

118TH CONGRESS
1ST SESSION

H. R. 3257

To amend the Help America Vote Act of 2002 to prohibit States from using in the administration of an election for Federal office proprietary voting system hardware or software which prevents the system from meeting the voluntary voting system guidelines for interoperability and auditability issued by the Election Assistance Commission under such Act, a voting system whose hardware and software components are manufactured, maintained, or serviced outside the United States, or a voting system which is connected to the internet.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. POSEY introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to prohibit States from using in the administration of an election for Federal office proprietary voting system hardware or software which prevents the system from meeting the voluntary voting system guidelines for interoperability and auditability issued by the Election Assistance Commission under such Act, a voting system whose hardware and software components are manufactured, maintained, or serviced outside the United States, or a voting system which is connected to the internet.

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.**

4 This Act may be cited as the “Election Integrity Act
5 of 2023”.

6 **SEC. 2. PROHIBITING USE OF PROPRIETARY VOTING SYS-**
7 **TEM HARDWARE OR SOFTWARE NOT ENA-**
8 **BLING AUDITS.**

9 (a) PROHIBITION.—Section 301(a) of the Help Amer-
10 ica Vote Act of 2002 (52 U.S.C. 21081(a)) is amended
11 by adding at the end the following new paragraph:

12 “(7) PROHIBITING USE OF PROPRIETARY HARD-
13 WARE OR SOFTWARE NOT MEETING VOLUNTARY
14 GUIDANCE FOR INTEROPERABILITY AND
15 AUDITABILITY.—The voting system may not use any
16 proprietary hardware or software unless the manu-
17 facturer of the hardware or software provides the
18 appropriate election official with such information
19 and assistance as the official may require to enable
20 the voting system to be interoperable and auditable
21 in accordance with the most recent voluntary voting
22 system guidelines issued by the Commission under
23 this title.”.

24 (b) EFFECTIVE DATE.—Section 301(d) of such Act
25 (52 U.S.C. 21081(d)) is amended by striking the period

1 at the end and inserting the following: “, or, in the case
 2 of the requirements of paragraph (7) of subsection (a),
 3 on and after January 1, 2024.”.

4 **SEC. 3. PROHIBITING USE OF VOTING SYSTEM PRODUCED**
 5 **BY FOREIGN ENTITY IN ELECTIONS FOR FED-**
 6 **ERAL OFFICE.**

7 (a) PROHIBITION.—Section 301(a) of the Help Amer-
 8 ica Vote Act of 2002 (52 U.S.C. 21081(a)), as amended
 9 by section 2(a), is further amended by adding at the end
 10 the following new paragraphs:

11 “(8) SYSTEM HARDWARE AND SOFTWARE MAN-
 12 UFACTURED AND MAINTAINED IN UNITED
 13 STATES.—All of the hardware components and all of
 14 the software components of the system shall be man-
 15 ufactured in the United States and shall be main-
 16 tained and serviced only by persons who are in the
 17 United States.

18 “(9) SYSTEM NOT PRODUCED BY FOREIGN EN-
 19 TITY.—

20 “(A) IN GENERAL.—The voting system
 21 may not be produced by a foreign entity.

22 “(B) FOREIGN ENTITY DEFINED.—In sub-
 23 paragraph (A), the term ‘foreign entity’ means
 24 any of the following:

25 “(i) A foreign national.

1 “(ii) Any corporation which is not a
2 foreign national and in which a foreign na-
3 tional or an alien directly or indirectly
4 owns or controls any voting share.

5 “(iii) Any corporation which is not a
6 foreign national and with respect to which
7 any of the members of the board of direc-
8 tors are foreign nationals or aliens.

9 “(iv) Any corporation which is not a
10 foreign national and over which one or
11 more foreign nationals or aliens has the
12 power to direct, dictate, or control the de-
13 cision-making process of the corporation
14 with respect to its interests in the United
15 States.

16 “(C) FOREIGN NATIONAL DEFINED.—In
17 this paragraph, the term ‘foreign national’ has
18 the meaning given such term in section 1(b) of
19 the Foreign Agents Registration Act of 1938,
20 as amended (22 U.S.C. 611(b)), except that
21 such term shall not include any individual who
22 is a citizen of the United States.

23 “(D) ALIEN DEFINED.—In this paragraph,
24 the term ‘alien’ means an individual who is not
25 a citizen of the United States or a national of

1 the United States (as defined in section
2 101(a)(22) of the Immigration and Nationality
3 Act), and who is not lawfully admitted for per-
4 manent residence (as defined in section
5 101(a)(20) of such Act).”.

6 (b) EFFECTIVE DATE.—Section 301(d) of such Act
7 (52 U.S.C. 21081(d)), as amended by section 2(b), is fur-
8 ther amended to read as follows:

9 “(d) EFFECTIVE DATE.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), each State and jurisdiction shall be re-
12 quired to comply with the requirements of this sec-
13 tion on and after January 1, 2006, or, in the case
14 of the requirements of paragraph (7) of subsection
15 (a), on and after January 1, 2024.

16 “(2) SPECIAL RULE FOR REQUIREMENTS RE-
17 LATING TO FOREIGN ENTITIES.—In the case of the
18 requirements of paragraphs (8) and (9) of sub-
19 section (a), each State and jurisdiction shall be re-
20 quired to comply with such requirements on and
21 after the date of the enactment of the Election In-
22 tegrity Act of 2023.”.

1 **SEC. 4. PROHIBITING CONNECTION OF VOTING SYSTEMS**
2 **TO INTERNET.**

3 (a) PROHIBITION.—Section 301(a) of the Help Amer-
4 ica Vote Act of 2002 (52 U.S.C. 21081(a)), as amended
5 by section 2(a) and section 3(a), is further amended by
6 adding at the end the following new paragraph:

7 “(10) PROHIBITING CONNECTION OF SYSTEM
8 TO THE INTERNET.—

9 “(A) IN GENERAL.—No system or device
10 upon which ballots are programmed or votes are
11 cast or tabulated shall be connected to the
12 internet at any time.

13 “(B) PROHIBITING ACCEPTANCE OF BAL-
14 LOTS TRANSMITTED ONLINE.—The voting sys-
15 tem may not directly tabulate any voted ballot
16 which is transmitted to an election official on-
17 line.

18 “(C) RULE OF CONSTRUCTION.—Nothing
19 contained in this paragraph shall be deemed to
20 prohibit the Commission from conducting the
21 studies under section 242 or to conduct other
22 similar studies under any other provision of law
23 in a manner consistent with this paragraph.”.

24 (b) EFFECTIVE DATE.—Section 301(d)(1) of such
25 Act (52 U.S.C. 21081(d)(1)), as amended by section 2(b)
26 and section 3(b), is further amended by striking “para-

- 1 graph (7) of subsection (a)” and inserting “paragraphs
- 2 (7) and (10) of subsection (a)”.

