

116TH CONGRESS
1ST SESSION

H. R. 2722

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2019

Ms. LOFGREN introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents of
8 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.

“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.
- 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—Grants for Risk-Limiting Audits of Results of Elections

- Sec. 121. Grants to States for conducting risk-limiting audits of results of elections.

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- “Sec. 298. Grants for conducting risk-limiting audits of results of elections.
- “Sec. 298A. Eligibility of States.
- “Sec. 298B. Authorization of appropriations.
- Sec. 122. GAO analysis of effects of audits.

TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS IN ELECTION ADMINISTRATION

- Sec. 201. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 202. Requiring use of software and hardware for which information is disclosed by manufacturer.
- Sec. 203. Treatment of electronic poll books as part of voting systems.

Sec. 204. Pre-election reports on voting system usage.
Sec. 205. Streamlining collection of election information.

TITLE III—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

Sec. 301. Establishment of advisory committee.

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

Sec. 401. Use of voting machines manufactured in the United States.

TITLE V—SEVERABILITY

Sec. 501. 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.—

1 “(i) PAPER BALLOT REQUIREMENT.—

2 (I) The voting system shall require the use
3 of an individual, durable, voter-verified
4 paper ballot of the voter’s vote that shall
5 be marked and made available for inspec-
6 tion and verification by the voter before
7 the voter’s vote is cast and counted, and
8 which shall be counted by hand or read by
9 an optical character recognition device or
10 other counting device. For purposes of this
11 subclause, the term ‘individual, durable,
12 voter-verified paper ballot’ means a paper
13 ballot marked by the voter by hand or a
14 paper ballot marked through the use of a
15 nontabulating ballot marking device or sys-
16 tem, so long as the voter shall have the op-
17 tion to mark his or her ballot by hand.

18 “(II) The voting system shall provide
19 the voter with an opportunity to correct
20 any error on the paper ballot before the
21 permanent voter-verified paper ballot is
22 preserved in accordance with clause (ii).

23 “(III) The voting system shall not
24 preserve the voter-verified paper ballots in
25 any manner that makes it possible, at any

1 time after the ballot has been cast, to asso-
2 ciate a voter with the record of the voter's
3 vote without the voter's consent.

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

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

20 “(II) In the event of any inconsist-
21 encies or irregularities between any elec-
22 tronic vote tallies and the vote tallies de-
23 termined by counting by hand the indi-
24 vidual, durable, voter-verified paper ballots
25 used pursuant to clause (i), and subject to

1 subparagraph (B), the individual, durable,
2 voter-verified paper ballots shall be the
3 true and correct record of the votes cast.

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

12 “(B) SPECIAL RULE FOR TREATMENT OF
13 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
14 SHOWN TO BE COMPROMISED.—

15 “(i) IN GENERAL.—In the event
16 that—

17 “(I) there is any inconsistency
18 between any electronic vote tallies and
19 the vote tallies determined by count-
20 ing by hand the individual, durable,
21 voter-verified paper ballots used pur-
22 suant to subparagraph (A)(i) with re-
23 spect to any election for Federal of-
24 fice; and

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

13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

19 “(ii) RULE FOR CONSIDERATION OF
20 BALLOTS ASSOCIATED WITH EACH VOTING
21 MACHINE.—For purposes of clause (i),
22 only the paper ballots deemed com-
23 promised, if any, shall be considered in the
24 calculation of whether or not the result of

1 the election could be changed due to the
2 compromised paper ballots.”.

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

9 (c) OTHER CONFORMING AMENDMENTS.—Section
10 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
11 ed—

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

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

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

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

1 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
2 **INDIVIDUALS WITH DISABILITIES.**

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

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

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

19 “(iii) meet the requirements of subpara-
20 graph (A) and paragraph (2)(A) by using a sys-
21 tem that—

22 “(I) allows the voter to privately and
23 independently verify the permanent paper
24 ballot through the presentation, in acces-
25 sible form, of the printed or marked vote
26 selections from the same printed or

1 marked information that would be used for
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and
4 independently verify and cast the perma-
5 nent paper ballot without requiring the
6 voter to manually handle the paper bal-
7 lot;”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of
12 title II of such Act (52 U.S.C. 21081 et seq.) is
13 amended—

14 (A) by redesignating section 247 as section
15 248; and

16 (B) by inserting after section 246 the fol-
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-
21 tional Science Foundation shall make grants to not fewer
22 than 3 eligible entities to study, test, and develop acces-
23 sible paper ballot voting, verification, and casting mecha-
24 nisms and devices and best practices to enhance the acces-
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary
2 language is not English, and for voters with difficulties
3 in literacy, including best practices for the mechanisms
4 themselves and the processes through which the mecha-
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a
7 grant under this part if it submits to the Director (at such
8 time and in such form as the Director may require) an
9 application containing—

10 “(1) certifications that the entity shall specifi-
11 cally investigate enhanced methods or devices, in-
12 cluding non-electronic devices, that will assist such
13 individuals and voters in marking voter-verified
14 paper ballots and presenting or transmitting the in-
15 formation printed or marked on such ballots back to
16 such individuals and voters, and casting such ballots;

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

20 “(3) such other information and certifications
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
23 nology developed with the grants made under this section
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-
 2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-
 4 NOLOGY IMPROVEMENTS.—The Director shall carry out
 5 this section so that the activities carried out with the
 6 grants made under subsection (a) are coordinated with the
 7 research conducted under the grant program carried out
 8 by the Commission under section 271, to the extent that
 9 the Director and Commission determine necessary to pro-
 10 vide for the advancement of accessible voting technology.

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

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

16 (A) by redesignating the item relating to
 17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to
 19 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-
 nisms.”.

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
 21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
 22 adopting any voluntary guidance under subtitle B of title
 23 III of the Help America Vote Act with respect to the ac-
 24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-
 2 mission shall include and apply the same accessibility
 3 standards applicable under the voluntary guidance adopt-
 4 ed for accessible voting systems under such subtitle.

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

11 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**
 12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002
 14 (52 U.S.C. 21081(a)) is amended by adding at the end
 15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-
 17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR
 19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified
 21 paper ballots required to be used under
 22 this Act shall be marked or printed on du-
 23 rable paper.

24 “(ii) DEFINITION.—For purposes of
 25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-
2 counts by hand without compromising the
3 fundamental integrity of the ballots, and
4 capable of retaining the information
5 marked or printed on them for the full du-
6 ration of a retention and preservation pe-
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR
9 PAPER BALLOTS MARKED BY BALLOT MARKING
10 DEVICE.—All voter-verified paper ballots com-
11 pleted by the voter through the use of a ballot
12 marking device shall be clearly readable by the
13 voter without assistance (other than eyeglasses
14 or other personal vision enhancing devices) and
15 by an optical character recognition device or
16 other device equipped for individuals with dis-
17 abilities.”.

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

19 (a) REQUIRING PAPER BALLOTS TO BE PRINTED ON
20 RECYCLED PAPER MANUFACTURED IN THE UNITED
21 STATES.—Section 301(a) of the Help America Vote Act
22 of 2002 (52 U.S.C. 21081(a)), as amended by section 104,
23 is amended by adding at the end the following new para-
24 graph:

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

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

8 **SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
 9 **SIGN.**

10 (a) STUDY.—The Election Assistance Commission
 11 shall conduct a study of the best ways to design ballots
 12 used in elections for public office, including paper ballots
 13 and electronic or digital ballots, to minimize confusion and
 14 user errors.

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

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

19 Section 301(d) of the Help America Vote Act of 2002
 20 (52 U.S.C. 21081(d)) is amended to read as follows:

21 “(d) EFFECTIVE DATE.—

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

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

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

13 “(B) DELAY FOR JURISDICTIONS USING
14 CERTAIN PAPER RECORD PRINTERS OR CERTAIN
15 SYSTEMS USING OR PRODUCING VOTER-
16 VERIFIABLE PAPER RECORDS IN 2018.—

17 “(i) DELAY.—In the case of a juris-
18 diction described in clause (ii), subpara-
19 graph (A) shall apply to a voting system in
20 the jurisdiction as if the reference in such
21 subparagraph to ‘2020’ were a reference to
22 ‘2022’, but only with respect to the fol-
23 lowing requirements of this section:

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

4 “(II) Paragraph (3)(B)(ii)(I) and
5 (II) of subsection (a) (relating to ac-
6 cess to verification from and casting
7 of the durable paper ballot).

8 “(III) Paragraph (7) of sub-
9 section (a) (relating to durability and
10 readability requirements for ballots).

11 “(ii) JURISDICTIONS DESCRIBED.—A
12 jurisdiction described in this clause is a ju-
13 risdiction—

14 “(I) which used voter verifiable
15 paper record printers attached to di-
16 rect recording electronic voting ma-
17 chines, or which used other voting
18 systems that used or produced paper
19 records of the vote verifiable by voters
20 but that are not in compliance with
21 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
22 and (II), and (7) of subsection (a) (as
23 amended or added by the Voter Con-
24 fidence and Increased Accessibility
25 Act of 2019), for the administration

1 of the regularly scheduled general
2 election for Federal office held in No-
3 vember 2018; and

4 “(II) which will continue to use
5 such printers or systems for the ad-
6 ministration of elections for Federal
7 office held in years before 2022.

8 “(iii) MANDATORY AVAILABILITY OF
9 PAPER BALLOTS AT POLLING PLACES
10 USING GRANDFATHERED PRINTERS AND
11 SYSTEMS.—

12 “(I) REQUIRING BALLOTS TO BE
13 OFFERED AND PROVIDED.—The ap-
14 propriate election official at each poll-
15 ing place that uses a printer or sys-
16 tem described in clause (ii)(I) for the
17 administration of elections for Federal
18 office shall offer each individual who
19 is eligible to cast a vote in the election
20 at the polling place the opportunity to
21 cast the vote using a blank pre-print-
22 ed paper ballot which the individual
23 may mark by hand and which is not
24 produced by the direct recording elec-
25 tronic voting machine or other such

1 system. The official shall provide the
2 individual with the ballot and the sup-
3 plies necessary to mark the ballot, and
4 shall ensure (to the greatest extent
5 practicable) that the waiting period
6 for the individual to cast a vote is the
7 lesser of 30 minutes or the average
8 waiting period for an individual who
9 does not agree to cast the vote using
10 such a paper ballot under this clause.

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

23 “(III) POSTING OF NOTICE.—
24 The appropriate election official shall
25 ensure there is prominently displayed

1 at each polling place a notice that de-
2 scribes the obligation of the official to
3 offer individuals the opportunity to
4 cast votes using a pre-printed blank
5 paper ballot.

6 “(IV) TRAINING OF ELECTION
7 OFFICIALS.—The chief State election
8 official shall ensure that election offi-
9 cials at polling places in the State are
10 aware of the requirements of this
11 clause, including the requirement to
12 display a notice under subclause (III),
13 and are aware that it is a violation of
14 the requirements of this title for an
15 election official to fail to offer an indi-
16 vidual the opportunity to cast a vote
17 using a blank pre-printed paper ballot.

18 “(V) PERIOD OF APPLICA-
19 BILITY.—The requirements of this
20 clause apply only during the period in
21 which the delay is in effect under
22 clause (i).

23 “(C) SPECIAL RULE FOR JURISDICTIONS
24 USING CERTAIN NONTABULATING BALLOT
25 MARKING DEVICES.—In the case of a jurisdic-

1 tion which uses a nontabulating ballot marking
2 device which automatically deposits the ballot
3 into a privacy sleeve, subparagraph (A) shall
4 apply to a voting system in the jurisdiction as
5 if the reference in such subparagraph to ‘any
6 election for Federal office held in 2020 or any
7 succeeding year’ were a reference to ‘elections
8 for Federal office held in 2022 or each suc-
9 ceeding year’, but only with respect to para-
10 graph (3)(B)(iii)(II) of subsection (a) (relating
11 to nonmanual casting of the durable paper bal-
12 lot).”.

13 **PART 2—GRANTS TO CARRY OUT**

14 **IMPROVEMENTS**

15 **SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**
16 **LOT VOTING SYSTEMS AND CARRYING OUT**
17 **VOTING SYSTEM SECURITY IMPROVEMENTS.**

18 (a) **AVAILABILITY OF GRANTS.**—Subtitle D of title
19 II of the Help America Vote Act of 2002 (52 U.S.C.
20 21001 et seq.) is amended by adding at the end the fol-
21 lowing new part:

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

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

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

11 “(1) to replace a voting system—

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

20 “(B) which does meet such requirements
21 but which is not in compliance with the most
22 recent voluntary voting system guidelines issued
23 by the Commission prior to the regularly sched-
24 uled general election for Federal office held in
25 November 2020 with another system which does

1 meet such requirements and is in compliance
2 with such guidelines;

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

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

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

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

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

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

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

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

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

20 “(D) Maintaining offline backups of voter
21 registration lists.

22 “(E) Providing a secure voter registration
23 database that logs requests submitted to the
24 database.

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

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

7 “(H) Providing a secure platform for dis-
8 seminating vote totals.

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

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

17 “(4) The plan of the State to conduct a rig-
18 orous evaluation of the effectiveness of the activities
19 carried out with the grant.

20 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
21 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
22 extent practicable, an eligible State which receives a grant
23 to replace a voting system under this section shall ensure
24 that the replacement system is capable of administering
25 a system of ranked choice voting under which each voter

1 shall rank the candidates for the office in the order of
2 the voter's preference.

3 **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**
4 **DESCRIBED.**

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

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

12 “(2) Cyber and risk mitigation training.

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

18 “(4) The maintenance of election infrastruc-
19 ture, including addressing risks and vulnerabilities
20 which are identified under either of the security risk
21 and vulnerability assessments described in para-
22 graph (3), except that none of the funds provided
23 under this part may be used to renovate or replace
24 a building or facility which is used primarily for pur-

1 poses other than the administration of elections for
2 public office.

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

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

12 “(7) Enhancing the cybersecurity of voter reg-
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,
17 a ‘qualified election infrastructure vendor’ is any
18 person who provides, supports, or maintains, or who
19 seeks to provide, support, or maintain, election in-
20 frastructure on behalf of a State, unit of local gov-
21 ernment, or election agency (as defined in section
22 801 of the Election Security Act) who meets the cri-
23 teria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,
2 shall establish and publish, and shall include each of
3 the following requirements:

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

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

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

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

24 “(E) The vendor agrees to meet the re-
25 quirements of paragraph (3) with respect to

1 any known or suspected cybersecurity incidents
2 involving any of the goods and services provided
3 by the vendor pursuant to a grant under this
4 part.

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

10 “(3) CYBERSECURITY INCIDENT REPORTING
11 REQUIREMENTS.—

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

18 “(i) the vendor promptly assesses
19 whether or not such an incident occurred,
20 and submits a notification meeting the re-
21 quirements of subparagraph (B) to the
22 Secretary and the Chairman of the assess-
23 ment as soon as practicable (but in no case
24 later than 3 days after the vendor first be-

1 comes aware of the possibility that the in-
2 cident occurred);

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

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

17 “(B) CONTENTS OF NOTIFICATIONS.—

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

23 “(i) The date, time, and time zone
24 when the election cybersecurity incident
25 began, if known.

1 “(ii) The date, time, and time zone
2 when the election cybersecurity incident
3 was detected.

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

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

11 “(v) Any planned and implemented
12 technical measures to respond to and re-
13 cover from the incident.

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

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

20 “A State is eligible to receive a grant under this part
21 if the State submits to the Commission, at such time and
22 in such form as the Commission may require, an applica-
23 tion containing—

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

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

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

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

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

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

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

24 “(1) \$1,000,000,000 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 COMMIS-
15 SION.—Section 202 of the Help America Vote Act of 2002
16 (52 U.S.C. 20922) is amended in the matter preceding
17 paragraph (1) by striking “by” and inserting “and the se-
18 curity of election infrastructure by”.

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

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. 148).

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 voter registration databases, voting machines,
7 electronic mail and other communications systems
8 (including electronic mail and other systems of ven-
9 dors who have entered into contracts with election
10 agencies to support the administration of elections,
11 manage the election process, and report and display
12 election results), and other systems used to manage
13 the election process and to report and display elec-
14 tion results on behalf of an election agency.

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

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

“Sec. 901. Definitions.”.

1 **Subtitle B—Grants for Risk-Lim-**
2 **iting Audits of Results of Elec-**
3 **tions**

4 **SEC. 121. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
5 **ITING AUDITS OF RESULTS OF ELECTIONS.**

6 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
7 II of the Help America Vote Act of 2002 (52 U.S.C.
8 21001 et seq.), as amended by section 111(a), is amended
9 by adding at the end the following new part:

10 **“PART 8—GRANTS FOR CONDUCTING RISK-**
11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**

12 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission
15 shall make a grant to each eligible State to conduct risk-
16 limiting audits as described in subsection (b) with respect
17 to the regularly scheduled general elections for Federal of-
18 fice held in November 2020 and each succeeding election
19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with
23 rules and procedures established by the chief State
24 election official of the State which meet the require-
25 ments of subsection (c); and

1 “(2) under which, if the reported outcome of
2 the election is incorrect, there is at least a predeter-
3 mined percentage chance that the audit will replace
4 the incorrect outcome with the correct outcome as
5 determined by a full, hand-to-eye tabulation of all
6 votes validly cast in that election that ascertains
7 voter intent manually and directly from voter-
8 verifiable paper records.

9 “(c) REQUIREMENTS FOR RULES AND PROCE-
10 DURES.—The rules and procedures established for con-
11 ducting a risk-limiting audit shall include the following
12 elements:

13 “(1) Rules for ensuring the security of ballots
14 and documenting that prescribed procedures were
15 followed.

16 “(2) Rules and procedures for ensuring the ac-
17 curacy of ballot manifests produced by election agen-
18 cies.

19 “(3) Rules and procedures for governing the
20 format of ballot manifests, cast vote records, and
21 other data involved in the audit.

22 “(4) Methods to ensure that any cast vote
23 records used in the audit are those used by the vot-
24 ing system to tally the election results sent to the
25 chief State election official and made public.

1 “(5) Procedures for the random selection of
2 ballots to be inspected manually during each audit.

3 “(6) Rules for the calculations and other meth-
4 ods to be used in the audit and to determine wheth-
5 er and when the audit of an election is complete.

6 “(7) Procedures and requirements for testing
7 any software used to conduct risk-limiting audits.

8 “(d) DEFINITIONS.—In this part, the following defi-
9 nitions apply:

10 “(1) The term ‘ballot manifest’ means a record
11 maintained by each election agency that meets each
12 of the following requirements:

13 “(A) The record is created without reliance
14 on any part of the voting system used to tab-
15 ulate votes.

16 “(B) The record functions as a sampling
17 frame for conducting a risk-limiting audit.

18 “(C) The record contains the following in-
19 formation with respect to the ballots cast and
20 counted in the election:

21 “(i) The total number of ballots cast
22 and counted by the agency (including
23 undervotes, overvotes, and other invalid
24 votes).

1 “(ii) The total number of ballots cast
2 in each election administered by the agency
3 (including undervotes, overvotes, and other
4 invalid votes).

5 “(iii) A precise description of the
6 manner in which the ballots are physically
7 stored, including the total number of phys-
8 ical groups of ballots, the numbering sys-
9 tem for each group, a unique label for each
10 group, and the number of ballots in each
11 such group.

12 “(2) The term ‘incorrect outcome’ means an
13 outcome that differs from the outcome that would be
14 determined by a full tabulation of all votes validly
15 cast in the election, determining voter intent manu-
16 ally, directly from voter-verifiable paper records.

17 “(3) The term ‘outcome’ means the winner of
18 an election, whether a candidate or a position.

19 “(4) The term ‘reported outcome’ means the
20 outcome of an election which is determined accord-
21 ing to the canvass and which will become the official,
22 certified outcome unless it is revised by an audit, re-
23 count, or other legal process.

1 **“SEC. 298A. ELIGIBILITY OF STATES.**

2 “A State is eligible to receive a grant under this part
3 if the State submits to the Commission, at such time and
4 in such form as the Commission may require, an applica-
5 tion containing—

6 “(1) a certification that, not later than 5 years
7 after receiving the grant, the State will conduct risk-
8 limiting audits of the results of elections for Federal
9 office held in the State as described in section 298;

10 “(2) a certification that, not later than one year
11 after the date of the enactment of this section, the
12 chief State election official of the State has estab-
13 lished or will establish the rules and procedures for
14 conducting the audits which meet the requirements
15 of section 298(c);

16 “(3) a certification that the audit shall be com-
17 pleted not later than the date on which the State
18 certifies the results of the election;

19 “(4) a certification that, after completing the
20 audit, the State shall publish a report on the results
21 of the audit, together with such information as nec-
22 essary to confirm that the audit was conducted prop-
23 erly;

24 “(5) a certification that, if a risk-limiting audit
25 conducted under this part leads to a full manual
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full
 2 manual tally as the official results of the election;
 3 and

4 “(6) such other information and assurances as
 5 the Commission may require.

6 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants
 8 under this part \$20,000,000 for fiscal year 2019, to re-
 9 main available until expended.”.

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

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
 OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
 tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

14 **SEC. 122. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the
 16 first election for Federal office is held after grants are
 17 first awarded to States for conducting risk-limiting audits
 18 under part 8 of subtitle D of title II of the Help America
 19 Vote Act of 2002 (as added by section 121) for conducting
 20 risk-limiting audits of elections for Federal office, the
 21 Comptroller General of the United States shall conduct
 22 an analysis of the extent to which such audits have im-

1 proved the administration of such elections and the secu-
 2 rity of election infrastructure in the States receiving such
 3 grants.

4 (b) REPORT.—The Comptroller General of the
 5 United States shall submit a report on the analysis con-
 6 ducted under subsection (a) to the appropriate congres-
 7 sional committees.

8 **TITLE II—PROMOTING CYBERSE-**
 9 **CURITY THROUGH IMPROVE-**
 10 **MENTS IN ELECTION ADMIN-**
 11 **ISTRATION**

12 **SEC. 201. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
 13 **SURE COMPLIANCE WITH ELECTION CYBER-**
 14 **SECURITY GUIDELINES AND OTHER GUIDE-**
 15 **LINES.**

16 (a) REQUIRING TESTING OF EXISTING VOTING SYS-
 17 TEMS.—

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

22 “(3) TESTING TO ENSURE COMPLIANCE WITH
 23 GUIDELINES.—

24 “(A) TESTING.—Not later than 9 months
 25 before the date of each regularly scheduled gen-

1 eral election for Federal office, the Commission
2 shall provide for the testing by accredited lab-
3 oratories under this section of the voting system
4 hardware and software which was certified for
5 use in the most recent such election, on the
6 basis of the most recent voting system guide-
7 lines applicable to such hardware or software
8 (including election cybersecurity guidelines)
9 issued under this Act.

10 “(B) DECERTIFICATION OF HARDWARE OR
11 SOFTWARE FAILING TO MEET GUIDELINES.—If,
12 on the basis of the testing described in subpara-
13 graph (A), the Commission determines that any
14 voting system hardware or software does not
15 meet the most recent guidelines applicable to
16 such hardware or software issued under this
17 Act, the Commission shall decertify such hard-
18 ware or software.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply with respect to the reg-
21 ularly scheduled general election for Federal office
22 held in November 2020 and each succeeding regu-
23 larly scheduled general election for Federal office.

24 (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY
25 TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—

1 Section 221(b) of the Help America Vote Act of 2002 (52
2 U.S.C. 20961(b)) is amended by adding at the end the
3 following new paragraph:

4 “(3) ELECTION CYBERSECURITY GUIDE-
5 LINES.—Not later than 6 months after the date of
6 the enactment of this paragraph, the Development
7 Committee shall issue election cybersecurity guide-
8 lines, including standards and best practices for pro-
9 curing, maintaining, testing, operating, and updat-
10 ing election systems to prevent and deter cybersecu-
11 rity incidents.”.

12 **SEC. 202. REQUIRING USE OF SOFTWARE AND HARDWARE**
13 **FOR WHICH INFORMATION IS DISCLOSED BY**
14 **MANUFACTURER.**

15 (a) REQUIREMENT.—Section 301(a) of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081(a)), as
17 amended by sections 104 and 105, is amended by adding
18 at the end the following new paragraph:

19 “(9) REQUIRING USE OF SOFTWARE AND HARD-
20 WARE FOR WHICH INFORMATION IS DISCLOSED BY
21 MANUFACTURER.—

22 “(A) REQUIRING USE OF SOFTWARE FOR
23 WHICH SOURCE CODE IS DISCLOSED BY MANU-
24 FACTURER.—

1 “(i) IN GENERAL.—In the operation
2 of voting systems in an election for Federal
3 office, a State may only use software for
4 which the manufacturer makes the source
5 code (in the form in which will be used at
6 the time of the election) publicly available
7 online under a license that grants a world-
8 wide, royalty-free, non-exclusive, perpetual,
9 sub-licensable license to all intellectual
10 property rights in such source code, except
11 that the manufacturer may prohibit a per-
12 son who obtains the software from using
13 the software in a manner that is primarily
14 intended for or directed toward commercial
15 advantage or private monetary compensa-
16 tion that is unrelated to carrying out legiti-
17 mate research or cybersecurity activity.

18 “(ii) EXCEPTIONS.—Clause (i) does
19 not apply with respect to—

20 “(I) widely-used operating system
21 software which is not specific to vot-
22 ing systems and for which the source
23 code or baseline functionality is not
24 altered; or

1 “(II) widely-used cybersecurity
2 software which is not specific to vot-
3 ing systems and for which the source
4 code or baseline functionality is not
5 altered.

6 “(B) REQUIRING USE OF HARDWARE FOR
7 WHICH INFORMATION IS DISCLOSED BY MANU-
8 FACTURER.—

9 “(i) REQUIRING DISCLOSURE OF
10 HARDWARE.—A State may not use a vot-
11 ing system in an election for Federal office
12 unless the manufacturer of the system
13 publicly discloses online the identification
14 of the hardware used to operate the sys-
15 tem.

16 “(ii) ADDITIONAL DISCLOSURE RE-
17 QUIREMENTS FOR CUSTOM OR ALTERED
18 HARDWARE.—To the extent that the hard-
19 ware used to operate a voting system or
20 any component thereof is not widely-used,
21 or is widely-used but is altered, the State
22 may not use the system in an election for
23 Federal office unless—

24 “(I) the manufacturer of the sys-
25 tem publicly discloses online the com-

1 ponents of the hardware, the design of
2 such components, and how such com-
3 ponents are connected in the oper-
4 ation of the system; and

5 “(II) the manufacturer makes
6 the design (in the form which will be
7 used at the time of the election) pub-
8 licly available online under a license
9 that grants a worldwide, royalty-free,
10 non-exclusive, perpetual, sub-licens-
11 able license to all intellectual property
12 rights in the design of the hardware
13 or the component, except that the
14 manufacturer may prohibit a person
15 who obtains the design from using the
16 design in a manner that is primarily
17 intended for or directed toward com-
18 mercial advantage or private monetary
19 compensation that is unrelated to car-
20 rying out legitimate research or cyber-
21 security activity.”.

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

1 **SEC. 203. TREATMENT OF ELECTRONIC POLL BOOKS AS**
2 **PART OF VOTING SYSTEMS.**

3 (a) INCLUSION IN DEFINITION OF VOTING SYS-
4 TEM.—Section 301(b) of the Help America Vote Act of
5 2002 (52 U.S.C. 21081(b)) is amended—

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

8 (2) by striking “and” at the end of paragraph
9 (1);

10 (3) by redesignating paragraph (2) as para-
11 graph (3); and

12 (4) by inserting after paragraph (1) the fol-
13 lowing new paragraph:

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

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

18 (1) by redesignating subsections (c) and (d) as
19 subsections (d) and (e); and

20 (2) by inserting after subsection (b) the fol-
21 lowing new subsection:

22 “(c) ELECTRONIC POLL BOOK DEFINED.—In this
23 Act, the term ‘electronic poll book’ means the total com-
24 bination of mechanical, electromechanical, or electronic
25 equipment (including the software, firmware, and docu-

1 mentation required to program, control, and support the
2 equipment) that is used—

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

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

9 (c) EFFECTIVE DATE.—Section 301(e) of such Act
10 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
11 is amended by striking the period at the end and inserting
12 the following: “, or, with respect to any requirements re-
13 lating to electronic poll books, on and after January 1,
14 2020.”.

15 **SEC. 204. PRE-ELECTION REPORTS ON VOTING SYSTEM**

16 **USAGE.**

17 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
18 III of the Help America Vote Act of 2002 (52 U.S.C.
19 21081 et seq.) is amended by inserting after section 301
20 the following new section:

21 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**

22 **USAGE.**

23 “(a) REQUIRING STATES TO SUBMIT REPORTS.—
24 Not later than 120 days before the date of each regularly
25 scheduled general election for Federal office, the chief

1 State election official of a State shall submit a report to
 2 the Commission containing a detailed voting system usage
 3 plan for each jurisdiction in the State which will admin-
 4 ister the election, including a detailed plan for the usage
 5 of electronic poll books and other equipment and compo-
 6 nents of such system.

7 “(b) EFFECTIVE DATE.—Subsection (a) shall apply
 8 with respect to the regularly scheduled general election for
 9 Federal office held in November 2020 and each succeeding
 10 regularly scheduled general election for Federal office.”.

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

15 (c) CLERICAL AMENDMENT.—The table of contents
 16 of such Act is amended by inserting after the item relating
 17 to section 301 the following new item:

“Sec. 301A. Pre-election reports on voting system usage.”.

18 **SEC. 205. STREAMLINING COLLECTION OF ELECTION IN-**
 19 **FORMATION.**

20 Section 202 of the Help America Vote Act of 2002
 21 (52 U.S.C. 20922) is amended—

22 (1) by striking “The Commission” and insert-
 23 ing “(a) IN GENERAL.—The Commission”; and

24 (2) by adding at the end the following new sub-
 25 section:

1 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-
 2 chapter I of chapter 35 of title 44, United States Code,
 3 shall not apply to the collection of information for pur-
 4 poses of maintaining the clearinghouse described in para-
 5 graph (1) of subsection (a).”.

6 **TITLE III—ELECTION SECURITY**
 7 **GRANTS ADVISORY COMMITTEE**

8 **SEC. 301. ESTABLISHMENT OF ADVISORY COMMITTEE.**

9 (a) IN GENERAL.—Subtitle A of title II of the Help
 10 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
 11 amended by adding at the end the following:

12 **“PART 4—ELECTION SECURITY GRANTS**
 13 **ADVISORY COMMITTEE**

14 **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**
 15 **MITTEE.**

16 “(a) ESTABLISHMENT.—There is hereby established
 17 an advisory committee (hereinafter in this part referred
 18 to as the ‘Committee’) to assist the Commission with re-
 19 spect to the award of grants to States under this Act for
 20 the purpose of election security.

21 “(b) DUTIES.—

22 “(1) IN GENERAL.—The Committee shall, with
 23 respect to an application for a grant received by the
 24 Commission—

25 “(A) review such application; and

1 “(B) recommend to the Commission
2 whether to award the grant to the applicant.

3 “(2) CONSIDERATIONS.—In reviewing an appli-
4 cation pursuant to paragraph (1)(A), the Committee
5 shall consider—

6 “(A) the record of the applicant with re-
7 spect to—

8 “(i) compliance of the applicant with
9 the requirements under subtitle A of title
10 III; and

11 “(ii) adoption of voluntary guidelines
12 issued by the Commission under subtitle B
13 of title III; and

14 “(B) the goals and requirements of elec-
15 tion security as described in the Securing
16 America’s Federal Elections Act.

17 “(c) MEMBERSHIP.—The Committee shall be com-
18 posed of 15 individuals appointed by the Executive Direc-
19 tor of the Commission with experience and expertise in
20 election security.

21 “(d) NO COMPENSATION FOR SERVICE.—Members of
22 the Committee shall not receive any compensation for
23 their service, but shall be paid travel expenses, including
24 per diem in lieu of subsistence, at rates authorized for em-
25 ployees of agencies under subchapter I of chapter 57 of

1 title 5, United States Code, while away from their homes
2 or regular places of business in the performance of services
3 for the Committee.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect 1 year after the date of enact-
6 ment of this Act.

7 **TITLE IV—USE OF VOTING MA-**
8 **CHINES MANUFACTURED IN**
9 **THE UNITED STATES**

10 **SEC. 401. USE OF VOTING MACHINES MANUFACTURED IN**
11 **THE UNITED STATES.**

12 Section 301(a) of the Help America Vote Act of 2002
13 (52 U.S.C. 21081(a)), as amended by section 104, section
14 105, and section 202 is amended by adding at the end
15 the following new paragraph:

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

1 **TITLE V—SEVERABILITY**

2 **SEC. 501. SEVERABILITY.**

3 If any provision of this Act or amendment made by
4 this Act, or the application of a provision or amendment
5 to any person or circumstance, is held to be unconstitu-
6 tional, the remainder of this Act and amendments made
7 by this Act, and the application of the provisions and
8 amendment to any person or circumstance, shall not be
9 affected by the holding.

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