec-  
10          retary of the goods and services provided by the  
11          vendor pursuant to a grant under this part.

12          “(3) CYBERSECURITY INCIDENT REPORTING  
13          REQUIREMENTS.—

14               “(A) IN GENERAL.—A vendor meets the  
15               requirements of this paragraph if, upon becom-  
16               ing aware of the possibility that an election cy-  
17               bersecurity incident has occurred involving any  
18               of the goods and services provided by the ven-  
19               dor pursuant to a grant under this part—

20                       “(i) the vendor promptly assesses  
21                       whether or not such an incident occurred,  
22                       and submits a notification meeting the re-  
23                       quirements of subparagraph (B) to the  
24                       Secretary and the Chairman of the assess-  
25                       ment as soon as practicable (but in no case

1 later than 3 days after the vendor first be-  
2 comes aware of the possibility that the in-  
3 cident occurred);

4 “(ii) if the incident involves goods or  
5 services provided to an election agency, the  
6 vendor submits a notification meeting the  
7 requirements of subparagraph (B) to the  
8 agency as soon as practicable (but in no  
9 case later than 3 days after the vendor  
10 first becomes aware of the possibility that  
11 the incident occurred), and cooperates with  
12 the agency in providing any other nec-  
13 essary notifications relating to the inci-  
14 dent; and

15 “(iii) the vendor provides all necessary  
16 updates to any notification submitted  
17 under clause (i) or clause (ii).

18 “(B) CONTENTS OF NOTIFICATIONS.—  
19 Each notification submitted under clause (i) or  
20 clause (ii) of subparagraph (A) shall contain  
21 the following information with respect to any  
22 election cybersecurity incident covered by the  
23 notification:

1           “(i) The date, time, and time zone  
2 when the election cybersecurity incident  
3 began, if known.

4           “(ii) The date, time, and time zone  
5 when the election cybersecurity incident  
6 was detected.

7           “(iii) The date, time, and duration of  
8 the election cybersecurity incident.

9           “(iv) The circumstances of the elec-  
10 tion cybersecurity incident, including the  
11 specific election infrastructure systems be-  
12 lieved to have been accessed and informa-  
13 tion acquired, if any.

14           “(v) Any planned and implemented  
15 technical measures to respond to and re-  
16 cover from the incident.

17           “(vi) In the case of any notification  
18 which is an update to a prior notification,  
19 any additional material information relat-  
20 ing to the incident, including technical  
21 data, as it becomes available.

22 **“SEC. 297B. ELIGIBILITY OF STATES.**

23           “A State is eligible to receive a grant under this part  
24 if the State submits to the Commission, at such time and

1 in such form as the Commission may require, an applica-  
2 tion containing—

3 “(1) a description of how the State will use the  
4 grant to carry out the activities authorized under  
5 this part;

6 “(2) a certification and assurance that, not  
7 later than 5 years after receiving the grant, the  
8 State will carry out voting system security improve-  
9 ments, as described in section 297A; and

10 “(3) such other information and assurances as  
11 the Commission may require.

12 **“SEC. 297C. REPORTS TO CONGRESS.**

13 “Not later than 90 days after the end of each fiscal  
14 year, the Commission shall submit a report to the appro-  
15 priate congressional committees, including the Committees  
16 on Homeland Security, House Administration, and the Ju-  
17 diciary of the House of Representatives and the Commit-  
18 tees on Homeland Security and Governmental Affairs, the  
19 Judiciary, and Rules and Administration of the Senate,  
20 on the activities carried out with the funds provided under  
21 this part.

22 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) AUTHORIZATION.—There are authorized to be  
24 appropriated for grants under this part—

25 “(1) \$600,000,000 for fiscal year 2019; and

1           “(2) \$175,000,000 for each of the fiscal years  
2           2020, 2022, 2024, and 2026.

3           “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
4 amounts appropriated pursuant to the authorization of  
5 this section shall remain available until expended.”.

6           (b) CLERICAL AMENDMENT.—The table of contents  
7 of such Act is amended by adding at the end of the items  
8 relating to subtitle D of title II the following:

          “PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING  
          SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

          “Sec. 297. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

          “Sec. 297A. Voting system security improvements described.

          “Sec. 297B. Eligibility of States.

          “Sec. 297C. Reports to Congress.

          “Sec. 297D. Authorization of appropriations.”.

9   **SEC. 112. COORDINATION OF VOTING SYSTEM SECURITY**  
10                   **ACTIVITIES WITH USE OF REQUIREMENTS**  
11                   **PAYMENTS AND ELECTION ADMINISTRATION**  
12                   **REQUIREMENTS UNDER HELP AMERICA**  
13                   **VOTE ACT OF 2002.**

14           (a) DUTIES OF ELECTION ASSISTANCE COMMISSION.—Section 202 of the Help America Vote Act of 2002  
15 (52 U.S.C. 20922) is amended in the matter preceding  
16 paragraph (1) by striking “by” and inserting “and the security of election infrastructure by”.

19           (b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-  
20

1 ANCE COMMISSION.—Section 214(a) of such Act (52  
2 U.S.C. 20944(a)) is amended—

3 (1) by striking “37 members” and inserting  
4 “38 members”; and

5 (2) by adding at the end the following new  
6 paragraph:

7 “(17) The Secretary of Homeland Security or  
8 the Secretary’s designee.”.

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-  
11 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
12 U.S.C. 20961(c)(1)) is amended—

13 (1) by redesignating subparagraph (E) as sub-  
14 paragraph (F); and

15 (2) by inserting after subparagraph (D) the fol-  
16 lowing new subparagraph:

17 “(E) A representative of the Department  
18 of Homeland Security.”.

19 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
20 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
21 OF HOMELAND SECURITY.—Section 241(a) of such Act  
22 (52 U.S.C. 20981(a)) is amended—

23 (1) in the matter preceding paragraph (1), by  
24 striking “the Commission shall” and inserting “the

1 Commission, in consultation with the Secretary of  
2 Homeland Security (as appropriate), shall”;

3 (2) by striking “and” at the end of paragraph  
4 (3);

5 (3) by redesignating paragraph (4) as para-  
6 graph (5); and

7 (4) by inserting after paragraph (3) the fol-  
8 lowing new paragraph:

9 “(4) will be secure against attempts to under-  
10 mine the integrity of election systems by cyber or  
11 other means; and”.

12 (e) REQUIREMENTS PAYMENTS.—

13 (1) USE OF PAYMENTS FOR VOTING SYSTEM  
14 SECURITY IMPROVEMENTS.—Section 251(b) of such  
15 Act (52 U.S.C. 21001(b)) is amended by adding at  
16 the end the following new paragraph:

17 “(4) PERMITTING USE OF PAYMENTS FOR VOT-  
18 ING SYSTEM SECURITY IMPROVEMENTS.—A State  
19 may use a requirements payment to carry out any  
20 of the following activities:

21 “(A) Cyber and risk mitigation training.

22 “(B) Providing increased technical support  
23 for any information technology infrastructure  
24 that the chief State election official deems to be  
25 part of the State’s election infrastructure or

1 designates as critical to the operation of the  
2 State’s election infrastructure.

3 “(C) Enhancing the cybersecurity and op-  
4 erations of the information technology infra-  
5 structure described in subparagraph (B).

6 “(D) Enhancing the security of voter reg-  
7 istration databases.”.

8 (2) INCORPORATION OF ELECTION INFRA-  
9 STRUCTURE PROTECTION IN STATE PLANS FOR USE  
10 OF PAYMENTS.—Section 254(a)(1) of such Act (52  
11 U.S.C. 21004(a)(1)) is amended by striking the pe-  
12 riod at the end and inserting “, including the protec-  
13 tion of election infrastructure.”.

14 (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
15 FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
16 MENTS.—Section 255 of such Act (52 U.S.C.  
17 21005) is amended—

18 (A) by redesignating subsection (b) as sub-  
19 section (c); and

20 (B) by inserting after subsection (a) the  
21 following new subsection:

22 “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
23 bers of the committee shall be a representative group of  
24 individuals from the State’s counties, cities, towns, and

1 Indian tribes, and shall represent the needs of rural as  
2 well as urban areas of the State, as the case may be.”.

3 (f) ENSURING PROTECTION OF COMPUTERIZED  
4 STATEWIDE VOTER REGISTRATION LIST.—Section  
5 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
6 ed by striking the period at the end and inserting “, as  
7 well as other measures to prevent and deter cybersecurity  
8 incidents, as identified by the Commission, the Secretary  
9 of Homeland Security, and the Technical Guidelines De-  
10 velopment Committee.”.

11 **SEC. 113. INCORPORATION OF DEFINITIONS.**

12 (a) IN GENERAL.—Section 901 of the Help America  
13 Vote Act of 2002 (52 U.S.C. 21141) is amended to read  
14 as follows:

15 **“SEC. 901. DEFINITIONS.**

16 “In this Act, the following definitions apply:

17 “(1) The term ‘cybersecurity incident’ has the  
18 meaning given the term ‘incident’ in section 227 of  
19 the Homeland Security Act of 2002 (6 U.S.C. 659).

20 “(2) The term ‘election agency’ means any com-  
21 ponent of a State, or any component of a unit of  
22 local government in a State, which is responsible for  
23 the administration of elections for Federal office in  
24 the State.

1           “(3) The term ‘election infrastructure’ means  
2           storage facilities, polling places, and centralized vote  
3           tabulation locations used to support the administra-  
4           tion of elections for public office, as well as related  
5           information and communications technology (includ-  
6           ing the technology used by or on behalf of election  
7           officials to produce and distribute voter guides to  
8           elections), including voter registration databases,  
9           voting machines, electronic mail and other commu-  
10          nications systems (including electronic mail and  
11          other systems of vendors who have entered into con-  
12          tracts with election agencies to support the adminis-  
13          tration of elections, manage the election process, and  
14          report and display election results), and other sys-  
15          tems used to manage the election process and to re-  
16          port and display election results on behalf of an elec-  
17          tion agency.

18           “(4) The term ‘State’ means each of the several  
19          States, the District of Columbia, the Commonwealth  
20          of Puerto Rico, Guam, American Samoa, the United  
21          States Virgin Islands, and the Commonwealth of the  
22          Northern Mariana Islands.”.

23          (b) CLERICAL AMENDMENT.—The table of contents  
24          of such Act is amended by amending the item relating to  
25          section 901 to read as follows:

“Sec. 901. Definitions.”.

## 1     **Subtitle B—Risk-Limiting Audits**

### 2     **SEC. 121. RISK-LIMITING AUDITS.**

3           (a) IN GENERAL.—Title III of the Help America  
4     Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
5     by inserting after section 303 the following new section:

#### 6     **“SEC. 303A. RISK-LIMITING AUDITS.**

7           “(a) DEFINITIONS.—In this section:

8                   “(1) RISK-LIMITING AUDIT.—The term ‘risk-  
9     limiting audit’ means, with respect to any election  
10    contest, a post-election process that—

11                           “(A) has a probability of at least 95 per-  
12                           cent of correcting the reported outcome if the  
13                           reported outcome is not the correct outcome;

14                           “(B) will not change the outcome if the re-  
15                           ported outcome is the correct outcome; and

16                           “(C) involves a manual adjudication of  
17                           voter intent from some or all of the ballots val-  
18                           idly cast in the election contest.

19                   “(2) REPORTED OUTCOME; CORRECT OUTCOME;  
20     OUTCOME.—

21                           “(A) REPORTED OUTCOME.—The term ‘re-  
22                           ported outcome’ means the outcome of an elec-  
23                           tion contest which is determined according to  
24                           the canvass and which will become the official,

1 certified outcome unless it is revised by an  
2 audit, recount, or other legal process.

3 “(B) CORRECT OUTCOME.—The term ‘cor-  
4 rect outcome’ means the outcome that would be  
5 determined by a manual adjudication of voter  
6 intent for all votes validly cast in the election  
7 contest.

8 “(C) OUTCOME.—The term ‘outcome’  
9 means the winner or set of winners of an elec-  
10 tion contest.

11 “(3) MANUAL ADJUDICATION OF VOTER IN-  
12 TENT.—The term ‘manual adjudication of voter in-  
13 tent’ means direct inspection and determination by  
14 humans, without assistance from electronic or me-  
15 chanical tabulation devices, of the ballot choices  
16 marked by voters on each voter-verified paper  
17 record.

18 “(4) BALLOT MANIFEST.—The term ‘ballot  
19 manifest’ means a record maintained by each juris-  
20 diction that—

21 “(A) is created without reliance on any  
22 part of the voting system used to tabulate  
23 votes;

24 “(B) functions as a sampling frame for  
25 conducting a risk-limiting audit; and

1           “(C) accounts for all ballots validly cast re-  
2           gardless of how they were tabulated and in-  
3           cludes a precise description of the manner in  
4           which the ballots are physically stored, includ-  
5           ing the total number of physical groups of bal-  
6           lots, the numbering system for each group, a  
7           unique label for each group, and the number of  
8           ballots in each such group.

9           “(b) REQUIREMENTS.—

10           “(1) IN GENERAL.—

11           “(A) AUDITS.—

12           “(i) IN GENERAL.—Each State and  
13           jurisdiction shall administer risk-limiting  
14           audits of the results of all election contests  
15           for Federal office held in the State in ac-  
16           cordance with the requirements of para-  
17           graph (2).

18           “(ii) EXCEPTION.—Clause (i) shall  
19           not apply to any election contest for which  
20           the State or jurisdiction conducts a full re-  
21           count through a manual adjudication of  
22           voter intent.

23           “(B) FULL MANUAL TABULATION.—If a  
24           risk-limiting audit conducted under subpara-  
25           graph (A) corrects the reported outcome of an

1 election contest, the State or jurisdiction shall  
2 use the results of the manual adjudication of  
3 voter intent conducted as part of the risk-lim-  
4 iting audit as the official results of the election  
5 contest.

6 “(2) AUDIT REQUIREMENTS.—

7 “(A) RULES AND PROCEDURES.—

8 “(i) IN GENERAL.—Not later than 1  
9 year after the date of the enactment of this  
10 section, the chief State election official of  
11 the State shall establish rules and proce-  
12 dures for conducting risk-limiting audits.

13 “(ii) MATTERS INCLUDED.—The rules  
14 and procedures established under clause (i)  
15 shall include the following:

16 “(I) Rules and procedures for en-  
17 suring the security of ballots and doc-  
18 umenting that prescribed procedures  
19 were followed.

20 “(II) Rules and procedures for  
21 ensuring the accuracy of ballot mani-  
22 fests produced by jurisdictions.

23 “(III) Rules and procedures for  
24 governing the format of ballot mani-

1           ests and other data involved in risk-  
2           limiting audits.

3           “(IV) Methods to ensure that  
4           any cast vote records used in a risk-  
5           limiting audit are those used by the  
6           voting system to tally the results of  
7           the election contest sent to the chief  
8           State election official of the State and  
9           made public.

10          “(V) Rules and procedures for  
11          the random selection of ballots to be  
12          inspected manually during each audit.

13          “(VI) Rules and procedures for  
14          the calculations and other methods to  
15          be used in the audit and to determine  
16          whether and when the audit of each  
17          election contest is complete.

18          “(VII) Rules and procedures for  
19          testing any software used to conduct  
20          risk-limiting audits.

21          “(B) PUBLIC REPORT.—

22               “(i) IN GENERAL.—After the comple-  
23               tion of the risk-limiting audit and at least  
24               5 days before the election contest is cer-  
25               tified, the State shall publish a report on

1 the results of the audit, together with such  
2 information as necessary to confirm that  
3 the audit was conducted properly.

4 “(ii) FORMAT OF DATA.—All data  
5 published with the report under clause (i)  
6 shall be published in machine-readable,  
7 open data formats.

8 “(iii) PROTECTION OF ANONYMITY OF  
9 VOTES.—Information and data published  
10 by the State under this subparagraph shall  
11 not compromise the anonymity of votes.

12 “(c) EFFECTIVE DATE.—Each State and jurisdiction  
13 shall be required to comply with the requirements of this  
14 section for the first regularly scheduled election for Fed-  
15 eral office held more than 1 year after the date of the  
16 enactment of the Securing America’s Federal Elections  
17 Act and for each subsequent election for Federal office.”.

18 (b) CONFORMING AMENDMENT RELATING TO EN-  
19 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
20 is amended by striking “sections 301, 302, and 303” and  
21 inserting “subtitle A of title III”.

22 (c) CLERICAL AMENDMENT.—The table of contents  
23 for such Act is amended by inserting after the item relat-  
24 ing to section 303 the following new item:

“Sec. 303A. Risk-limiting audits.”.

1 **SEC. 122. FUNDING FOR CONDUCTING POST-ELECTION**  
2 **RISK-LIMITING AUDITS.**

3 (a) PAYMENTS TO STATES.—Subtitle D of title II of  
4 the Help America Vote Act of 2002 (52 U.S.C. 21001 et  
5 seq.), as amended by section 111(a), is amended by adding  
6 at the end the following new part:

7 **“PART 8—FUNDING FOR POST-ELECTION RISK-**  
8 **LIMITING AUDITS**

9 **“SEC. 298. PAYMENTS FOR POST-ELECTION RISK-LIMITING**  
10 **AUDITS.**

11 “(a) IN GENERAL.—The Commission shall pay to  
12 States the amount of eligible post-election audit costs.

13 “(b) ELIGIBLE POST-ELECTION AUDIT COSTS.—For  
14 purposes of this section, the term ‘eligible post-election  
15 audit costs’ means, with respect to any State, costs paid  
16 or incurred by the State or local government within the  
17 State for—

18 “(1) the conduct of any risk-limiting audit (as  
19 defined in section 303A) with respect to an election  
20 for Federal office occurring after the date of the en-  
21 actment of this part; and

22 “(2) any equipment, software, or services nec-  
23 essary for the conduct of any such risk-limiting  
24 audit.

25 “(c) SPECIAL RULES.—

1           “(1) RULES AND PROCEDURES.—The Commis-  
2           sion shall establish rules and procedures for submis-  
3           sion of eligible post-election audit costs for payments  
4           under this section.

5           “(2) INSUFFICIENT FUNDS.—In any case in  
6           which the amounts appropriated under subsection  
7           (d) are insufficient to pay all eligible post-election  
8           audit costs submitted by States with respect to any  
9           Federal election, the amount of such costs paid  
10          under subsection (a) to any State shall be equal to  
11          the amount that bears the same ratio to the amount  
12          which would be paid to such State (determined with-  
13          out regard to this paragraph) as—

14                 “(A) the number of individuals who voted  
15                 in such Federal election in such State; bears to

16                 “(B) the total number of individuals who  
17                 voted in such Federal election in all States sub-  
18                 mitting a claim for eligible post-election audit  
19                 costs.

20          “(d) AUTHORIZATION OF APPROPRIATIONS.—

21                 “(1) IN GENERAL.—There is hereby authorized  
22                 to be appropriated to the Commission such sums as  
23                 are necessary to carry out this part.

24                 “(2) AVAILABILITY.—Any amounts appro-  
25                 priated pursuant to paragraph (1) shall remain

1 available without fiscal year limitation until ex-  
2 pended.”.

3 (b) CLERICAL AMENDMENT.—The table of contents  
4 of such Act, as amended by section 111(b), is further  
5 amended by adding at the end of the items relating to  
6 subtitle D of title II the following:

“PART 8—FUNDING FOR POST-ELECTION RISK-LIMITING AUDITS

“Sec. 298. Payments for post-election risk-limiting audits.”.

7 **SEC. 123. GAO ANALYSIS OF EFFECTS OF AUDITS.**

8 (a) ANALYSIS.—Not later than 6 months after the  
9 first elections for Federal office is held for which States  
10 must conduct risk-limiting audits under section 303A of  
11 the Help America Vote Act of 2002 (as added by section  
12 121), the Comptroller General of the United States shall  
13 conduct an analysis of the extent to which such audits  
14 have improved the administration of such elections and the  
15 security of election infrastructure in the States receiving  
16 such grants.

17 (b) REPORT.—The Comptroller General of the  
18 United States shall submit a report on the analysis con-  
19 ducted under subsection (a) to the Committee on House  
20 Administration of the House of Representatives and the  
21 Committee on Rules and Administration of the Senate.

1 **TITLE II—PROMOTING CYBERSE-**  
2 **CURITY THROUGH IMPROVE-**  
3 **MENTS IN ELECTION ADMIN-**  
4 **ISTRATION**

5 **SEC. 201. VOTING SYSTEM CYBERSECURITY REQUIRE-**  
6 **MENTS.**

7 (a) **BALLOT TABULATING DEVICES.**—Section 301(a)  
8 of the Help America Vote Act of 2002 (52 U.S.C.  
9 21081(a)), as amended by section 104 and section 105,  
10 is further amended by adding at the end the following new  
11 paragraph:

12 “(9) **BALLOT TABULATING METHODS.**—

13 “(A) **IN GENERAL.**—The voting system  
14 tabulates ballots by hand or through the use of  
15 an optical scanning device that meets the re-  
16 quirements of subparagraph (B).

17 “(B) **REQUIREMENTS FOR OPTICAL SCAN-**  
18 **NING DEVICES.**—Except as provided in sub-  
19 paragraph (C), the requirements of this sub-  
20 paragraph are as follows:

21 “(i) The device is designed and built  
22 in a manner in which it is mechanically im-  
23 possible for the device to add or change the  
24 vote selections on a printed or marked bal-  
25 lot.

1           “(ii) The device is capable of export-  
2           ing its data (including vote tally data sets  
3           and cast vote records) in a machine-read-  
4           able, open data standard format required  
5           by the Commission, in consultation with  
6           the Director of the National Institute of  
7           Standards and Technology.

8           “(iii) The device consists of hardware  
9           that demonstrably conforms to a hardware  
10          component manifest describing point-of-or-  
11          igin information (including upstream hard-  
12          ware supply chain information for each  
13          component) that—

14               “(I) has been provided to the  
15               Commission, the Director of Cyberse-  
16               curity and Infrastructure Security,  
17               and the chief State election official for  
18               each State in which the device is used;  
19               and

20               “(II) may be shared by any enti-  
21               ty to whom it has been provided under  
22               subclause (I) with independent experts  
23               for cybersecurity analysis.

24           “(iv) The device utilizes technology  
25           that prevents the operation of the device if

1 any hardware components do not meet the  
2 requirements of clause (iii).

3 “(v) The device operates using soft-  
4 ware for which the source code, system  
5 build tools, and compilation parameters—

6 “(I) have been provided to the  
7 Commission, the Director of Cyberse-  
8 curity and Infrastructure Security,  
9 and the chief State election official for  
10 each State in which the device is used;  
11 and

12 “(II) may be shared by any enti-  
13 ty to whom it has been provided under  
14 subclause (I) with independent experts  
15 for cybersecurity analysis.

16 “(vi) The device utilizes technology  
17 that prevents the running of software on  
18 the device that does not meet the require-  
19 ments of clause (v).

20 “(vii) The device utilizes technology  
21 that enables election officials, cybersecurity  
22 researchers, and voters to verify that the  
23 software running on the device—

1           “(I) was built from a specific,  
2           untampered version of the code that is  
3           described in clause (v); and

4           “(II) uses the system build tools  
5           and compilation parameters that are  
6           described in clause (v).

7           “(viii) The device contains such other  
8           security requirements as the Director of  
9           Cybersecurity and Infrastructure Security  
10          requires.

11          “(C) WAIVER.—

12           “(i) IN GENERAL.—The Director of  
13           Cybersecurity and Infrastructure Security,  
14           in consultation with the Director of the  
15           National Institute of Standards and Tech-  
16           nology, may waive one or more of the re-  
17           quirements of subparagraph (B) (other  
18           than the requirement of clause (i) thereof)  
19           with respect to any device for a period of  
20           not to exceed 2 years.

21           “(ii) PUBLICATION.—Information re-  
22           lating to any waiver granted under clause  
23           (i) shall be made publicly available on the  
24           Internet.

1           “(D) EFFECTIVE DATE.—Each State and  
2 jurisdiction shall be required to comply with the  
3 requirements of this paragraph for the regularly  
4 scheduled election for Federal office in Novem-  
5 ber 2024, and for each subsequent election for  
6 Federal office.”.

7           (b) OTHER CYBERSECURITY REQUIREMENTS.—Sec-  
8 tion 301(a) of such Act (52 U.S.C. 21081(a)), as amended  
9 by section 104, section 105, and subsection (a), is further  
10 amended by adding at the end the following new para-  
11 graphs:

12           “(10) PROHIBITION OF USE OF WIRELESS COM-  
13 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—

14           “(A) IN GENERAL.—No system or device  
15 upon which ballot marking devices or optical  
16 scanners are configured, upon which ballots are  
17 marked by voters (except as necessary for indi-  
18 viduals with disabilities to use ballot marking  
19 devices that meet the accessibility requirements  
20 of paragraph (3)), or upon which votes are cast,  
21 tabulated, or aggregated shall contain, use, or  
22 be accessible by any wireless, power-line, or con-  
23 cealed communication device.

24           “(B) EFFECTIVE DATE.—Each State and  
25 jurisdiction shall be required to comply with the

1 requirements of this paragraph for the regularly  
2 scheduled election for Federal office in Novem-  
3 ber 2020, and for each subsequent election for  
4 Federal office.

5 “(11) PROHIBITING CONNECTION OF SYSTEM  
6 TO THE INTERNET.—

7 “(A) IN GENERAL.—No system or device  
8 upon which ballot marking devices or optical  
9 scanners are configured, upon which ballots are  
10 marked by voters, or upon which votes are cast,  
11 tabulated, or aggregated shall be connected to  
12 the Internet or any non-local computer system  
13 via telephone or other communication network  
14 at any time.

15 “(B) EFFECTIVE DATE.—Each State and  
16 jurisdiction shall be required to comply with the  
17 requirements of this paragraph for the regularly  
18 scheduled election for Federal office in Novem-  
19 ber 2020, and for each subsequent election for  
20 Federal office.”.

21 (c) SPECIAL CYBERSECURITY RULES FOR CERTAIN  
22 BALLOT MARKING DEVICES.—

23 (1) IN GENERAL.—Section 301(a) of such Act  
24 (52 U.S.C. 21081(a)), as amended by section 104,  
25 section 105, and subsections (a) and (b), is further

1 amended by adding at the end the following new  
2 paragraph:

3 “(12) BALLOT MARKING DEVICES.—

4 “(A) IN GENERAL.—In the case of a voting  
5 system that uses a ballot marking device, the  
6 ballot marking device shall be a device that—

7 “(i) is not capable of tabulating votes;

8 “(ii) except in the case of a ballot  
9 marking device used exclusively to comply  
10 with the requirements of paragraph (3), is  
11 certified in accordance with section 232 as  
12 meeting the requirements of subparagraph  
13 (B); and

14 “(iii) meets the requirements of  
15 clauses (iii) through (viii) of section  
16 301(a)(9)(B).

17 “(B) REQUIREMENTS.—

18 “(i) IN GENERAL.—A ballot marking  
19 device meets the requirements of this sub-  
20 paragraph if, during a double-masked test  
21 conducted by a qualified independent user  
22 experience research laboratory (as defined  
23 in section 232(b)(4)) of a simulated elec-  
24 tion scenario which meets the requirements  
25 of clause (ii), there is less than a 5 percent

1 chance that an ordinary voter using the de-  
2 vice would not detect and report any dif-  
3 ference between the vote selection printed  
4 on the ballot by the ballot marking device  
5 and the vote selection indicated by the  
6 voter.

7 “(ii) SIMULATED ELECTION SCE-  
8 NARIO.—A simulated election scenario  
9 meets the requirements of this clause if it  
10 is conducted with—

11 “(I) a pool of subjects that are—

12 “(aa) diverse in age, gender,  
13 education, and physical limita-  
14 tions; and

15 “(bb) representative of the  
16 communities in which the voting  
17 system will be used; and

18 “(II) ballots that are representa-  
19 tive of ballots ordinarily used in the  
20 communities in which the voting sys-  
21 tem will be used.

22 “(C) EFFECTIVE DATE.—Each State and  
23 jurisdiction shall be required to comply with the  
24 requirements of this paragraph for the regularly  
25 scheduled election for Federal office in Novem-

1           ber 2022, and for each subsequent election for  
2           Federal office.”.

3           (2) PROCEDURE FOR TESTING.—

4                   (A) IN GENERAL.—Subtitle B of title II of  
5           the Help America Vote Act of 2002 (52 U.S.C.  
6           20971 et seq.) is amended by adding at the end  
7           the following new section:

8   **“SEC. 232. TESTING AND CERTIFICATION OF BALLOT MARK-**  
9                   **ING DEVICES.**

10           “(a) IN GENERAL.—Any State or jurisdiction which  
11           intends to use a ballot marking device (other than a ballot  
12           marking device used exclusively to comply with the re-  
13           quirements of section 301(a)(3)) in an election for Federal  
14           office may submit an application to the Commission for  
15           testing and certification under this section.

16           “(b) APPLICATION, ASSIGNMENT, AND TESTING.—

17                   “(1) IN GENERAL.—An application under sub-  
18           section (a) shall be submitted not later than 18  
19           months before the date of the election for Federal  
20           office in which the ballot marking device is intended  
21           to be used and shall contain such information as the  
22           Commission requires.

23                   “(2) ASSIGNMENT.—Upon receipt of an appli-  
24           cation for testing under this section, the Commission  
25           shall contract with a qualified independent user ex-

1 perience research laboratory for the testing of  
2 whether the ballot marking device intended to be  
3 used by the State or jurisdiction meets the require-  
4 ments of section 301(a)(12)(B).

5 “(3) REQUIREMENTS FOR TESTING.—Any con-  
6 tract described in paragraph (2) shall require the  
7 qualified independent user experience research lab-  
8 oratory to—

9 “(A) not later than 30 days before testing  
10 begins, submit to the Commission for approval  
11 the protocol for the simulated election scenario  
12 used for testing the ballot marking device;

13 “(B) use only protocols approved by the  
14 Commission in conducting such testing; and

15 “(C) submit to the Commission a report on  
16 the results of the testing.

17 “(4) QUALIFIED INDEPENDENT USER EXPERI-  
18 ENCE RESEARCH LABORATORY.—For purposes of  
19 this section:

20 “(A) IN GENERAL.—The term ‘qualified  
21 independent user experience research labora-  
22 tory’ means a laboratory accredited under this  
23 subsection by the Election Assistance Commis-  
24 sion in accordance with standards determined  
25 by the Commission, in consultation with the Di-

1 rector of the National Institute of Standards  
2 and Technology and the Secretary of Homeland  
3 Security.

4 “(B) CRITERIA.—A laboratory shall not be  
5 accredited under this subsection unless such  
6 laboratory demonstrates that—

7 “(i) no employee of, or individual with  
8 an ownership in, such laboratory has, or  
9 has had during the 5 preceding years, any  
10 financial relationship with a manufacturer  
11 of voting systems; and

12 “(ii) any group of individuals con-  
13 ducting tests under this section collectively  
14 meet the following qualifications:

15 “(I) Experience designing and  
16 running user research studies and ex-  
17 periments using both qualitative and  
18 quantitative methodologies.

19 “(II) Experience with voting sys-  
20 tems.

21 “(c) REVIEW BY INDEPENDENT BOARD.—

22 “(1) IN GENERAL.—The Commission shall sub-  
23 mit for approval to an independent review board es-  
24 tablished under paragraph (3) the following:

1           “(A) Any protocol submitted to the Com-  
2 mission under subsection (b)(3)(A).

3           “(B) Any report submitted to the Commis-  
4 sion under subsection (b)(3)(C).

5           “(2) FINAL APPROVAL.—Not later than the  
6 date that is 12 months before the date of the elec-  
7 tion for Federal office in which a State or jurisdic-  
8 tion intends to use the ballot marking device, the  
9 independent review board shall report to the Com-  
10 mission on whether it has approved a report sub-  
11 mitted under paragraph (1)(B).

12           “(3) INDEPENDENT REVIEW BOARD.—

13           “(A) IN GENERAL.—An independent re-  
14 view board established under this paragraph  
15 shall be composed of five independent scientists  
16 appointed by the Commission, in consultation  
17 with the Director of the National Institute of  
18 Standards and Technology.

19           “(B) QUALIFICATIONS.—The members of  
20 the independent review board—

21           “(i) shall have expertise and relevant  
22 peer-reviewed publications in the following  
23 fields: cognitive psychology, experimental  
24 design, statistics, and user experience re-  
25 search and testing; and

1                   “(ii) may not have, or have had dur-  
2                   ing the 5 preceding years, any financial re-  
3                   lationship with a manufacturer of voting  
4                   systems.

5                   “(4) PUBLICATION.—The Commission shall  
6                   make public—

7                   “(A) any protocol approved under this sub-  
8                   section;

9                   “(B) any report submitted under sub-  
10                  section (b)(3)(C); and

11                  “(C) any determination made by an inde-  
12                  pendent review board under paragraph (2).

13                  “(d) CERTIFICATION.—If—

14                  “(1) a ballot marking device is determined by  
15                  the qualified independent user experience research  
16                  laboratory to meet the requirements of section  
17                  301(a)(12); and

18                  “(2) the report submitted under subsection  
19                  (b)(3)(C) is approved by a majority of the members  
20                  of the independent review board under subsection  
21                  (d)(2),

22                  then the Commission shall certify the ballot marking de-  
23                  vice.

24                  “(e) PROHIBITION ON FEES.—The Commission may  
25                  not charge any fee to a State or jurisdiction, a developer

1 or manufacturer of a ballot marking device, or any other  
 2 person in connection with testing and certification under  
 3 this section.”.

4 (B) CONFORMING AMENDMENTS.—

5 (i) Section 202(2) of the Help Amer-  
 6 ica Vote Act of 2002 (52 U.S.C. 20922(2))  
 7 is amended by inserting “and ballot mark-  
 8 ing devices” after “hardware and soft-  
 9 ware”).

10 (ii) The heading for subtitle B of title  
 11 II of such Act is amended by inserting at  
 12 the end “; **Ballot Marking Devices**”.

13 (iii) The table of contents of such Act  
 14 is amended—

15 (I) by inserting “; Ballot Mark-  
 16 ing Devices” at the end of the item  
 17 relating to subtitle B of title II; and

18 (II) by inserting after the item  
 19 related to section 231 the following:

“Sec. 232. Testing and certification of ballot marking devices.”.

20 **SEC. 202. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
 21 **SURE COMPLIANCE WITH ELECTION CYBER-**  
 22 **SECURITY GUIDELINES AND OTHER GUIDE-**  
 23 **LINES.**

24 (a) **REQUIRING TESTING OF EXISTING VOTING SYS-**  
 25 **TEMS.—**

1           (1) IN GENERAL.—Section 231(a) of the Help  
2 America Vote Act of 2002 (52 U.S.C. 20971(a)) is  
3 amended by adding at the end the following new  
4 paragraph:

5           “(3) TESTING TO ENSURE COMPLIANCE WITH  
6 GUIDELINES.—

7           “(A) TESTING.—Not later than 9 months  
8 before the date of each regularly scheduled gen-  
9 eral election for Federal office, the Commission  
10 shall provide for the testing by accredited lab-  
11 oratories under this section of the voting system  
12 hardware and software which was certified for  
13 use in the most recent such election, on the  
14 basis of the most recent voting system guide-  
15 lines applicable to such hardware or software  
16 (including election cybersecurity guidelines)  
17 issued under this Act.

18           “(B) DECERTIFICATION OF HARDWARE OR  
19 SOFTWARE FAILING TO MEET GUIDELINES.—If,  
20 on the basis of the testing described in subpara-  
21 graph (A), the Commission determines that any  
22 voting system hardware or software does not  
23 meet the most recent guidelines applicable to  
24 such hardware or software issued under this

1           Act, the Commission shall decertify such hard-  
2           ware or software.”.

3           (2) EFFECTIVE DATE.—The amendment made  
4           by paragraph (1) shall apply with respect to the regu-  
5           larly scheduled general election for Federal office  
6           held in November 2020 and each succeeding regu-  
7           larly scheduled general election for Federal office.

8           (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY  
9           TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—  
10          Section 221(b) of the Help America Vote Act of 2002 (52  
11          U.S.C. 20961(b)) is amended by adding at the end the  
12          following new paragraph:

13               “(3) ELECTION CYBERSECURITY GUIDE-  
14               LINES.—Not later than 6 months after the date of  
15               the enactment of the Securing America’s Federal  
16               Elections Act, the Development Committee shall  
17               issue election cybersecurity guidelines, including  
18               standards and best practices for procuring, main-  
19               taining, testing, operating, and updating election  
20               systems to prevent and deter cybersecurity inci-  
21               dents.”.

1 **SEC. 203. REQUIRING USE OF SOFTWARE AND HARDWARE**  
2 **FOR WHICH INFORMATION IS DISCLOSED BY**  
3 **MANUFACTURER.**

4 (a) REQUIREMENT.—Section 301(a) of the Help  
5 America Vote Act of 2002 (52 U.S.C. 21081(a)), as  
6 amended by sections 104, 105, 201(a), 201(b), and  
7 201(c), is amended by adding at the end the following new  
8 paragraph:

9 “(13) REQUIRING USE OF SOFTWARE AND  
10 HARDWARE FOR WHICH INFORMATION IS DISCLOSED  
11 BY MANUFACTURER.—

12 “(A) REQUIRING USE OF SOFTWARE FOR  
13 WHICH SOURCE CODE IS DISCLOSED BY MANU-  
14 FACTURER.—

15 “(i) IN GENERAL.—In the operation  
16 of voting systems in an election for Federal  
17 office, a State may only use software for  
18 which the manufacturer makes the source  
19 code (in the form in which will be used at  
20 the time of the election) publicly available  
21 online under a license that grants a world-  
22 wide, royalty-free, non-exclusive, perpetual,  
23 sub-licensable license to all intellectual  
24 property rights in such source code, except  
25 that the manufacturer may prohibit a per-  
26 son who obtains the software from using

1 the software in a manner that is primarily  
2 intended for or directed toward commercial  
3 advantage or private monetary compensa-  
4 tion that is unrelated to carrying out legiti-  
5 mate research or cybersecurity activity.

6 “(ii) EXCEPTIONS.—Clause (i) does  
7 not apply with respect to—

8 “(I) widely-used operating system  
9 software which is not specific to vot-  
10 ing systems and for which the source  
11 code or baseline functionality is not  
12 altered; or

13 “(II) widely-used cybersecurity  
14 software which is not specific to vot-  
15 ing systems and for which the source  
16 code or baseline functionality is not  
17 altered.

18 “(B) REQUIRING USE OF HARDWARE FOR  
19 WHICH INFORMATION IS DISCLOSED BY MANU-  
20 FACTURER.—

21 “(i) REQUIRING DISCLOSURE OF  
22 HARDWARE.—A State may not use a vot-  
23 ing system in an election for Federal office  
24 unless the manufacturer of the system  
25 publicly discloses online the identification

1 of the hardware used to operate the sys-  
2 tem.

3 “(ii) ADDITIONAL DISCLOSURE RE-  
4 QUIREMENTS FOR CUSTOM OR ALTERED  
5 HARDWARE.—To the extent that the hard-  
6 ware used to operate a voting system or  
7 any component thereof is not widely-used,  
8 or is widely-used but is altered, the State  
9 may not use the system in an election for  
10 Federal office unless—

11 “(I) the manufacturer of the sys-  
12 tem publicly discloses online the com-  
13 ponents of the hardware, the design of  
14 such components, and how such com-  
15 ponents are connected in the oper-  
16 ation of the system; and

17 “(II) the manufacturer makes  
18 the design (in the form which will be  
19 used at the time of the election) pub-  
20 licly available online under a license  
21 that grants a worldwide, royalty-free,  
22 non-exclusive, perpetual, sub-licens-  
23 able license to all intellectual property  
24 rights in the design of the hardware  
25 or the component, except that the

1 manufacturer may prohibit a person  
2 who obtains the design from using the  
3 design in a manner that is primarily  
4 intended for or directed toward com-  
5 mercial advantage or private monetary  
6 compensation that is unrelated to car-  
7 rying out legitimate research or cyber-  
8 security activity.”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall apply with respect to elections for  
11 Federal office held in 2020 or any succeeding year.

12 **SEC. 204. TREATMENT OF ELECTRONIC POLL BOOKS AS**  
13 **PART OF VOTING SYSTEMS.**

14 (a) INCLUSION IN DEFINITION OF VOTING SYS-  
15 TEM.—Section 301(b) of the Help America Vote Act of  
16 2002 (52 U.S.C. 21081(b)) is amended—

17 (1) in the matter preceding paragraph (1), by  
18 striking “this section” and inserting “this Act”;

19 (2) by striking “and” at the end of paragraph  
20 (1);

21 (3) by redesignating paragraph (2) as para-  
22 graph (3); and

23 (4) by inserting after paragraph (1) the fol-  
24 lowing new paragraph:

1           “(2) any electronic poll book used with respect  
2           to the election; and”.

3           (b) DEFINITION.—Section 301 of such Act (52  
4 U.S.C. 21081) is amended—

5           (1) by redesignating subsections (c) and (d) as  
6           subsection (d) and (e); and

7           (2) by inserting after subsection (b) the fol-  
8           lowing new subsection:

9           “(c) ELECTRONIC POLL BOOK DEFINED.—In this  
10 Act, the term ‘electronic poll book’ means the total com-  
11 bination of mechanical, electromechanical, or electronic  
12 equipment (including the software, firmware, and docu-  
13 mentation required to program, control, and support the  
14 equipment) that is used—

15           “(1) to retain the list of registered voters at a  
16           polling location, or vote center, or other location at  
17           which voters cast votes in an election for Federal of-  
18           fice; and

19           “(2) to identify registered voters who are eligi-  
20           ble to vote in an election.”.

21           (c) EFFECTIVE DATE.—Section 301(e) of such Act  
22 (52 U.S.C. 21081(e)), as amended by section 107 and as  
23 redesignated by subsection (b), is amended—

24           (1) in paragraph (1), by striking “paragraph  
25           (2)” and inserting “paragraphs (2) and (3)”; and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(3) SPECIAL RULE FOR ELECTRONIC POLL  
4 BOOKS.—In the case of the requirements of sub-  
5 section (c) (relating to electronic poll books), each  
6 State and jurisdiction shall be required to comply  
7 with such requirements on or after January 1,  
8 2020.”.

9 **SEC. 205. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
10 **USAGE.**

11           (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
12 III of the Help America Vote Act of 2002 (52 U.S.C.  
13 21081 et seq.) is amended by inserting after section 301  
14 the following new section:

15 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
16 **USAGE.**

17           “(a) REQUIRING STATES TO SUBMIT REPORTS.—  
18 Not later than 120 days before the date of each regularly  
19 scheduled general election for Federal office, the chief  
20 State election official of a State shall submit a report to  
21 the Commission containing a detailed voting system usage  
22 plan for each jurisdiction in the State which will admin-  
23 ister the election, including a detailed plan for the usage  
24 of electronic poll books and other equipment and compo-  
25 nents of such system.



1 **TITLE III—USE OF VOTING MA-**  
2 **CHINES MANUFACTURED IN**  
3 **THE UNITED STATES**

4 **SEC. 301. USE OF VOTING MACHINES MANUFACTURED IN**  
5 **THE UNITED STATES.**

6 Section 301(a) of the Help America Vote Act of 2002  
7 (52 U.S.C. 21081(a)), as amended by sections 104, 105,  
8 201(a), 201(b), 201(c), and 203(a), is further amended  
9 by adding at the end the following new paragraph:

10 “(14) VOTING MACHINE REQUIREMENTS.—By  
11 not later than the date of the regularly scheduled  
12 general election for Federal office occurring in No-  
13 vember 2022, each State shall seek to ensure that  
14 any voting machine used in such election and in any  
15 subsequent election for Federal office is manufac-  
16 tured in the United States.”.

17 **TITLE IV—SEVERABILITY**

18 **SEC. 401. SEVERABILITY.**

19 If any provision of this Act or amendment made by  
20 this Act, or the application of a provision or amendment  
21 to any person or circumstance, is held to be unconstitu-  
22 tional, the remainder of this Act and amendments made  
23 by this Act, and the application of the provisions and

- 1 amendment to any person or circumstance, shall not be
- 2 affected by the holding.

Passed the House of Representatives June 27, 2019.

Attest:                      CHERYL L. JOHNSON,  
*Clerk.*