

Union Calendar No. 94

116TH CONGRESS
1ST SESSION

H. R. 2722

[Report No. 116–129, Part I]

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

JUNE 26, 2019

Additional sponsors: Mr. RASKIN, Mrs. DAVIS of California, Mr. BUTTERFIELD, Ms. FUDGE, Mr. AGUILAR, Mr. VAN DREW, Mr. KILDEE, Mrs. MCBATH, Ms. BLUNT ROCHESTER, Mr. LAWSON of Florida, Mr. SABLAN, and Mr. COOPER

JUNE 26, 2019

Reported from the Committee on House Administration with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JUNE 26, 2019

Committee on Science, Space, and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 14, 2019]

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 “Se-*
 5 *curing America’s Federal Elections Act” or the “SAFE*
 6 *Act”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *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 car-
rying out voting system security improvements.

Sec. 112. Coordination of voting system security activities with use of require-
ments 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 cy-
bersecurity guidelines and other guidelines.

Sec. 203. Requiring use of software and hardware for which information is dis-
closed 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*

1 *of an individual, durable, voter-verified*
2 *paper ballot of the voter's vote that shall be*
3 *marked and made available for inspection*
4 *and verification by the voter before the vot-*
5 *er's vote is cast and counted, and which*
6 *shall be counted by hand or read by an op-*
7 *tical character recognition device or other*
8 *counting device. For purposes of this sub-*
9 *clause, the term 'individual, durable, voter-*
10 *verified paper ballot' means a paper ballot*
11 *marked by the voter by hand or a paper*
12 *ballot marked through the use of a nontab-*
13 *ulating ballot marking device or system, so*
14 *long as the voter shall have the option to*
15 *mark his or her ballot by hand.*

16 *“(II) The voting system shall provide*
17 *the voter with an opportunity to correct*
18 *any error on the paper ballot before the per-*
19 *manent voter-verified paper ballot is pre-*
20 *served in accordance with clause (ii).*

21 *“(III) The voting system shall not pre-*
22 *serve the voter-verified paper ballots in any*
23 *manner that makes it possible, at any time*
24 *after the ballot has been cast, to associate a*

1 *voter with the record of the voter’s vote*
2 *without the voter’s consent.*

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

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

19 “(II) *In the event of any inconsist-*
20 *encies or irregularities between any elec-*
21 *tronic vote tallies and the vote tallies deter-*
22 *mined by counting by hand the individual,*
23 *durable, voter-verified paper ballots used*
24 *pursuant to clause (i), and subject to sub-*
25 *paragraph (B), the individual, durable,*

1 *voter-verified paper ballots shall be the true*
2 *and correct record of the votes cast.*

3 “(iv) *APPLICATION TO ALL BALLOTS.—*

4 *The requirements of this subparagraph shall*
5 *apply to all ballots cast in elections for Fed-*
6 *eral office, including ballots cast by absent*
7 *uniformed services voters and overseas vot-*
8 *ers under the Uniformed and Overseas Citi-*
9 *zens Absentee Voting Act and other absentee*
10 *voters.*

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

14 “(i) *IN GENERAL.—In the event that—*

15 “(I) *there is any inconsistency be-*
16 *tween any electronic vote tallies and*
17 *the vote tallies determined by counting*
18 *by hand the individual, durable, voter-*
19 *verified paper ballots used pursuant to*
20 *subparagraph (A)(i) with respect to*
21 *any election for Federal office; and*

22 “(II) *it is demonstrated by clear*
23 *and convincing evidence (as deter-*
24 *mined in accordance with the applica-*
25 *ble standards in the jurisdiction in-*

1 *involved) in any recount, audit, or con-*
2 *test of the result of the election that the*
3 *paper ballots have been compromised*
4 *(by damage or mischief or otherwise)*
5 *and that a sufficient number of the*
6 *ballots have been so compromised that*
7 *the result of the election could be*
8 *changed,*

9 *the determination of the appropriate rem-*
10 *edy with respect to the election shall be*
11 *made in accordance with applicable State*
12 *law, except that the electronic tally shall not*
13 *be used as the exclusive basis for deter-*
14 *mining the official certified result.*

15 *“(ii) RULE FOR CONSIDERATION OF*
16 *BALLOTS ASSOCIATED WITH EACH VOTING*
17 *MACHINE.—For purposes of clause (i), only*
18 *the paper ballots deemed compromised, if*
19 *any, shall be considered in the calculation*
20 *of whether or not the result of the election*
21 *could be changed due to the compromised*
22 *paper ballots.”.*

23 *(b) CONFORMING AMENDMENT CLARIFYING APPLICA-*
24 *BILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—Sec-*
25 *tion 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is*

1 amended by inserting “(including the paper ballots re-
 2 quired to be used under paragraph (2))” after “voting sys-
 3 tem”.

4 (c) *OTHER CONFORMING AMENDMENTS.*—Section
 5 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
 6 ed—

7 (1) in subparagraph (A)(i), by striking “count-
 8 ed” and inserting “counted, in accordance with para-
 9 graphs (2) and (3)”;

10 (2) in subparagraph (A)(ii), by striking “count-
 11 ed” and inserting “counted, in accordance with para-
 12 graphs (2) and (3)”;

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

16 (4) in subparagraph (B)(ii), by striking “count-
 17 ed” and inserting “counted, in accordance with para-
 18 graphs (2) and (3)”.

19 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
 20 **INDIVIDUALS WITH DISABILITIES.**

21 (a) *BALLOT CYBERSECURITY, CONFIDENTIALITY, AND*
 22 *ACCESS FOR INDIVIDUALS WITH DISABILITIES.*—

23 (1) *IN GENERAL.*—Section 301(a)(3)(B) of the
 24 *Help America Vote Act of 2002* (52 U.S.C.
 25 21081(a)(3)(B)) is amended to read as follows:

1 “(B)(i) satisfy the requirement of subpara-
2 graph (A) through the use of at least 1 voting
3 system at each polling place that—

4 “(I) is equipped for individuals with
5 disabilities, including nonvisual and en-
6 hanced visual accessibility for the blind and
7 visually impaired, and contains features to
8 support enhanced manual accessibility for
9 the mobility and dexterity impaired;

10 “(II) in the case of any election for
11 Federal office occurring after the date that
12 is 6 years after the date of the enactment of
13 the Securing America’s Federal Elections
14 Act—

15 “(aa) marks ballots that are iden-
16 tical in size, ink, and paper stock to
17 those ballots that would be marked by
18 hand or a ballot marking device used
19 by voters who do not have accessibility
20 needs;

21 “(bb) marks the ballot in such a
22 way that someone examining the ballot
23 will not be able to readily determine
24 whether the ballot was marked by hand
25 or machine; and

1 “(cc) combines ballots produced by
2 the voting system with ballots marked
3 by voters using other types of voting
4 systems used by the State or jurisdic-
5 tion in a way that prevents identifica-
6 tion of which ballots were cast using
7 each voting system; and

8 “(III) is made available for use by any
9 voter who requests to use it; and

10 “(ii) in the case of any election for Federal
11 office occurring after the date that is 6 years
12 after the date of the enactment of the Securing
13 America’s Federal Elections Act, meet the re-
14 quirements of subparagraph (A) and paragraph
15 (2)(A) by using a system that allows the voter to
16 privately and independently verify the accuracy
17 of the permanent paper ballot through the pres-
18 entation, in accessible form, of the printed or
19 marked vote selections from the same printed or
20 marked information that would be used for any
21 vote tabulation or auditing; and”.

22 (2) CLARIFICATION WITH RESPECT TO APPLICA-
23 TION OF REQUIREMENT TO BALLOTS MARKED AT
24 HOME.—Section 301(a)(3) of such Act (52 U.S.C.

1 21081(a)(3)) is amended by adding at the end the fol-
2 lowing new flush sentence:

3 “Nothing in subparagraph (B) shall be construed to
4 prohibit the use of an accessible ballot that may be
5 printed or marked by the voter at home.”.

6 (b) *SPECIFIC REQUIREMENT OF STUDY, TESTING, AND*
7 *DEVELOPMENT OF ACCESSIBLE PAPER BALLOT*
8 *VERIFICATION MECHANISMS.—*

9 (1) *STUDY AND REPORTING.—*Subtitle C of title
10 II of such Act (52 U.S.C. 21081 et seq.) is amended—

11 (A) by redesignating section 247 as section
12 248; and

13 (B) by inserting after section 246 the fol-
14 lowing new section:

15 “**SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER BAL-**
16 **LOT VERIFICATION MECHANISMS.**

17 “(a) *STUDY AND REPORT.—*The Director of the Na-
18 tional Science Foundation shall make grants to not fewer
19 than 3 eligible entities to study, test, and develop accessible
20 paper ballot voting, verification, and casting mechanisms
21 and devices and best practices to enhance the accessibility
22 of paper ballot voting and verification mechanisms for indi-
23 viduals with disabilities, for voters whose primary language
24 is not English, and for voters with difficulties in literacy,

1 *including best practices for the mechanisms themselves and*
2 *the processes through which the mechanisms are used.*

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

7 “(1) *certifications that the entity shall specifi-*
8 *cally investigate enhanced methods or devices, includ-*
9 *ing non-electronic devices, that will assist such indi-*
10 *viduals and voters in marking voter-verified paper*
11 *ballots and presenting or transmitting the informa-*
12 *tion printed or marked on such ballots back to such*
13 *individuals and voters, and casting such ballots;*

14 “(2) *a certification that the entity shall complete*
15 *the activities carried out with the grant not later*
16 *than December 31, 2020; and*

17 “(3) *such other information and certifications as*
18 *the Director may require.*

19 “(c) *AVAILABILITY OF TECHNOLOGY.*—*Any technology*
20 *developed with the grants made under this section shall be*
21 *treated as non-proprietary and shall be made available to*
22 *the public, including to manufacturers of voting systems.*

23 “(d) *COORDINATION WITH GRANTS FOR TECHNOLOGY*
24 *IMPROVEMENTS.*—*The Director shall carry out this section*
25 *so that the activities carried out with the grants made*

1 *under subsection (a) are coordinated with the research con-*
 2 *ducted under the grant program carried out by the Commis-*
 3 *sion under section 271, to the extent that the Director and*
 4 *Commission determine necessary to provide for the advance-*
 5 *ment of accessible voting technology.*

6 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 7 *authorized to be appropriated to carry out subsection (a)*
 8 *\$5,000,000, to remain available until expended.”.*

9 (2) *CLERICAL AMENDMENT.—The table of con-*
 10 *tents of such Act is amended—*

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

13 (B) *by inserting after the item relating to*
 14 *section 246 the following new item:*

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

15 (c) *CLARIFICATION OF ACCESSIBILITY STANDARDS*
 16 *UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In*
 17 *adopting any voluntary guidance under subtitle B of title*
 18 *III of the Help America Vote Act with respect to the accessi-*
 19 *bility of the paper ballot verification requirements for indi-*
 20 *viduals with disabilities, the Election Assistance Commis-*
 21 *sion shall include and apply the same accessibility stand-*
 22 *ards applicable under the voluntary guidance adopted for*
 23 *accessible voting systems under such subtitle.*

24 (d) *PERMITTING USE OF FUNDS FOR PROTECTION AND*
 25 *ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE*

1 *ELECTION-RELATED DISABILITY ACCESS.—Section 292(a)*
 2 *of the Help America Vote Act of 2002 (52 U.S.C. 21062(a))*
 3 *is amended by striking “; except that” and all that follows*
 4 *and inserting a period.*

5 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**
 6 **FOR BALLOTS.**

7 *Section 301(a) of the Help America Vote Act of 2002*
 8 *(52 U.S.C. 21081(a)) is amended by adding at the end the*
 9 *following new paragraph:*

10 *“(7) DURABILITY AND READABILITY REQUIRE-*
 11 *MENTS FOR BALLOTS.—*

12 *“(A) DURABILITY REQUIREMENTS FOR*
 13 *PAPER BALLOTS.—*

14 *“(i) IN GENERAL.—All voter-verified*
 15 *paper ballots required to be used under this*
 16 *Act shall be marked or printed on durable*
 17 *paper.*

18 *“(ii) DEFINITION.—For purposes of*
 19 *this Act, paper is ‘durable’ if it is capable*
 20 *of withstanding multiple counts and re-*
 21 *counts by hand without compromising the*
 22 *fundamental integrity of the ballots, and ca-*
 23 *pable of retaining the information marked*
 24 *or printed on them for the full duration of*

1 *a retention and preservation period of 22*
2 *months.*

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

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

14 *(a) REQUIRING PAPER BALLOTS TO BE PRINTED ON*
15 *RECYCLED PAPER MANUFACTURED IN UNITED STATES.—*
16 *Section 301(a) of the Help America Vote Act of 2002 (52*
17 *U.S.C. 21081(a)), as amended by section 104, is amended*
18 *by adding at the end the following new paragraph:*

19 “(8) *PRINTING REQUIREMENTS FOR BALLOTS.—*
20 *All paper ballots used in an election for Federal office*
21 *shall be printed in the United States on recycled*
22 *paper manufactured in the United States.”.*

23 *(b) EFFECTIVE DATE.—The amendment made by sub-*
24 *section (a) shall apply with respect to elections occurring*
25 *on or after January 1, 2021.*

1 **SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
2 **SIGN.**

3 (a) *STUDY.*—*The Election Assistance Commission*
4 *shall conduct a study of the best ways to design ballots used*
5 *in elections for public office, including paper ballots and*
6 *electronic or digital ballots, to minimize confusion and user*
7 *errors.*

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

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

12 *Section 301(d) of the Help America Vote Act of 2002*
13 *(52 U.S.C. 21081(d)) is amended to read as follows:*

14 “(d) *EFFECTIVE DATE.*—

15 “(1) *IN GENERAL.*—*Except as provided in para-*
16 *graph (2), each State and jurisdiction shall be re-*
17 *quired to comply with the requirements of this section*
18 *on and after January 1, 2006.*

19 “(2) *SPECIAL RULE FOR CERTAIN REQUIRE-*
20 *MENTS.*—

21 “(A) *IN GENERAL.*—*Except as provided in*
22 *section 105(b) of the Securing America’s Federal*
23 *Elections Act and subparagraphs (B) and (C),*
24 *the requirements of this section which are first*
25 *imposed on a State and jurisdiction pursuant to*
26 *the amendments made by the Voter Confidence*

1 *and Increased Accessibility Act of 2019 shall*
2 *apply with respect to voting systems used for*
3 *any election for Federal office held in 2020 or*
4 *any succeeding year.*

5 “(B) *DELAY FOR JURISDICTIONS USING*
6 *CERTAIN PAPER RECORD PRINTERS OR CERTAIN*
7 *SYSTEMS USING OR PRODUCING VOTER-VERIFIED*
8 *PAPER RECORDS IN 2018.—*

9 “(i) *DELAY.—In the case of a jurisdic-*
10 *tion described in clause (ii), subparagraph*
11 *(A) shall apply to a voting system in the ju-*
12 *risdiction as if the reference in such sub-*
13 *paragraph to ‘2020’ were a reference to*
14 *‘2022’, but only with respect to the fol-*
15 *lowing requirements of this section:*

16 “(I) *Paragraph (2)(A)(i)(I) of*
17 *subsection (a) (relating to the use of*
18 *voter-verified paper ballots).*

19 “(II) *Paragraph (3)(B)(ii)(I) and*
20 *(II) of subsection (a) (relating to access*
21 *to verification from and casting of the*
22 *durable paper ballot).*

23 “(III) *Paragraph (7) of subsection*
24 *(a) (relating to durability and read-*
25 *ability requirements for ballots).*

1 “(ii) *JURISDICTIONS DESCRIBED.*—A
2 *jurisdiction described in this clause is a ju-*
3 *risdiction—*

4 “(I) *which used voter-verified*
5 *paper record printers attached to di-*
6 *rect recording electronic voting ma-*
7 *chines, or which used other voting sys-*
8 *tems that used or produced paper*
9 *records of the vote verifiable by voters*
10 *but that are not in compliance with*
11 *paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)*
12 *and (II), and (7) of subsection (a) (as*
13 *amended or added by the Voter Con-*
14 *fidence and Increased Accessibility Act*
15 *of 2019), for the administration of the*
16 *regularly scheduled general election for*
17 *Federal office held in November 2018;*
18 *and*

19 “(II) *which will continue to use*
20 *such printers or systems for the admin-*
21 *istration of elections for Federal office*
22 *held in years before 2022.*

23 “(iii) *MANDATORY AVAILABILITY OF*
24 *PAPER BALLOTS AT POLLING PLACES USING*

1 GRANDFATHERED PRINTERS AND SYS-
2 TEMS.—

3 “(I) *REQUIRING BALLOTS TO BE*
4 *OFFERED AND PROVIDED.*—*The appro-*
5 *prate election official at each polling*
6 *place that uses a printer or system de-*
7 *scribed in clause (ii)(I) for the admin-*
8 *istration of elections for Federal office*
9 *shall offer each individual who is eligi-*
10 *ble to cast a vote in the election at the*
11 *polling place the opportunity to cast*
12 *the vote using a blank pre-printed*
13 *paper ballot which the individual may*
14 *mark by hand and which is not pro-*
15 *duced by the direct recording electronic*
16 *voting machine or other such system.*
17 *The official shall provide the indi-*
18 *vidual with the ballot and the supplies*
19 *necessary to mark the ballot, and shall*
20 *ensure (to the greatest extent prac-*
21 *ticable) that the waiting period for the*
22 *individual to cast a vote is the lesser of*
23 *30 minutes or the average waiting pe-*
24 *riod for an individual who does not*

1 *agree to cast the vote using such a*
2 *paper ballot under this clause.*

3 “(II) *TREATMENT OF BALLOT.*—

4 *Any paper ballot which is cast by an*
5 *individual under this clause shall be*
6 *counted and otherwise treated as a reg-*
7 *ular ballot for all purposes (including*
8 *by incorporating it into the final unof-*
9 *ficial vote count (as defined by the*
10 *State) for the precinct) and not as a*
11 *provisional ballot, unless the indi-*
12 *vidual casting the ballot would have*
13 *otherwise been required to cast a provi-*
14 *sional ballot.*

15 “(III) *POSTING OF NOTICE.*—*The*

16 *appropriate election official shall en-*
17 *sure there is prominently displayed at*
18 *each polling place a notice that de-*
19 *scribes the obligation of the official to*
20 *offer individuals the opportunity to*
21 *cast votes using a pre-printed blank*
22 *paper ballot.*

23 “(IV) *TRAINING OF ELECTION OF-*

24 *FICIALS.*—*The chief State election offi-*
25 *cial shall ensure that election officials*

1 *at polling places in the State are*
2 *aware of the requirements of this*
3 *clause, including the requirement to*
4 *display a notice under subclause (III),*
5 *and are aware that it is a violation of*
6 *the requirements of this title for an*
7 *election official to fail to offer an indi-*
8 *vidual the opportunity to cast a vote*
9 *using a blank pre-printed paper ballot.*

10 “(V) *PERIOD OF APPLICA-*
11 *BILITY.—The requirements of this*
12 *clause apply only during the period in*
13 *which the delay is in effect under*
14 *clause (i).*

15 “(C) *SPECIAL RULE FOR JURISDICTIONS*
16 *USING CERTAIN NONTABULATING BALLOT MARK-*
17 *ING DEVICES.—In the case of a jurisdiction*
18 *which uses a nontabulating ballot marking de-*
19 *vice which automatically deposits the ballot into*
20 *a privacy sleeve, subparagraph (A) shall apply*
21 *to a voting system in the jurisdiction as if the*
22 *reference in such subparagraph to ‘any election*
23 *for Federal office held in 2020 or any succeeding*
24 *year’ were a reference to ‘elections for Federal of-*
25 *fice occurring held in 2022 or each succeeding*

1 year’, but only with respect to paragraph
 2 (3)(B)(iii)(II) of subsection (a) (relating to non-
 3 manual casting of the durable paper ballot).”.

4 **PART 2—GRANTS TO CARRY OUT IMPROVEMENTS**

5 **SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**
 6 **LOT VOTING SYSTEMS AND CARRYING OUT**
 7 **VOTING SYSTEM SECURITY IMPROVEMENTS.**

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

12 **“PART 7—GRANTS FOR OBTAINING COMPLIANT**
 13 **PAPER BALLOT VOTING SYSTEMS AND CAR-**
 14 **RYING OUT VOTING SYSTEM SECURITY IM-**
 15 **PROVEMENTS**

16 **“SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER**
 17 **BALLOT VOTING SYSTEMS AND CARRYING**
 18 **OUT VOTING SYSTEM SECURITY IMPROVE-**
 19 **MENTS.**

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

22 “(1) to replace a voting system—

23 “(A) which does not meet the requirements
 24 which are first imposed on the State pursuant to
 25 the amendments made by the Voter Confidence

1 *and Increased Accessibility Act of 2019 with a*
2 *voting system which does meet such require-*
3 *ments, for use in the regularly scheduled general*
4 *elections for Federal office held in November*
5 *2020, or*

6 *“(B) which does meet such requirements but*
7 *which is not in compliance with the most recent*
8 *voluntary voting system guidelines issued by the*
9 *Commission prior to the regularly scheduled gen-*
10 *eral election for Federal office held in November*
11 *2020 with another system which does meet such*
12 *requirements and is in compliance with such*
13 *guidelines;*

14 *“(2) to carry out voting system security im-*
15 *provements described in section 297A with respect to*
16 *the regularly scheduled general elections for Federal*
17 *office held in November 2020 and each succeeding*
18 *election for Federal office; and*

19 *“(3) to implement and model best practices for*
20 *ballot design, ballot instructions, and the testing of*
21 *ballots.*

22 *“(b) AMOUNT OF GRANT.—The amount of a grant*
23 *made to a State under this section shall be such amount*
24 *as the Commission determines to be appropriate, except that*
25 *such amount may not be less than the product of \$1 and*

1 *the average of the number of individuals who cast votes in*
2 *any of the two most recent regularly scheduled general elec-*
3 *tions for Federal office held in the State.*

4 “(c) *PRO RATA REDUCTIONS.*—*If the amount of funds*
5 *appropriated for grants under this part is insufficient to*
6 *ensure that each State receives the amount of the grant cal-*
7 *culated under subsection (b), the Commission shall make*
8 *such pro rata reductions in such amounts as may be nec-*
9 *essary to ensure that the entire amount appropriated under*
10 *this part is distributed to the States.*

11 “(d) *SURPLUS APPROPRIATIONS.*—*If the amount of*
12 *funds appropriated for grants authorized under section*
13 *297D(a)(2) exceed the amount necessary to meet the require-*
14 *ments of subsection (b), the Commission shall consider the*
15 *following in making a determination to award remaining*
16 *funds to a State:*

17 “(1) *The record of the State in carrying out the*
18 *following with respect to the administration of elec-*
19 *tions for Federal office:*

20 “(A) *Providing voting machines that are*
21 *less than 10 years old.*

22 “(B) *Implementing strong chain of custody*
23 *procedures for the physical security of voting*
24 *equipment and paper records at all stages of the*
25 *process.*

1 “(C) Conducting pre-election testing on
2 every voting machine and ensuring that paper
3 ballots are available wherever electronic ma-
4 chines are used.

5 “(D) Maintaining offline backups of voter
6 registration lists.

7 “(E) Providing a secure voter registration
8 database that logs requests submitted to the data-
9 base.

10 “(F) Publishing and enforcing a policy de-
11 tailing use limitations and security safeguards
12 to protect the personal information of voters in
13 the voter registration process.

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

16 “(H) Providing a secure platform for dis-
17 seminating vote totals.

18 “(2) Evidence of established conditions of inno-
19 vation and reform in providing voting system secu-
20 rity and the proposed plan of the State for imple-
21 menting additional conditions.

22 “(3) Evidence of collaboration between relevant
23 stakeholders, including local election officials, in de-
24 veloping the grant implementation plan described in
25 section 297B.

1 “(4) *The plan of the State to conduct a rigorous*
2 *evaluation of the effectiveness of the activities carried*
3 *out with the grant.*

4 “(e) *ABILITY OF REPLACEMENT SYSTEMS TO ADMIN-*
5 *ISTER RANKED CHOICE ELECTIONS.—To the greatest extent*
6 *practicable, an eligible State which receives a grant to re-*
7 *place a voting system under this section shall ensure that*
8 *the replacement system is capable of administering a system*
9 *of ranked choice voting under which each voter shall rank*
10 *the candidates for the office in the order of the voter’s pref-*
11 *erence.*

12 **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS DE-**
13 **SCRIBED.**

14 “(a) *PERMITTED USES.—A voting system security im-*
15 *provement described in this section is any of the following:*

16 “(1) *The acquisition of goods and services from*
17 *qualified election infrastructure vendors by purchase,*
18 *lease, or such other arrangements as may be appro-*
19 *priate.*

20 “(2) *Cyber and risk mitigation training.*

21 “(3) *A security risk and vulnerability assessment*
22 *of the State’s election infrastructure which is carried*
23 *out by a provider of cybersecurity services under a*
24 *contract entered into between the chief State election*
25 *official and the provider.*

1 “(4) *The maintenance of election infrastructure,*
2 *including addressing risks and vulnerabilities which*
3 *are identified under either of the security risk and*
4 *vulnerability assessments described in paragraph (3),*
5 *except that none of the funds provided under this part*
6 *may be used to renovate or replace a building or fa-*
7 *cility which is used primarily for purposes other than*
8 *the administration of elections for public office.*

9 “(5) *Providing increased technical support for*
10 *any information technology infrastructure that the*
11 *chief State election official deems to be part of the*
12 *State’s election infrastructure or designates as critical*
13 *to the operation of the State’s election infrastructure.*

14 “(6) *Enhancing the cybersecurity and operations*
15 *of the information technology infrastructure described*
16 *in paragraph (4).*

17 “(7) *Enhancing the cybersecurity of voter reg-*
18 *istration systems.*

19 “(b) *QUALIFIED ELECTION INFRASTRUCTURE VEN-*
20 *DORS DESCRIBED.—*

21 “(1) *IN GENERAL.—For purposes of this part, a*
22 *‘qualified election infrastructure vendor’ is any per-*
23 *son who provides, supports, or maintains, or who*
24 *seeks to provide, support, or maintain, election infra-*
25 *structure on behalf of a State, unit of local govern-*

1 *ment, or election agency, who meets the criteria de-*
2 *scribed in paragraph (2).*

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

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

11 *“(B) The vendor must disclose to the Chair-*
12 *man and the Secretary, and to the chief State*
13 *election official of any State to which the vendor*
14 *provides any goods and services with funds pro-*
15 *vided under this part, of any sourcing outside*
16 *the United States for parts of the election infra-*
17 *structure.*

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

23 *“(D) The vendor agrees to maintain its in-*
24 *formation technology infrastructure in a manner*
25 *that is consistent with the cybersecurity best*

1 *practices issued by the Technical Guidelines De-*
2 *velopment Committee.*

3 “(E) *The vendor agrees to meet the require-*
4 *ments of paragraph (3) with respect to any*
5 *known or suspected cybersecurity incidents in-*
6 *volving any of the goods and services provided by*
7 *the vendor pursuant to a grant under this part.*

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

13 “(3) *CYBERSECURITY INCIDENT REPORTING RE-*
14 *QUIREMENTS.—*

15 “(A) *IN GENERAL.—A vendor meets the re-*
16 *quirements of this paragraph if, upon becoming*
17 *aware of the possibility that an election cyberse-*
18 *curity incident has occurred involving any of the*
19 *goods and services provided by the vendor pursu-*
20 *ant to a grant under this part—*

21 “(i) *the vendor promptly assesses*
22 *whether or not such an incident occurred,*
23 *and submits a notification meeting the re-*
24 *quirements of subparagraph (B) to the Sec-*
25 *retary and the Chairman of the assessment*

1 *as soon as practicable (but in no case later*
2 *than 3 days after the vendor first becomes*
3 *aware of the possibility that the incident oc-*
4 *curred);*

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

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

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

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 was*
6 *detected.*

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

9 “(iv) *The circumstances of the election*
10 *cybersecurity incident, including the spe-*
11 *cific election infrastructure systems believed*
12 *to have been accessed and information ac-*
13 *quired, 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 this*
5 *part;*

6 “(2) *a certification and assurance that, not later*
7 *than 5 years after receiving the grant, the State will*
8 *carry out voting system security improvements, as de-*
9 *scribed 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 Committees*
18 *on Homeland Security and Governmental Affairs, the Judi-*
19 *ciary, and Rules and Administration of the Senate, on the*
20 *activities carried out with the funds provided under this*
21 *part.*

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

23 “(a) *AUTHORIZATION.—There are authorized to be ap-*
24 *propriated 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 this
5 section shall remain available until expended.”.

6 (b) *CLERICAL AMENDMENT.*—The table of contents of
7 such Act is amended by adding at the end of the items relat-
8 ing 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 car-
rying 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 VOTE**
13 **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 ASSISTANCE*

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

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

5 *(2) by adding at the end the following new para-*
6 *graph:*

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

9 *(c) REPRESENTATIVE OF DEPARTMENT OF HOMELAND*
10 *SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT*

11 *COMMITTEE.—Section 221(c)(1) of such Act (52 U.S.C.*
12 *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 of*
18 *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 (52*
22 *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 SE-*
14 *CURITY IMPROVEMENTS.—Section 251(b) of such Act*
15 *(52 U.S.C. 21001(b)) is amended by adding at the*
16 *end the following new paragraph:*

17 “(4) *PERMITTING USE OF PAYMENTS FOR VOTING*
18 *SYSTEM SECURITY IMPROVEMENTS.—A State may use*
19 *a requirements payment to carry out any of the fol-*
20 *lowing 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 des-*

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

3 “(C) *Enhancing the cybersecurity and oper-*
4 *ations of the information technology infrastruc-*
5 *ture described in subparagraph (B).*

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

8 (2) *INCORPORATION OF ELECTION INFRASTRUC-*
9 *TURE PROTECTION IN STATE PLANS FOR USE OF PAY-*
10 *MENTS.—Section 254(a)(1) of such Act (52 U.S.C.*
11 *21004(a)(1)) is amended by striking the period at the*
12 *end and inserting “, including the protection of elec-*
13 *tion 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. 21005)*
17 *is amended—*

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

20 (B) *by inserting after subsection (a) the fol-*
21 *lowing new subsection:*

22 “(b) *GEOGRAPHIC REPRESENTATION.—The members*
23 *of the committee shall be a representative group of individ-*
24 *uals from the State’s counties, cities, towns, and Indian*

1 *tribes, and shall represent the needs of rural as well as*
2 *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 amended*
6 *by striking the period at the end and inserting “, as well*
7 *as other measures to prevent and deter cybersecurity inci-*
8 *dents, as identified by the Commission, the Secretary of*
9 *Homeland Security, and the Technical Guidelines Develop-*
10 *ment 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 as*
14 *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 local*
22 *government in a State, which is responsible for the*
23 *administration of elections for Federal office in the*
24 *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 in-
5 formation and communications technology, including
6 voter registration databases, voting machines, elec-
7 tronic mail and other communications systems (in-
8 cluding electronic mail and other systems of vendors
9 who have entered into contracts with election agencies
10 to support the administration of elections, manage the
11 election process, and report and display election re-
12 sults), and other systems used to manage the election
13 process and to report and display election results on
14 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 of
21 such Act is amended by amending the item relating to sec-
22 tion 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 Vote*
 4 *Act of 2002 (52 U.S.C. 21081 et seq.) is amended by insert-*
 5 *ing 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-lim-*
 9 *iting audit’ means, with respect to any election con-*
 10 *test, a post-election process that—*

11 *“(A) has a probability of at least 95 percent*
 12 *of correcting the reported outcome if the reported*
 13 *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 election*
 23 *contest which is determined according to the can-*
 24 *vass and which will become the official, certified*

1 *outcome unless it is revised by an audit, recount,*
2 *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’ means*
9 *the winner or set of winners of an election con-*
10 *test.*

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 record.*

17 “(4) *BALLOT MANIFEST.*—*The term ‘ballot mani-*
18 *fest’ means a record maintained by each jurisdiction*
19 *that—*

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

22 “(B) *functions as a sampling frame for con-*
23 *ducting a risk-limiting audit; and*

24 “(C) *accounts for all ballots validly cast re-*
25 *gardless of how or whether they were tabulated*

1 *and includes a precise description of the manner*
2 *in which the ballots are physically stored, in-*
3 *cluding the total number of physical groups of*
4 *ballots, the numbering system for each group, a*
5 *unique label for each group, and the number of*
6 *ballots in each such group.*

7 “(b) *REQUIREMENTS.—*

8 “(1) *IN GENERAL.—*

9 “(A) *AUDITS.—*

10 “(i) *IN GENERAL.—Each State and ju-*
11 *risdiction shall administer risk-limiting au-*
12 *ditions of the results of all election contests for*
13 *Federal office held in the State in accord-*
14 *ance with the requirements of paragraph*
15 *(2).*

16 “(ii) *EXCEPTION.—Clause (i) shall not*
17 *apply to any election contest for which the*
18 *State or jurisdiction conducts a full recount*
19 *through a manual adjudication of voter in-*
20 *tent.*

21 “(B) *FULL MANUAL TABULATION.—If a*
22 *risk-limiting audit conducted under subpara-*
23 *graph (A) corrects the reported outcome of an*
24 *election contest, the State or jurisdiction shall*
25 *use the results of the manual adjudication of*

1 *voter intent conducted as part of the risk-lim-*
2 *iting audit as the official results of the election*
3 *contest.*

4 “(2) *AUDIT REQUIREMENTS.—*

5 “(A) *RULES AND PROCEDURES.—*

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

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

14 “(I) *Rules and procedures for en-*
15 *sureing the security of ballots and docu-*
16 *menting that prescribed procedures*
17 *were followed.*

18 “(II) *Rules and procedures for en-*
19 *sureing the accuracy of ballot manifests*
20 *produced by jurisdictions.*

21 “(III) *Rules and procedures for*
22 *governing the format of ballot mani-*
23 *ifests and other data involved in risk-*
24 *limiting audits.*

1 “(IV) *Methods to ensure that any*
2 *cast vote records used in a risk-lim-*
3 *iting audit are those used by the voting*
4 *system to tally the results of the elec-*
5 *tion contest sent to the chief State elec-*
6 *tion official of the State and made*
7 *public.*

8 “(V) *Rules and procedures for the*
9 *random selection of ballots to be in-*
10 *spected manually during each audit.*

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

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

19 “(B) *PUBLIC REPORT.—*

20 “(i) *IN GENERAL.—After the comple-*
21 *tion of the risk-limiting audit and at least*
22 *5 days before the election contest is certified,*
23 *the State shall publish a report on the re-*
24 *sults of the audit, together with such infor-*

1 *mation as necessary to confirm that the*
2 *audit was conducted properly.*

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

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

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

17 (b) *CONFORMING AMENDMENTS RELATED TO EN-*
18 *FORCEMENT.*—*Section 401 of such Act (52 U.S.C. 21111)*
19 *is amended by striking “and 303” and inserting “303, and*
20 *303A”.*

21 (c) *CLERICAL AMENDMENT.*—*The table of contents for*
22 *such Act is amended by inserting after the item relating*
23 *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 audit
15 costs’ means, with respect to any State, costs paid or in-
16 curred by the State or local government within the State
17 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 enact-
21 ment of this part; and

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

24 “(c) *SPECIAL RULES.*—

25 “(1) *RULES AND PROCEDURES.*—The Commis-
26 sion shall establish rules and procedures for submis-

1 *sion of eligible post-election audit costs for payments*
2 *under this section.*

3 “(2) *INSUFFICIENT FUNDS.—In any case in*
4 *which the amounts appropriated under subsection (d)*
5 *are insufficient to pay all eligible post-election audit*
6 *costs submitted by States with respect to any Federal*
7 *election, the amount of such costs paid under sub-*
8 *section (a) to any State shall be equal to the amount*
9 *that bears the same ratio to the amount which would*
10 *be paid to such State (determined without regard to*
11 *this paragraph) as—*

12 “(A) *the number of individuals who voted*
13 *in such Federal election in such State; bears to*

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

18 “(d) *AUTHORIZATION OF APPROPRIATIONS.—*

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

22 “(2) *AVAILABILITY.—Any amounts appropriated*
23 *pursuant to paragraph (1) shall remain available*
24 *without fiscal year limitation until expended.”.*

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

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

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

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

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

14 **(b) REPORT.**—*The Comptroller General of the United*
15 *States shall submit a report on the analysis conducted*
16 *under subsection (a) to the Committee on House Adminis-*
17 *tration of the House of Representatives and the Committee*
18 *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) of
8 the Help America Vote Act of 2002 (52 U.S.C. 21081(a)),
9 as amended by section 104 and section 105, is further
10 amended by adding at the end the following new paragraph:

11 “(9) *BALLOT TABULATING METHODS.*—

12 “(A) *IN GENERAL.*—The voting system tab-
13 ulates ballots by hand or through the use of an
14 optical scanning device that meets the require-
15 ments of subparagraph (B).

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

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

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

8 “(iii) *The device consists of hardware*
9 *that—*

10 “(I) *is certified under section*
11 *2216 of the Homeland Security Act;*
12 *and*

13 “(II) *demonstrably conforms to a*
14 *hardware component manifest describ-*
15 *ing point-of-origin information (in-*
16 *cluding upstream hardware supply*
17 *chain information for each component)*
18 *that—*

19 “(aa) *has been provided to*
20 *the Commission, the Director of*
21 *Cybersecurity and Infrastructure*
22 *Security under section 2215 of the*
23 *Homeland Security Act, and the*
24 *chief State election official for*

1 each State in which the device is
2 used; and

3 “(bb) may be shared by any
4 entity to whom it has been pro-
5 vided under item (aa) with inde-
6 pendent experts for cybersecurity
7 analysis.

8 “(iv) The device utilizes technology
9 that prevents the operation of the device if
10 any hardware components do not meet the
11 requirements of clause (iii).

12 “(v) The device operates using soft-
13 ware—

14 “(I) for which the source code,
15 system build tools, and compilation
16 parameters—

17 “(aa) have been provided to
18 the Commission, the Director of
19 Cybersecurity and Infrastructure
20 Security under section 2215 of the
21 Homeland Security Act, and the
22 chief State election official for
23 each State in which the device is
24 used; and

1 “(bb) may be shared by any
2 entity to whom it has been pro-
3 vided under item (aa) with inde-
4 pendent experts for cybersecurity
5 analysis; and

6 “(II) that is certified under sec-
7 tion 2216 of the Homeland Security
8 Act.

9 “(vi) The device utilizes technology
10 that prevents the running of software on the
11 device that does not meet the requirements
12 of clause (v).

13 “(vii) The device utilizes technology
14 that enables election officials, cybersecurity
15 researchers, and voters to verify that the
16 software running on the device—

17 “(I) was built from a specific,
18 untampered version of the code that is
19 described in clause (v); and

20 “(II) uses the system build tools
21 and compilation parameters that are
22 described in clause (v).

23 “(viii) The device contains such other
24 security requirements as the Director of Cy-

1 *bersecurity and Infrastructure Security re-*
2 *quires.*

3 “(C) *WAIVER.*—

4 “(i) *IN GENERAL.*—*The Director of Cy-*
5 *bersecurity and Infrastructure Security, in*
6 *consultation with the Director of the Na-*
7 *tional Institute of Standards and Tech-*
8 *nology, may waive one or more of the re-*
9 *quirements of subparagraph (B) (other than*
10 *the requirement of clause (i) thereof) with*
11 *respect to any device for a period of not to*
12 *exceed 2 years.*

13 “(ii) *PUBLICATION.*—*Information re-*
14 *lating to any waiver granted under clause*
15 *(i) shall be made publicly available on the*
16 *Internet.*

17 “(D) *EFFECTIVE DATE.*—*Each State and*
18 *jurisdiction shall be required to comply with the*
19 *requirements of this paragraph for the regularly*
20 *scheduled election for Federal office in November*
21 *2024, and for each subsequent election for Fed-*
22 *eral office.”.*

23 (b) *OTHER CYBERSECURITY REQUIREMENTS.*—*Sec-*
24 *tion 301(a) of such Act (52 U.S.C. 21081(a)), as amended*
25 *by section 104, section 105, and subsection (a), is further*

1 *amended by adding at the end the following new para-*
2 *graphs:*

3 “(10) *PROHIBITION OF USE OF WIRELESS COM-*
4 *MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—*

5 “(A) *IN GENERAL.—No system or device*
6 *upon which ballot marking devices or optical*
7 *scanners are configured, upon which ballots are*
8 *marked by voters (except as necessary for indi-*
9 *viduals with disabilities to use ballot marking*
10 *devices that meet the accessibility requirements*
11 *of paragraph (3)), or upon which votes are cast,*
12 *tabulated, or aggregated shall contain, use, or be*
13 *accessible by any wireless, power-line, or con-*
14 *cealed communication device.*

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 November*
19 *2020, and for each subsequent election for Fed-*
20 *eral office.*

21 “(11) *PROHIBITING CONNECTION OF SYSTEM TO*
22 *THE INTERNET.—*

23 “(A) *IN GENERAL.—No system or device*
24 *upon which ballot marking devices or optical*
25 *scanners are configured, upon which ballots are*

1 *marked by voters, or upon which votes are cast,*
2 *tabulated, or aggregated shall be connected to the*
3 *Internet or any non-local computer system via*
4 *telephone or other communication network at*
5 *any time.*

6 “(B) *EFFECTIVE DATE.*—*Each State and*
7 *jurisdiction shall be required to comply with the*
8 *requirements of this paragraph for the regularly*
9 *scheduled election for Federal office in November*
10 *2020, and for each subsequent election for Fed-*
11 *eral office.”.*

12 (c) *SPECIAL CYBERSECURITY RULES FOR CERTAIN*
13 *BALLOT MARKING DEVICES.*—

14 (1) *IN GENERAL.*—*Section 301(a) of such Act*
15 *(52 U.S.C. 21081(a)), as amended by section 104, sec-*
16 *tion 105, and subsections (a) and (b), is further*
17 *amended by adding at the end the following new*
18 *paragraph:*

19 “(13) *BALLOT MARKING DEVICES.*—

20 “(A) *IN GENERAL.*—*In the case of a voting*
21 *system that uses a ballot marking device, the bal-*
22 *lot marking device shall be a device that—*

23 “(i) *is not capable of tabulating votes;*

24 “(ii) *except in the case of a ballot*
25 *marking device used exclusively to comply*

1 with the requirements of paragraph (3), is
2 certified in accordance with section 232 as
3 meeting the requirements of subparagraph
4 (B); and

5 “(iii) is certified under section 2216 of
6 the Homeland Security Act as meeting the
7 requirements of clauses (iii) through (viii)
8 of section 301(a)(9)(B).

9 “(B) REQUIREMENTS.—

10 “(i) *IN GENERAL*.—A ballot marking
11 device meets the requirements of this sub-
12 paragraph if, during a double-masked test
13 conducted by a qualified independent user
14 experience research laboratory (as defined
15 in section 232(b)(4)) of a simulated election
16 scenario which meets the requirements of
17 clause (ii), there is less than a 5 percent
18 chance that an ordinary voter using the de-
19 vice would not detect and report any dif-
20 ference between the vote selection printed on
21 the ballot by the ballot marking device and
22 the vote selection indicated by the voter.

23 “(ii) *SIMULATED ELECTION SCE-*
24 *NARIO*.—A simulated election scenario meets

1 *the requirements of this clause if it is con-*
2 *ducted with—*

3 *“(I) a pool of subjects that are—*

4 *“(aa) diverse in age, gender,*
5 *education, and physical limita-*
6 *tions; and*

7 *“(bb) representative of the*
8 *communities in which the voting*
9 *system will be used; and*

10 *“(II) ballots that are representa-*
11 *tive of ballots ordinarily used in the*
12 *communities in which the voting sys-*
13 *tem will be used.*

14 *“(C) EFFECTIVE DATE.—Each State and*
15 *jurisdiction shall be required to comply with the*
16 *requirements of this paragraph for the regularly*
17 *scheduled election for Federal office in November*
18 *2022, and for each subsequent election for Fed-*
19 *eral office.”.*

20 *(2) PROCEDURE FOR TESTING.—*

21 *(A) IN GENERAL.—Subtitle B of title II of*
22 *the Help America Vote Act of 2002 (52 U.S.C.*
23 *20971 et seq.) is amended by adding at the end*
24 *the following new section:*

1 **“SEC. 232. TESTING AND CERTIFICATION OF BALLOT MARK-**
2 **ING DEVICES.**

3 “(a) *IN GENERAL.*—*Any State or jurisdiction which*
4 *intends to use a ballot marking device (other than a ballot*
5 *marking device used exclusively to comply with the require-*
6 *ments of section 301(a)(3)) in an election for Federal office*
7 *may submit an application to the Commission for testing*
8 *and certification under this section.*

9 “(b) *APPLICATION, ASSIGNMENT, AND TESTING.*—

10 “(1) *IN GENERAL.*—*An application under sub-*
11 *section (a) shall be submitted not later than 18*
12 *months before the date of the election for Federal office*
13 *in which the ballot marking device is intended to be*
14 *used and shall contain such information as the Com-*
15 *mission requires.*

16 “(2) *ASSIGNMENT.*—*Upon receipt of an applica-*
17 *tion for testing under this section, the Commission*
18 *shall contract with a qualified independent user expe-*
19 *rience research laboratory for the testing of whether*
20 *the ballot marking device intended to be used by the*
21 *State or jurisdiction meets the requirements of section*
22 *301(a)(10)(B).*

23 “(3) *REQUIREMENTS FOR TESTING.*—*Any con-*
24 *tract described in paragraph (2) shall require the*
25 *qualified independent user experience research labora-*
26 *tory to—*

1 “(A) not later than 30 days before testing
2 begins, submit to the Commission for approval
3 the protocol for the simulated election scenario
4 used for testing the ballot marking device;

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

7 “(C) submit to the Commission a report on
8 the results of the testing.

9 “(4) *QUALIFIED INDEPENDENT USER EXPERI-*
10 *ENCE RESEARCH LABORATORY.*—For purposes of this
11 section:

12 “(A) *IN GENERAL.*—The term ‘qualified
13 independent user experience research laboratory’
14 means a laboratory accredited under this sub-
15 section by the Election Assistance Commission in
16 accordance with standards determined by the
17 Commission, in consultation with the Director of
18 the National Institute of Standards and Tech-
19 nology and the Secretary of Homeland Security.

20 “(B) *CRITERIA.*—A laboratory shall not be
21 accredited under this subsection unless such lab-
22 oratory demonstrates that—

23 “(i) no employee of, or individual with
24 an ownership in, such laboratory has, or
25 has had during the 5 preceding years, any

1 *financial relationship with a manufacturer*
2 *of voting systems; and*

3 “(ii) *any group of individuals con-*
4 *ducting tests under this section collectively*
5 *meet the following qualifications:*

6 “(I) *Experience designing and*
7 *running user research studies and ex-*
8 *periments using both qualitative and*
9 *quantitative methodologies.*

10 “(II) *Experience with voting sys-*
11 *tems.*

12 “(c) *REVIEW BY INDEPENDENT BOARD.—*

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

16 “(A) *Any protocol submitted to the Commis-*
17 *sion under subsection (b)(3)(A).*

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

20 “(2) *FINAL APPROVAL.—Not later than the date*
21 *that is 12 months before the date of the election for*
22 *Federal office in which a State or jurisdiction intends*
23 *to use the ballot marking device, the independent re-*
24 *view board shall report to the Commission on whether*

1 *it has approved a report submitted under paragraph*
2 *(1)(B).*

3 *“(3) INDEPENDENT REVIEW BOARD.—*

4 *“(A) IN GENERAL.—An independent review*
5 *board established under this paragraph shall be*
6 *composed of 5 independent scientists appointed*
7 *by the Commission, in consultation with the Di-*
8 *rector of the National Institute of Standards and*
9 *Technology.*

10 *“(B) QUALIFICATIONS.—The members of the*
11 *independent review board—*

12 *“(i) shall have expertise and relevant*
13 *peer-reviewed publications in the following*
14 *fields: cognitive psychology, experimental*
15 *design, statistics, and user experience re-*
16 *search and testing; and*

17 *“(ii) may not have, or have had during*
18 *the 5 preceding years, any financial rela-*
19 *tionship with a manufacturer of voting sys-*
20 *tems.*

21 *“(4) PUBLICATION.—The Commission shall make*
22 *public—*

23 *“(A) any protocol approved under this sub-*
24 *section;*

1 “(B) any report submitted under subsection
2 (b)(3)(C); and

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

5 “(d) CERTIFICATION.—If—

6 “(1) a ballot marking device is determined by
7 the qualified independent user experience research
8 laboratory to meet the requirements of section
9 301(a)(7); and

10 “(2) the report submitted under subsection
11 (b)(3)(C) is approved by a majority of the members
12 of the independent review board under subsection
13 (d)(2),

14 then the Commission shall certify the ballot marking device.

15 “(e) PROHIBITION ON FEES.—The Commission may
16 not charge any fee to a State or jurisdiction, a developer
17 or manufacturer of a ballot marking device, or any other
18 person in connection with testing and certification under
19 this section.”.

20 (B) CONFORMING AMENDMENTS.—

21 (i) Section 202(2) of the Help America
22 Vote Act of 2002 (52 U.S.C. 20922(2)) is
23 amended by inserting “and ballot marking
24 devices” after “hardware and software”).

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

4 (iii) *The table of contents of such Act*
 5 *is amended—*

6 (I) *by inserting “; Ballot Marking*
 7 *Devices” at the end of the item relating*
 8 *to subtitle B of title II; and*

9 (II) *by inserting after the item re-*
 10 *lated to section 231 the following:*

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

11 **SEC. 202. TESTING OF EXISTING VOTING SYSTEMS TO EN-**
 12 **SURE COMPLIANCE WITH ELECTION CYBER-**
 13 **SECURITY GUIDELINES AND OTHER GUIDE-**
 14 **LINES.**

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

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

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

23 “(A) *TESTING.—Not later than 9 months*
 24 *before the date of each regularly scheduled gen-*
 25 *eral election for Federal office, the Commission*

1 shall provide for the testing by accredited labora-
2 tories under this section of the voting system
3 hardware and software which was certified for
4 use in the most recent such election, on the basis
5 of the most recent voting system guidelines ap-
6 plicable to such hardware or software (including
7 election cybersecurity guidelines) issued under
8 this Act.

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

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

23 (b) *ISSUANCE OF CYBERSECURITY GUIDELINES BY*
24 *TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.*—
25 Section 221(b) of the Help America Vote Act of 2002 (52

1 *U.S.C. 20961(b)) is amended by adding at the end the fol-*
 2 *lowing new paragraph:*

3 “(3) *ELECTION CYBERSECURITY GUIDELINES.—*
 4 *Not later than 6 months after the date of the enact-*
 5 *ment of the Securing America’s Federal Elections Act,*
 6 *the Development Committee shall issue election cyber-*
 7 *security guidelines, including standards and best*
 8 *practices for procuring, maintaining, testing, oper-*
 9 *ating, and updating election systems to prevent and*
 10 *deter cybersecurity incidents.”.*

11 **SEC. 203. REQUIRING USE OF SOFTWARE AND HARDWARE**
 12 **FOR WHICH INFORMATION IS DISCLOSED BY**
 13 **MANUFACTURER.**

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

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

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

24 “(i) *IN GENERAL.—In the operation of*
 25 *voting systems in an election for Federal of-*

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

16 “(i) *EXCEPTIONS.*—*Clause (i) does*
17 *not apply with respect to—*

18 “(I) *widely-used operating system*
19 *software which is not specific to voting*
20 *systems and for which the source code*
21 *or baseline functionality is not altered;*
22 *or*

23 “(II) *widely-used cybersecurity*
24 *software which is not specific to voting*

1 *systems and for which the source code*
2 *or baseline functionality is not altered.*

3 *“(B) REQUIRING USE OF HARDWARE FOR*
4 *WHICH INFORMATION IS DISCLOSED BY MANU-*
5 *FACTURER.—*

6 *“(i) REQUIRING DISCLOSURE OF*
7 *HARDWARE.—A State may not use a voting*
8 *system in an election for Federal office un-*
9 *less the manufacturer of the system publicly*
10 *discloses online the identification of the*
11 *hardware used to operate the system.*

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

20 *“(I) the manufacturer of the sys-*
21 *tem publicly discloses online the com-*
22 *ponents of the hardware, the design of*
23 *such components, and how such compo-*
24 *nents are connected in the operation of*
25 *the system; and*

1 “(II) the manufacturer makes the
2 design (in the form which will be used
3 at the time of the election) publicly
4 available online under a license that
5 grants a worldwide, royalty-free, non-
6 exclusive, perpetual, sub-licensable li-
7 cense to all intellectual property rights
8 in the design of the hardware or the
9 component, except that the manufac-
10 turer may prohibit a person who ob-
11 tains the design from using the design
12 in a manner that is primarily in-
13 tended for or directed toward commer-
14 cial advantage or private monetary
15 compensation that is unrelated to car-
16 rying out legitimate research or cyber-
17 security activity.”.

18 (b) *EFFECTIVE DATE.*—The amendment made by sub-
19 section (a) shall apply with respect to elections for Federal
20 office held in 2020 or any succeeding year.

21 **SEC. 204. TREATMENT OF ELECTRONIC POLL BOOKS AS**
22 **PART OF VOTING SYSTEMS.**

23 (a) *INCLUSION IN DEFINITION OF VOTING SYSTEM.*—
24 Section 301(b) of the Help America Vote Act of 2002 (52
25 U.S.C. 21081(b)) is amended—

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

3 (2) *by striking “and” at the end of paragraph*
4 *(1);*

5 (3) *by redesignating paragraph (2) as para-*
6 *graph (3); and*

7 (4) *by inserting after paragraph (1) the fol-*
8 *lowing new paragraph:*

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

11 (b) *DEFINITION.—Section 301 of such Act (52 U.S.C.*
12 *21081) is amended—*

13 (1) *by redesignating subsections (c) and (d) as*
14 *subsections (d) and (e); and*

15 (2) *by inserting after subsection (b) the following*
16 *new subsection:*

17 “(c) *ELECTRONIC POLL BOOK DEFINED.—In this Act,*
18 *the term ‘electronic poll book’ means the total combination*
19 *of mechanical, electromechanical, or electronic equipment*
20 *(including the software, firmware, and documentation re-*
21 *quired to program, control, and support the equipment)*
22 *that is used—*

23 (1) *to retain the list of registered voters at a*
24 *polling location, or vote center, or other location at*

1 *which voters cast votes in an election for Federal of-*
2 *ficie; and*

3 “(2) to identify registered voters who are eligible
4 to vote in an election.”.

5 (c) *EFFECTIVE DATE.*—Section 301(e) of such Act (52
6 U.S.C. 21081(e)), as redesignated by subsection (b), is
7 amended by striking the period at the end and inserting
8 the following: “, or, with respect to any requirements relat-
9 ing to electronic poll books, on and after January 1, 2020.”.

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

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

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

18 “(a) *REQUIRING STATES TO SUBMIT REPORTS.*—Not
19 *later than 120 days before the date of each regularly sched-*
20 *uled general election for Federal office, the chief State elec-*
21 *tion official of a State shall submit a report to the Commis-*
22 *sion containing a detailed voting system usage plan for*
23 *each jurisdiction in the State which will administer the*
24 *election, including a detailed plan for the usage of electronic*

1 *poll books and other equipment and components of such sys-*
2 *tem.*

3 “(b) *EFFECTIVE DATE.*—*Subsection (a) shall apply*
4 *with respect to the regularly scheduled general election for*
5 *Federal office held in November 2020 and each succeeding*
6 *regularly scheduled general election for Federal office.*”.

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

11 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
12 *such Act is amended by inserting after the item relating*
13 *to section 301 the following new item:*

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

14 **SEC. 206. STREAMLINING COLLECTION OF ELECTION IN-**
15 **FORMATION.**

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

18 (1) *by striking “The Commission” and inserting*
19 *“(a) IN GENERAL.—The Commission”; and*

20 (2) *by adding at the end the following new sub-*
21 *section:*

22 “(b) *WAIVER OF CERTAIN REQUIREMENTS.*—*Sub-*
23 *chapter I of chapter 35 of title 44, United States Code, shall*
24 *not apply to the collection of information for purposes of*

1 *maintaining the clearinghouse described in paragraph (1)*
2 *of subsection (a).”.*

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

6 **SEC. 301. USE OF VOTING MACHINES MANUFACTURED IN**
7 **THE UNITED STATES.**

8 *Section 301(a) of the Help America Vote Act of 2002*
9 *(52 U.S.C. 21081(a)), as amended by section 104, section*
10 *105, and section 203, is further amended by adding at the*
11 *end the following new paragraph:*

12 *“(10) VOTING MACHINE REQUIREMENTS.—By*
13 *not later than the date of the regularly scheduled gen-*
14 *eral election for Federal office occurring in November*
15 *2022, each State shall seek to ensure that any voting*
16 *machine used in such election and in any subsequent*
17 *election for Federal office is manufactured in the*
18 *United States.”.*

19 **TITLE IV—SEVERABILITY**

20 **SEC. 401. SEVERABILITY.**

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

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

Union Calendar No. 94

116TH CONGRESS
1ST Session

H. R. 2722

[Report No. 116-129, Part I]

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.

JUNE 26, 2019

Reported from the Committee on House Administration
with an amendment

JUNE 26, 2019

Committee on Science, Space, and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed