

109TH CONGRESS  
1ST SESSION

# H. R. 550

To amend the Help America Vote Act of 2002 to require a voter-verified permanent paper record or hard copy under title III of such Act, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. HOLT (for himself, Mr. CONYERS, Mr. DICKS, Ms. ESHOO, Mr. FARR, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. KIND, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. WEXLER, Ms. WOOLSEY, Mrs. CAPPS, Mr. TOM DAVIS of Virginia, Mr. OBERSTAR, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. SHERMAN, Mr. BAIRD, Mr. ALLEN, Ms. BALDWIN, Mr. KUCINICH, Ms. LORETTA SANCHEZ of California, Mr. DEFazio, Mr. WU, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mr. COLE of Oklahoma, Mr. PRICE of North Carolina, Mr. WAXMAN, Mr. SABO, Mr. COOPER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. FILNER, Mr. SCHIFF, Mr. MOLLOHAN, Mr. PASCRELL, Mr. OBEY, Mr. CASE, Mr. CLAY, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on House Administration

---

## A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent paper record or hard copy under title III of such Act, 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.**

2 This Act may be cited as the “Voter Confidence and  
3 Increased Accessibility Act of 2005”.

4 **SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECUR-**  
5 **ITY THROUGH VOTER-VERIFIED PERMA-**  
6 **NENT RECORD OR HARD COPY.**

7 (a) VOTER VERIFICATION AND AUDIT CAPACITY.—

8 (1) IN GENERAL.—Section 301(a)(2) of the  
9 Help America Vote Act of 2002 (42 U.S.C.  
10 15481(a)(2)) is amended to read as follows:

11 “(2) VOTER-VERIFICATION AND AUDIT CAPAC-  
12 ITY.—

13 “(A) IN GENERAL.—

14 “(i) The voting system shall produce  
15 or require the use of an individual voter-  
16 verified paper record of the voter’s vote  
17 that shall be made available for inspection  
18 and verification by the voter before the vot-  
19 er’s vote is cast. For purposes of this  
20 clause, examples of such a record include a  
21 paper ballot prepared by the voter for the  
22 purpose of being read by an optical scan-  
23 ner, a paper ballot prepared by the voter  
24 to be mailed to an election official (whether  
25 from a domestic or overseas location), a  
26 paper ballot created through the use of a

1 ballot marking device, or a paper print-out  
2 of the voter’s vote produced by a touch  
3 screen or other electronic voting machine,  
4 so long as in each case the record permits  
5 the voter to verify the record in accordance  
6 with this subparagraph.

7 “(ii) The voting system shall provide  
8 the voter with an opportunity to correct  
9 any error made by the system in the voter-  
10 verified paper record before the permanent  
11 voter-verified paper record is preserved in  
12 accordance with subparagraph (B)(i).

13 “(iii) The voting system shall not pre-  
14 serve the voter-verifiable paper records in  
15 any manner that makes it possible to asso-  
16 ciate a voter with the record of the voter’s  
17 vote.

18 “(iv) In the case of a voting system  
19 which is purchased to meet the disability  
20 access requirements of paragraph (3) and  
21 which will be used exclusively by individ-  
22 uals with disabilities, the system does not  
23 need to meet the requirements of clauses  
24 (i) through (iii), but shall meet the require-  
25 ments described in paragraph (3)(B)(ii).

1 “(B) MANUAL AUDIT CAPACITY.—

2 “(i) The permanent voter-verified  
3 paper record produced in accordance with  
4 subparagraph (A) shall be preserved—

5 “(I) in the case of votes cast at  
6 the polling place on the date of the  
7 election, within the polling place in  
8 the manner or method in which all  
9 other paper ballots are preserved  
10 within such polling place;

11 “(II) in the case of votes cast at  
12 the polling place prior to the date of  
13 the election or cast by mail, in a man-  
14 ner which is consistent with the man-  
15 ner employed by the jurisdiction for  
16 preserving such ballots in general; or

17 “(III) in the absence of either  
18 such manner or method, in a manner  
19 which is consistent with the manner  
20 employed by the jurisdiction for pre-  
21 serving paper ballots in general.

22 “(ii) Each paper record produced pur-  
23 suant to subparagraph (A) shall be suit-  
24 able for a manual audit equivalent to that  
25 of a paper ballot voting system.

1           “(iii) In the event of any inconsist-  
2           encies or irregularities between any elec-  
3           tronic records and the individual perma-  
4           nent paper records, the individual perma-  
5           nent paper records shall be the true and  
6           correct record of the votes cast.

7           “(iv) The individual permanent paper  
8           records produced pursuant to subpara-  
9           graph (A) shall be the true and correct  
10          record of the votes cast and shall be used  
11          as the official records for purposes of any  
12          recount or audit conducted with respect to  
13          any election for Federal office in which the  
14          voting system is used.

15          “(C) SPECIAL RULE FOR VOTES CAST BY  
16          ABSENT MILITARY AND OVERSEAS VOTERS.—In  
17          the case of votes cast by absent uniformed serv-  
18          ices voters and overseas voters under the Uni-  
19          formed and Overseas Citizens Absentee Voting  
20          Act, the ballots cast by such voters shall serve  
21          as the permanent paper record under subpara-  
22          graph (A) in accordance with protocols estab-  
23          lished by the Commission in consultation with  
24          the Secretary of Defense which preserve the

1 privacy of the voter and are consistent with the  
2 requirements of such Act.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is  
5 amended—

6 (A) in subparagraph (A)(i), by striking  
7 “counted” and inserting “counted, in accord-  
8 ance with paragraphs (2) and (3)”;

9 (B) in subparagraph (A)(ii), by striking  
10 “counted” and inserting “counted, in accord-  
11 ance with paragraphs (2) and (3)”;

12 (C) in subparagraph (B)(ii), by striking  
13 “counted” and inserting “counted, in accord-  
14 ance with paragraphs (2) and (3)”.

15 (b) ACCESSIBILITY AND VOTER VERIFICATION OF  
16 RESULTS FOR INDIVIDUALS WITH DISABILITIES.—

17 (1) IN GENERAL.—Section 301(a)(3)(B) of  
18 such Act (42 U.S.C. 15481(a)(3)(B)) is amended to  
19 read as follows:

20 “(B)(i) satisfy the requirement of subpara-  
21 graph (A) through the use of at least one direct  
22 recording electronic voting system or other vot-  
23 ing system equipped for individuals with disabil-  
24 ities at each polling place; and

1           “(ii) meet the requirements of paragraph  
2           (2)(A) by using a system that—

3                   “(I) if strictly electronic, physically  
4                   separates the function of vote generation  
5                   from the functions of vote verification and  
6                   casting,

7                   “(II) allows the voter to verify and  
8                   cast the permanent record on paper or on  
9                   another individualized, permanent medium  
10                  privately and independently, and

11                  “(III) ensures that the entire process  
12                  of voter verification and vote casting is ac-  
13                  cessible to the voter.”.

14           (2) SPECIFIC REQUIREMENT OF STUDY, TEST-  
15           ING, AND DEVELOPMENT OF ACCESSIBLE VOTER  
16           VERIFICATION MECHANISMS.—

17                   (A) STUDY AND REPORTING.—Subtitle C  
18                   of title II of such Act (42 U.S.C. 15381 et seq.)  
19                   is amended—

20                           (i) by redesignating section 247 as  
21                           section 248; and

22                           (ii) by inserting after section 246 the  
23                           following new section:

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

3 “The Commission shall study, test, and develop best  
4 practices to enhance the accessibility of voter-verification  
5 mechanisms for individuals with disabilities and for voters  
6 whose primary language is not English, including best  
7 practices for the mechanisms themselves and the processes  
8 through which the mechanisms are used.”.

9 (B) CLERICAL AMENDMENT.—The table of  
10 contents of such Act is amended—

11 (i) by redesignating the item relating  
12 to section 247 as relating to section 248;  
13 and

14 (ii) by inserting after the item relating  
15 to section 246 the following new item:

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

16 (c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

17 (1) REQUIREMENTS DESCRIBED.—Section  
18 301(a) of such Act (42 U.S.C. 15481(a)) is amend-  
19 ed by adding at the end the following new para-  
20 graphs:

21 “(7) INSTRUCTION OF ELECTION OFFICIALS.—  
22 Each State shall ensure that all election officials are  
23 instructed on the right of any individual who re-  
24 quires assistance to vote by reason of blindness,  
25 other disability, or inability to read or write to be



1 given assistance by a person chosen by that indi-  
2 vidual under section 208 of the Voting Rights Act  
3 of 1965.

4 “(8) PROHIBITION OF USE OF UNDISCLOSED  
5 SOFTWARE IN VOTING SYSTEMS.—No voting system  
6 shall at any time contain or use any undisclosed  
7 software. Any voting system containing or using  
8 software shall disclose the source code, object code,  
9 and executable representation of that software to the  
10 Commission, and the Commission shall make that  
11 source code, object code, and executable representa-  
12 tion available for inspection upon request to any per-  
13 son.

14 “(9) PROHIBITION OF USE OF WIRELESS COM-  
15 MUNICATIONS DEVICES IN VOTING SYSTEMS.—No  
16 voting system shall contain, use, or be accessible by  
17 any wireless, power-line, or concealed communication  
18 device at all.

19 “(10) CERTIFICATION OF SOFTWARE AND  
20 HARDWARE.—All software and hardware used in any  
21 electronic voting system shall be certified by labora-  
22 tories accredited by the Commission as meeting the  
23 requirements of paragraphs (8) and (9).

24 “(11) SECURITY STANDARDS FOR VOTING SYS-  
25 TEMS USED IN FEDERAL ELECTIONS.—

1           “(A) IN GENERAL.—No voting system may  
2 be used in an election for Federal office unless  
3 the manufacturer of such system and the elec-  
4 tion officials using such system meet the appli-  
5 cable requirements described in subparagraph  
6 (B).

7           “(B) REQUIREMENTS DESCRIBED.—The  
8 requirements described in this subparagraph  
9 are as follows:

10           “(i) The manufacturer and the elec-  
11 tion officials shall document the chain of  
12 custody for the handling of software used  
13 in connection with voting systems.

14           “(ii) The manufacturer of the soft-  
15 ware used in the operation of the system  
16 shall provide the Commission with updated  
17 information regarding the identification of  
18 each individual who participated in the  
19 writing of the software, including specific  
20 information regarding whether the indi-  
21 vidual has ever been convicted of a crime  
22 involving election fraud.

23           “(iii) In the same manner and to the  
24 same extent described in paragraph (8),  
25 the manufacturer shall provide the codes

1 used in any software used in connection  
2 with the voting system to the Commission  
3 and may not alter such codes once the  
4 election officials have certified the system  
5 unless such system is recertified by such  
6 election officials.

7 “(iv) The manufacturer shall meet  
8 standards established by the Commission  
9 to prevent the existence or appearance of  
10 any conflict of interest with respect to can-  
11 didates for public office and political par-  
12 ties, including standards to ensure that the  
13 manufacturer and its officers and directors  
14 do not hold positions of authority in any  
15 political party or in any partisan political  
16 campaign.

17 “(12) PROHIBITING CONNECTION OF SYSTEM  
18 OR TRANSMISSION OF SYSTEM INFORMATION OVER  
19 THE INTERNET.—No component of any voting de-  
20 vice upon which votes are cast shall be connected to  
21 the Internet.”.

22 (2) REQUIRING LABORATORIES TO MEET  
23 STANDARDS PROHIBITING CONFLICTS OF INTEREST  
24 AS CONDITION OF ACCREDITATION FOR TESTING OF  
25 VOTING SYSTEM HARDWARE AND SOFTWARE.—

1 (A) IN GENERAL.—Section 231(b) of such  
2 Act (42 U.S.C. 15371(b)) is amended by add-  
3 ing at the end the following new paragraph:

4 “(3) PROHIBITING CONFLICTS OF INTEREST;  
5 ENSURING AVAILABILITY OF RESULTS.—

6 “(A) IN GENERAL.—A laboratory may not  
7 be accredited by the Commission for purposes  
8 of this section unless—

9 “(i) the laboratory meets the stand-  
10 ards applicable to the manufacturers of  
11 voting systems under section  
12 301(a)(11)(B)(iv), together with such  
13 standards as the Commission may estab-  
14 lish to prevent the existence or appearance  
15 of any conflict of interest in the testing,  
16 certification, decertification, and recertifi-  
17 cation carried out by the laboratory under  
18 this section, including standards to ensure  
19 that the laboratory does not have a finan-  
20 cial interest in the manufacture, sale, and  
21 distribution of voting system hardware and  
22 software, and is sufficiently independent  
23 from other persons with such an interest;  
24 and

1           “(ii) the laboratory, upon completion  
2           of any testing, certification, decertification,  
3           and recertification carried out under this  
4           section, discloses the results to the Com-  
5           mission.

6           “(B) AVAILABILITY OF RESULTS.—Upon  
7           receipt of information under subparagraph  
8           (A)(ii), the Commission shall make the informa-  
9           tion available to election officials and the pub-  
10          lic.”.

11          (B) DEADLINE FOR ESTABLISHMENT OF  
12          STANDARDS.—The Election Assistance Commis-  
13          sion shall establish the standards described in  
14          section 231(b)(3) of the Help America Vote Act  
15          of 2002 (as added by subparagraph (A)) not  
16          later than January 1, 2006.

17          (d) AVAILABILITY OF ADDITIONAL FUNDING TO EN-  
18          ABLE STATES TO MEET COSTS OF REVISED REQUIRE-  
19          MENTS.—

20          (1) EXTENSION OF REQUIREMENTS PAYMENTS  
21          FOR MEETING REVISED REQUIREMENTS.—Section  
22          257(a) of the Help America Vote Act of 2002 (42  
23          U.S.C. 15407(a)) is amended by adding at the end  
24          the following new paragraph:

1           “(4) For fiscal year 2006, \$150,000,000, except  
2 that any funds provided under the authorization  
3 made by this paragraph may be used by a State only  
4 to meet the requirements of title III which are first  
5 imposed on the State pursuant to the amendments  
6 made by section 2 of the Voter Confidence and In-  
7 creased Accessibility Act of 2005.”.

8           (2) PERMITTING USE OF FUNDS FOR REIM-  
9 BURSEMENT FOR COSTS PREVIOUSLY INCURRED.—  
10 Section 251(c)(1) of such Act (42 U.S.C.  
11 15401(c)(1)) is amended by striking the period at  
12 the end and inserting the following: “, or as a reim-  
13 bursement for any costs incurred in meeting the re-  
14 quirements of title III which are imposed pursuant  
15 to the amendments made by section 2 of the Voter  
16 Confidence and Increased Accessibility Act of  
17 2005.”.

18 **SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMER-**

19 **ICA VOTE ACT OF 2002.**

20 Section 401 of such Act (42 U.S.C. 15511) is amend-  
21 ed—

22           (1) by striking “The Attorney General” and in-  
23 serting “(a) IN GENERAL.—The Attorney General”;  
24 and

1           (2) by adding at the end the following new sub-  
2 sections:

3           “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
4 SONS.—

5           “(1) IN GENERAL.—A person who is aggrieved  
6 by a violation of section 301, 302, or 303 which is  
7 occurring or which is about to occur may file a writ-  
8 ten, signed, notarized complaint with the Attorney  
9 General describing the violation and requesting the  
10 Attorney General to take appropriate action under  
11 this section.

12           “(2) RESPONSE BY ATTORNEY GENERAL.—The  
13 Attorney General shall respond to each complaint  
14 filed under paragraph (1), in accordance with proce-  
15 dures established by the Attorney General that re-  
16 quire responses and determinations to be made with-  
17 in the same (or shorter) deadlines which apply to a  
18 State under the State-based administrative com-  
19 plaint procedures described in section 402(a)(2).

20           “(c) CLARIFICATION OF AVAILABILITY OF PRIVATE  
21 RIGHT OF ACTION.—Nothing in this section may be con-  
22 strued to prohibit any person from bringing an action  
23 under section 1979 of the Revised Statutes of the United  
24 States (42 U.S.C. 1983) to enforce the uniform and non-

1 discriminatory election technology and administration re-  
2 quirements under sections 301, 302, and 303.

3 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing  
4 in this section may be construed to affect the availability  
5 of the State-based administrative complaint procedures re-  
6 quired under section 402 to any person filing a complaint  
7 under this subsection.”.

8 **SEC. 4. PERMANENT EXTENSION OF AUTHORIZATION OF**  
9 **ELECTION ASSISTANCE COMMISSION.**

10 Section 210 of the Help America Vote Act of 2002  
11 (42 U.S.C. 15330) is amended by striking “each of the  
12 fiscal years 2003 through 2005” and inserting “each fiscal  
13 year beginning with fiscal year 2003”.

14 **SEC. 5. REQUIREMENT FOR MANDATORY MANUAL AUDITS**  
15 **BY HAND COUNT.**

16 (a) MANDATORY AUDITS IN RANDOM PRECINCTS.—

17 (1) IN GENERAL.—The Election Assistance  
18 Commission shall conduct random, unannounced,  
19 hand counts of the voter-verified records required to  
20 be produced and preserved pursuant to section  
21 301(a)(2) of the Help America Vote Act of 2002 (as  
22 amended by section 2) for each general election for  
23 Federal office (and, at the option of the State or ju-  
24 risdiction involved, of elections for State and local  
25 office held at the same time as such an election for



1 Federal office) in at least 2 percent of the precincts  
2 (or equivalent locations) in each State.

3 (2) PROCESS FOR CONDUCTING AUDITS.—The  
4 Commission shall conduct an audit under this sec-  
5 tion of the results of an election in accordance with  
6 the following procedures:

7 (A) Not later than 24 hours after a State  
8 announces the final vote count in each precinct  
9 in the State, the Commission shall determine  
10 and then announce the precincts in the State in  
11 which it will conduct the audits.

12 (B) With respect to votes cast at the pre-  
13 cinct or equivalent location on or before the  
14 date of the election (other than provisional bal-  
15 lots described in subparagraph (C)), the Com-  
16 mission shall count by hand the voter-verified  
17 records required to be produced and preserved  
18 under section 301(a)(2)(A) of the Help America  
19 Vote Act of 2002 (as amended by section 2)  
20 and compare those records with the count of  
21 such votes as announced by the State.

22 (C) With respect to votes cast other than  
23 at the precinct on the date of the election (other  
24 than votes cast before the date of the election  
25 described in subparagraph (B)) or votes cast by

1           provisional ballot on the date of the election  
2           which are certified and counted by the State on  
3           or after the date of the election, including votes  
4           cast by absent uniformed services voters and  
5           overseas voters under the Uniformed and Over-  
6           seas Citizens Absentee Voting Act, the Commis-  
7           sion shall count by hand the applicable voter-  
8           verified records required to be produced and  
9           preserved under section 301(a)(2)(A) (as  
10          amended by section 2) and compare its count  
11          with the count of such votes as announced by  
12          the State.

13           (3) SPECIAL RULE IN CASE OF DELAY IN RE-  
14          PORTING ABSENTEE VOTE COUNT.—In the case of a  
15          State in which, under State law, the final count of  
16          absentee and provisional votes is not announced  
17          until after the expiration of the 7-day period which  
18          begins on the date of the election, the Commission  
19          shall initiate the process described in paragraph (2)  
20          for conducting the audit not later than 24 hours  
21          after the State announces the final vote count for  
22          the votes cast at the precinct or equivalent location  
23          on or before the date of the election, and shall ini-  
24          tiate the recount of the absentee and provisional  
25          votes pursuant to paragraph (2)(C) not later than

1       24 hours after the State announces the final count  
2       of such votes.

3           (4) AVAILABILITY OF INFORMATION.—Each  
4       State and jurisdiction in which an audit is conducted  
5       under this section shall provide the Commission with  
6       the information and materials requested by the  
7       Commission to enable it to carry out the audit.

8           (b) SELECTION OF PRECINCTS.—The selection of the  
9       precincts in a State in which the Commission shall conduct  
10      hand counts under this section shall be made by the Com-  
11      mission on an entirely random basis using a uniform dis-  
12      tribution in which all precincts in a State have an equal  
13      chance of being selected, in accordance with such proce-  
14      dures as the Commission determines appropriate, except  
15      that—

16           (1) at least one precinct shall be selected in  
17      each county (or equivalent jurisdiction); and

18           (2) the Commission shall publish the procedures  
19      in the Federal Register prior to the selection of the  
20      precincts.

21           (c) PUBLICATION.—

22           (1) IN GENERAL.—As soon as practicable after  
23      the completion of an audit conducted under this sec-  
24      tion, the Commission shall announce and publish the  
25      results of the audit, and shall include in the an-

1 nouncement a comparison of the results of the elec-  
2 tion in the precinct as determined by the Commis-  
3 sion under the audit and the final vote count in the  
4 precinct as announced by the State, broken down by  
5 the categories of votes described in subparagraphs  
6 (B) and (C) of subsection (a)(2).

7 (2) DELAY IN CERTIFICATION OF RESULTS BY  
8 STATE.—No State may certify the results of any  
9 election which is subject to an audit under this sec-  
10 tion prior to the completion of the audit and the an-  
11 nouncement and publication of the results of the  
12 audit under paragraph (1), except to the extent nec-  
13 essary to enable the State to provide for the final de-  
14 termination of any controversy or contest concerning  
15 the appointment of its electors for President and  
16 Vice President prior to the deadline described in sec-  
17 tion 6 of title 3, United States Code.

18 (d) ADDITIONAL AUDITS IF CAUSE SHOWN.—If the  
19 Commission finds that any of the hand counts conducted  
20 under this section show cause for concern about the accu-  
21 racy of the results of an election in a State or in a jurisdic-  
22 tion within the State, the Commission may conduct hand  
23 counts under this section at such additional precincts (or  
24 equivalent locations) within the State or jurisdiction as the

1 Commission considers appropriate to resolve any concerns  
2 and ensure the accuracy of the results.

3 (e) AVAILABILITY OF ENFORCEMENT UNDER HELP  
4 AMERICA VOTE ACT OF 2002.—Section 401 of the Help  
5 America Vote Act of 2002 (42 U.S.C. 15511), as amended  
6 by section 3, is amended—

7 (1) in subsection (a), by striking the period at  
8 the end and inserting the following: “or to respond  
9 to an action taken by a State or jurisdiction in re-  
10 sponse to an audit conducted by the Commission  
11 under the Voter Confidence and Increased Accessi-  
12 bility Act of 2005 of the results of an election for  
13 Federal office or by the failure of a State or juris-  
14 diction to take an action in response to such an  
15 audit.”;

16 (2) in subsection (b)(1), by striking “about to  
17 occur” and inserting the following: “about to occur,  
18 or by an action taken by a State or jurisdiction in  
19 response to an audit conducted by the Commission  
20 under the Voter Confidence and Increased Accessi-  
21 bility Act of 2005 of the results of an election for  
22 Federal office or by the failure of a State or juris-  
23 diction to take an action in response to such an  
24 audit”; and

1           (3) in subsection (c), by striking the period at  
2           the end and inserting the following: “or to respond  
3           to an action taken by a State or jurisdiction in re-  
4           sponse to an audit conducted by the Commission  
5           under the Voter Confidence and Increased Accessi-  
6           bility Act of 2005 of the results of an election for  
7           Federal office or by the failure of a State or juris-  
8           diction to take an action in response to such an  
9           audit.”.

10          (f) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
11         tion to any other amounts authorized to be appropriated  
12         under any other law, there are authorized to be appro-  
13         priated to the Election Assistance Commission such sums  
14         as may be necessary to carry out this section.

15          (g) EFFECTIVE DATE.—This section shall apply with  
16         respect to regularly scheduled general elections for Fed-  
17         eral office beginning with the elections held in November  
18         2006.

19         **SEC. 6. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE**  
20                                 **COMMISSION FROM CERTAIN GOVERNMENT**  
21                                 **CONTRACTING REQUIREMENTS.**

22          (a) IN GENERAL.—Section 205 of the Help America  
23         Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-  
24         ing subsection (e).

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to contracts entered  
3 into by the Election Assistance Commission on or after  
4 the date of the enactment of this Act.

5 **SEC. 7. REQUIREMENT FOR FEDERAL CERTIFICATION OF**  
6 **TECHNOLOGICAL SECURITY OF VOTER REG-**  
7 **ISTRATION LISTS.**

8 Section 303(a)(3) of the Help America Vote Act of  
9 2002 (42 U.S.C. 15483(a)(3)) is amended by striking  
10 “measures to prevent the” and inserting “measures, as  
11 certified by the Election Assistance Commission, to pre-  
12 vent”.

13 **SEC. 8. EFFECTIVE DATE.**

14 Except as provided in section 6(b), the amendments  
15 made by this Act shall take effect as if included in the  
16 enactment of the Help America Vote Act of 2002.

○