COMMITTEE ON HOUSE ADMINISTRATION

116TH CONGRESS

ZOE LOFGREN, California, Chairperson

JAMIE RASKIN, Maryland
SUSAN A. DAVIS, California
G. K. BUTTERFIELD, North Carolina
MARCIA L. FUDGE, Ohio
PETE AGUILAR, California

RODNEY DAVIS, Illinois, Ranking Member
MARK WALKER, North Carolina
BARRY LOUDERMILK, Georgia
The Committee met, pursuant to call, at 9:00 a.m., in Room 1310, Longworth House Office Building, Hon. Zoe Lofgren [Chairperson of the Committee] presiding.

Present: Representatives Lofgren, Raskin, Davis of California, Butterfield, Fudge, Aguilar, Davis of Illinois, Walker, and Loudermilk.

Staff Present: Sean Jones, Legislative Clerk; Eddie Flaherty, Chief Clerk; David Tucker, Parliamentarian; Jamie Fleet, Staff Director; Lisa Sherman, Chief of Staff for Mrs. Davis of California; Lauren Doney, Communications Director and Deputy Chief of Staff for Mr. Raskin; Eyang Garrison, Deputy Chief of Staff and Legislative Director for Ms. Fudge; Kyle Parker, Senior Policy Advisor for Mr. Butterfield; Brandon Mendoza, Senior Legislative Aide for Mrs. Davis of California; Evan Dorner, Legislative Assistant for Mr. Aguilar; Stephen Spaulding, Counsel, Elections; Timothy Monahan, Minority Director, Oversight; Jennifer Daulby, Minority Staff Director; Courtney Parella, Minority Communications Director; Cole Felder, Minority General Counsel; Susannah Johnston, Legislative Assistant for Mr. Loudermilk; and Nicholas Crocker, Minority Professional Staff.

The CHAIRPERSON. A quorum being present, the Committee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

Pursuant to Committee Rule 4 and clause 2(h)(4) of House Rule XI, the Chair announces that she may postpone further proceedings today when a recorded vote is ordered on the question of approving a measure or matter or on adopting an amendment.

This morning, we will consider H.R. 2722, The Securing America’s Federal Elections Act, a targeted bill to modernize our Nation’s election infrastructure and respond to the ongoing attacks on our democracy.

As we all should know and now appreciate, our country suffered, as Special Counsel Mueller said, “multiple systematic efforts to interfere in our election in the 2016 Presidential election.” When outsiders meddle in our elections, it is an attack on our country. We cannot leave States on their own to defend against the sophisticated cyber attacks of state actors.
While we have made modest progress to bolster our defenses, it is clear from the analysis of our intelligence community and a host of independent experts from across the political spectrum that more must be done. Our State and local governments need the resources, know-how, and support to harden our election infrastructure before Americans head to the polls. In a little over 200 days, New Hampshire will hold the first primary election of the 2020 election cycle. We must act now.

This, we know, is not a partisan perspective. Quote, “The warning lights are blinking red.” To be very clear, that is not my assessment but the administration’s Director of National Intelligence, Dan Coats, speaking about foreign attacks on our elections a little under a year ago.

Quote, “We recognize that our adversaries are going to keep adapting and upping their game.” Yet again, that is not my analysis but, instead, the administration’s own FBI Director, Christopher Wray, who recently said that our adversaries treated the 2018 midterms as, quote, “a dress rehearsal for the big show” of the 2020 Presidential elections.

Today, we will act. This critical package of legislative reforms will begin to respond with the urgency these stark warnings deserve.

The SAFE Act will require voting systems to use individual, durable, voter-verified paper ballots, a widely agreed-upon reform to protect our elections from manipulation; expand risk-limiting audits, equipping our States with the systems needed to ensure the accuracy of the vote tallies in an efficient manner; authorize a $600 million Election Assistance Commission grant program to assist in securing election infrastructure, while providing States with $175 million in biannual sustainment funding to help maintain election infrastructure. This initial $600 million is being appropriated by the financial services and general government accounting appropriations bill.

It will foster accountability for election technology vendors, creating a qualified election infrastructure vendor designation and much-needed cybersecurity deadlines; and implement cybersecurity safeguards to protect our systems from attack, including prohibition on wireless communication devices and a prohibition on election system internet interconnectivity.

Ultimately, the SAFE Act will improve the resilience of American elections, a goal that I know we all share. Today is an opportunity to work together as a Congress to counter attacks on elections.

I now recognize Ranking Member Davis for any opening statement he may have.

[The statement of the Chairperson follows:]
Chairperson Zoe Lofgren
Markup of H.R. 2722—the SAFE Act
June 21, 2019
Opening Statement

This morning we will consider H.R. 2722, the Securing America’s Federal Elections Act—a targeted bill to modernize our Nation’s election infrastructure and respond to the ongoing attacks on our democracy.

As we all should know and now appreciate, our country suffered multiple, systematic efforts to interfere in our election in the 2016 presidential election. When outsiders meddle in our elections, it’s an attack on our country and we cannot leave States to defend against the sophisticated cyber tactics of state actors on their own. While we have made modest progress to bolster our defenses, it’s clear from the analysis of our Intelligence community and a host of independent experts from across the political spectrum that more must be done. Our states and local governments need the resources, know-how and support to harden our election infrastructure before Americans head to the polls.

In a little over two hundred days, New Hampshire will hold the first primary election of the 2020 election cycle. We must act now. This, we know, is not a partisan perspective. The warning lights are blinking red. To be very clear, that is not my assessment, but the Administration’s Director of National Intelligence, Dan Coats, speaking about foreign attacks on our elections a little under a year ago. We recognize that our adversaries are going to keep adapting and upping their game.

Yet again, that is not my analysis—but instead the Administration’s own FBI Director, Christopher Wray, who recently said that our adversaries treated the 2018 midterms as “a dress rehearsal for the big show” the 2020 presidential elections.

Today we will act. This critical package of legislative reforms will begin to respond with the urgency these stark warnings deserve. The SAFE Act will:

- Require voting systems to use individual, durable, voter-verified paper ballots—a widely agreed upon reform to protect our elections from manipulation;
- Expand risk-limiting audits, equipping our States with the systems needed to ensure the accuracy of the vote tallies in an efficient manner;
• Authorize a $600 million Election Assistance Commission grant program to assist in securing election infrastructure, while providing States with $175 million in biannual sustainment funding to help maintain election infrastructure—this initial $600 million is being appropriated by the Financial Services and General Government Accounting Appropriations bill;

• It will foster accountability for election technology vendors, creating a “qualified election infrastructure vendor” designation and much needed cyber security deadlines; and

• Implement cyber security safeguards to protect our systems from attack, including prohibition on wireless communications devices and a prohibition on election systems Internet interconnectivity.

Ultimately, the SAFE Act will improve the resilience of American elections—a goal I know that we all share. Today is an opportunity to work together as a Congress to counter attacks on elections. And I know recognize Ranking Member Rodney Davis for any opening statement he may have.
Mr. Davis of Illinois, Thank you, Madam Chairperson.

Thank you all for being here today.

Our election infrastructure is aging and at risk. Congress should work together in a bipartisan way to put a solution on the table to address this problem.

Election security should not be a partisan issue, and I am, frankly, disappointed that our majority chose not to work with our Republican colleagues, all three of us on this Committee, for that bipartisan solution to strengthen our Nation’s election security and, instead, they have decided to put forth legislation that stands no chance of being signed into law. It is disappointing for the American people, who deserve a bill that allows them to trust in their election system and have their votes preserved and protected.

During the debate in this Committee on H.R. 1, the Majority insisted that the bill contained serious election security components. If that is the case, why are we here? H.R. 1 fell flat in the media and with public opinion. Now we are here discussing H.R. 2722, another bill aimed at federally mandating elections. This is simply more of the same.

What we aren’t going to hear about today is the work done last Congress to provide funding for election infrastructure and to create unprecedented cooperation among the States and Federal stakeholders—hence, the result that not a single instance has been reported of interference in the 2018 midterm elections, which experienced record midterm turnout.

Congress’s role is to assist States to strengthen their election security, not create a Federal takeover of election systems. That is why I introduced, along with my colleagues Mr. Walker and Mr. Loudermilk, the Election Security Assistance Act that will provide States assistance in updating their aging and vulnerable election infrastructure, empower State officials to secure elections, and provide additional resources for improving cybersecurity.

These are what I was asked to do by my election officials, who are a bipartisan group of folks that work to secure our elections at the local level in the 13th District of Illinois. Every Democratic and every Republican county clerk and election official in my district who came to a meeting told me these are their priorities.

A fundamental right of our Nation is the ability to choose our leaders. The American people deserve to have that right protected. We should secure and protect that right without partisan politics.

Thank you, and I yield back the balance of my time.

[The statement of Mr. Davis of Illinois follows:]
Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1389 Longworth House Office Building
Washington, D.C. 20515-6157
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Ranking Member Rodney Davis
Markup of H.R. 2722—the SAFE Act
June 21, 2019
Opening Statement

Our election infrastructure is aging and at risk, as we saw in the last presidential election. Congress should work together on a bipartisan solution to address this clear problem.

Election security should not be a partisan issue, and I’m disappointed that our Majority chose not to work with their Republican colleagues on a bipartisan solution to strengthen our Nation’s election security and instead put forth legislation that stands no chance of being signed into law. It’s disappointing for the American people who deserve a bill that allows them to trust in their election system and have their votes protected.

During the H.R. 1 debate, the Majority insisted that the bill contained serious election security components. If that’s the case, why are we here? H.R. 1 fell flat in the media and with public opinion, now we’re here discussing H.R. 2722, another bill aimed at federally mandating elections. This is simply more of the same.

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Congress’ role is to assist states to strengthen their election security, not create a federal takeover of their election systems. That’s why I introduced the Election Security Assistance Act that will provide assistance to States in updating their aging and vulnerable election infrastructure, empower State officials to secure elections, and provide additional resources for improving cybersecurity.

A fundamental right of our Nation is the ability to choose our leaders. The American people deserve to have that right protected. We should secure and protect that right without partisan politics. Thank you, and I yield back the balance of my time.
The CHAIRPERSON. Thank you.
At this point, I would ask that the opening statements of all other Members be included in the record, without objection.
The CHAIRPERSON. I now call up H.R. 2722.
The clerk shall report the title of the legislation.
The CLERK. 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.
The CHAIRPERSON. Without objection, the first reading of the bill is dispensed with.
Without objection, the bill is considered as read and open for amendment at any point.
[The bill follows:]
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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents of
this Act is as follows:
Sec. 1. Short title; table of contents.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

PART 1—Promoting Accuracy, Integrity, and Security Through Voter-verified Permanent Paper Ballot

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

PART 2—Grants to Carry Out Improvements

Sec. 111. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.


"Sec. 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. 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.

HR 2722 III
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.

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

SEC. 102. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

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

“(2) Paper ballot requirement.—

“(A) Voter-verified paper ballots.—
“(i) Paper Ballot Requirement.—

(I) The voting system shall require the use of an individual, durable, voter-verified paper ballot of the voter’s vote that shall be marked and made available for inspection and verification by the voter before the voter’s vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device. For purposes of this subclause, the term ‘individual, durable, voter-verified paper ballot’ means a paper ballot marked by the voter by hand or a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.

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

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

"(ii) Preservation as official record.—The individual, durable, voter-verified paper ballot used in accordance with clause (i) shall constitute the official ballot and shall be preserved and used as the official ballot for purposes of any recount or audit conducted with respect to any election for Federal office in which the voting system is used.

"(iii) Manual counting requirements for recounts and audits.—(I) Each paper ballot used pursuant to clause (i) shall be suitable for a manual audit, and shall be counted by hand in any recount or audit conducted with respect to any election for Federal office.

"(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to clause (i), and subject to
subparagraph (B), the individual, durable, voter-verified paper ballots shall be the true and correct record of the votes cast.

“(iv) APPLICATION TO ALL BALLOTS.—The requirements of this subparagraph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters.

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

“(i) IN GENERAL.—In the event that—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and
“(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed,

the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified result.

“(ii) Rule for consideration of ballots associated with each voting machine.—For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of
the election could be changed due to the compromised paper ballots.”.

(b) CONFORMING AMENDMENT CLARIFYING APPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—

Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is amended by inserting “(including the paper ballots required to be used under paragraph (2))” after “voting system”.

(c) OTHER CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amended—

(1) in subparagraph (A)(i), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”; 

(2) in subparagraph (A)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”; 

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

and

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

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SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR
INDIVIDUALS WITH DISABILITIES.

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

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

“(ii) satisfy the requirement of subpara-
graph (A) through the use of at least one voting
system equipped for individuals with disabil-
ities, including nonvisual and enhanced visual
accessibility for the blind and visually impaired,
and nonmanual and enhanced manual accessi-
bility for the mobility and dexterity impaired, at
each polling place; and

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

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

“(II) allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot;”.

(b) Specific Requirement of Study, Testing, and Development of Accessible Paper Ballot Verification Mechanisms.—

(1) Study and reporting.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—

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

(B) by inserting after section 246 the following new section:

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

“(a) Study and report.—The Director of the National Science Foundation shall make grants to not fewer than 3 eligible entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms and devices and best practices to enhance the accessibility of paper ballot voting and verification mechanisms
for individuals with disabilities, for voters whose primary language is not English, and for voters with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used.

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

“(1) certifications that the entity shall specifically investigate enhanced methods or devices, including non-electronic devices, that will assist such individuals and voters in marking voter-verified paper ballots and presenting or transmitting the information printed or marked on such ballots back to such individuals and voters, and casting such ballots;

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

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

“(c) Availability of Technology.—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made
available to the public, including to manufacturers of voting systems.

“(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.

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

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

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

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

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

(c) CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for
individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) PERMITTING USE OF FUNDS FOR PROTECTION AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO ENFORCE ELECTION-RELATED DISABILITY ACCESS.—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking "; except that"
and all that follows and inserting a period.

SEC. 104. DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.

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

"(7) DURABILITY AND READABILITY REQUIREMENTS FOR BALLOTS.—

"(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

"(i) IN GENERAL.—All voter-verified paper ballots required to be used under this Act shall be marked or printed on durable paper.

"(ii) DEFINITION.—For purposes of this Act, paper is ‘durable’ if it is capable
of withstanding multiple counts and re-
counts by hand without compromising the
fundamental integrity of the ballots, and
capable of retaining the information
marked or printed on them for the full du-
ration of a retention and preservation pe-
period of 22 months.

“(B) Readability requirements for
paper ballots marked by ballot marking
device.—All voter-verified paper ballots com-
pleted by the voter through the use of a ballot
marking device shall be clearly readable by the
voter without assistance (other than eyeglasses
or other personal vision enhancing devices) and
by an optical character recognition device or
other device equipped for individuals with dis-
abilities.”.

SEC. 105. PAPER BALLOT PRINTING REQUIREMENTS.

(a) Requiring Paper Ballots To Be Printed On
recycled paper manufactured in the United
States.—Section 301(a) of the Help America Vote Act
of 2002 (52 U.S.C. 21081(a)), as amended by section 104,
is amended by adding at the end the following new para-
graph:

**HR 2722 IH**
“(8) PRINTING REQUIREMENTS FOR BALLOTS.—All paper ballots used in an election for Federal office shall be printed in the United States on recycled paper manufactured in the United States.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring on or after January 1, 2021.

SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DESIGN.

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

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

SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.

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

“(d) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.
“(2) Special rule for certain requirements.—

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

“(B) Delay for jurisdictions using
certain paper record printers or certain
systems using or producing voter-
verifiable paper records in 2018.—

“(i) Delay.—In the case of a juris-
diction described in clause (ii), subpara-
graph (A) shall apply to a voting system in
the jurisdiction as if the reference in such
subparagraph to ‘2020’ were a reference to
‘2022’, but only with respect to the fol-
lowing requirements of this section:
“(I) Paragraph (2)(A)(i)(I) of subsection (a) (relating to the use of voter-verifed paper ballots).

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

“(III) Paragraph (7) of subsection (a) (relating to durability and readability requirements for ballots).

“(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

“(I) which used voter verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration
of the regularly scheduled general
election for Federal office held in No-

vember 2018; and

“(II) which will continue to use

such printers or systems for the ad-

ministration of elections for Federal

office held in years before 2022.

“(iii) Mandatory availability of

paper ballots at polling places

using grandfathered printers and

systems.—

“(I) Requiring ballots to be

offered and provided.—The ap-

propriate election official at each poll-

ing place that uses a printer or sys-

tem described in clause (ii)(I) for the

administration of elections for Federal

office shall offer each individual who

is eligible to cast a vote in the election

at the polling place the opportunity to

cast the vote using a blank pre-print-

ed paper ballot which the individual

may mark by hand and which is not

produced by the direct recording elec-

tronic voting machine or other such
system. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.

"(II) TREATMENT OF BALLOT.— Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot.

"(III) POSTING OF NOTICE.— The appropriate election official shall ensure there is prominently displayed
at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

“(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.

“(V) PERIOD OF APPLICABILITY.—The requirements of this clause apply only during the period in which the delay is in effect under clause (i).

“(C) SPECIAL RULE FOR JURISDICTIONS USING CERTAIN NONTABULATING BALLOT MARKING DEVICES.—In the case of a jurisdic-
tion which uses a nontabulating ballot marking
device which automatically deposits the ballot
into a privacy sleeve, subparagraph (A) shall
apply to a voting system in the jurisdiction as
if the reference in such subparagraph to ‘any
election for Federal office held in 2020 or any
succeeding year’ were a reference to ‘elections
for Federal office held in 2022 or each suc-
ceeding year’, but only with respect to para-
graph (3)(B)(iii)(II) of subsection (a) (relating
to nonmanual casting of the durable paper bal-
lot).’’.

PART 2—GRANTS TO CARRY OUT

IMPROVEMENTS

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

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

“(a) Availability and Use of Grant.—The Commission shall make a grant to each eligible State—

“(1) to replace a voting system—

“(A) which does not meet the requirements which are first imposed on the State pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 with a voting system which does meet such requirements, for use in the regularly scheduled general elections for Federal office held in November 2020, or

“(B) which does meet such requirements but which is not in compliance with the most recent voluntary voting system guidelines issued by the Commission prior to the regularly scheduled general election for Federal office held in November 2020 with another system which does
meet such requirements and is in compliance
with such guidelines;

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

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

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

“(c) PRO RATA REDUCTIONS.—If the amount of
funds appropriated for grants under this part is insuf-
cient to ensure that each State receives the amount of the
grant calculated under subsection (b), the Commission
shall make such pro rata reductions in such amounts as
may be necessary to ensure that the entire amount appro-
priated under this part is distributed to the States.
“(d) **Surplus Appropriations.**—If the amount of 
funds appropriated for grants authorized under section 
297D(a)(2) exceed the amount necessary to meet the re-
quirements of subsection (b), the Commission shall con-
sider the following in making a determination to award 
remaining funds to a State:

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

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

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

“(C) Conducting pre-election testing on 
every voting machine and ensuring that paper 
ballets are available wherever electronic ma-
hines are used.

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

“(E) Providing a secure voter registration 
database that logs requests submitted to the 
database.
“(F) Publishing and enforcing a policy detailing use limitations and security safeguards to protect the personal information of voters in the voter registration process.

“(G) Providing secure processes and procedures for reporting vote tallies.

“(H) Providing a secure platform for disseminating vote totals.

“(2) Evidence of established conditions of innovation and reform in providing voting system security and the proposed plan of the State for implementing additional conditions.

“(3) Evidence of collaboration between relevant stakeholders, including local election officials, in developing the grant implementation plan described in section 297B.

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

“(e) ABILITY OF REPLACEMENT SYSTEMS TO ADMINISTER RANKED CHOICE ELECTIONS.—To the greatest extent practicable, an eligible State which receives a grant to replace a voting system under this section shall ensure that the replacement system is capable of administering a system of ranked choice voting under which each voter
shall rank the candidates for the office in the order of
the voter's preference.

"SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS
DESCRIBED.

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

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

"(2) Cyber and risk mitigation training.

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

"(4) The maintenance of election infrastruc-
ture, including addressing risks and vulnerabilities
which are identified under either of the security risk
and vulnerability assessments described in para-
graph (3), except that none of the funds provided
under this part may be used to renovate or replace
a building or facility which is used primarily for pur-
poses other than the administration of elections for public office.

"(5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure.

"(6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4).

"(7) Enhancing the cybersecurity of voter registration systems.

"(b) QUALIFIED ELECTION INFRASTRUCTURE VENDORS DESCRIBED.—

"(1) IN GENERAL.—For purposes of this part, a 'qualified election infrastructure vendor' is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency (as defined in section 801 of the Election Security Act) who meets the criteria described in paragraph (2).

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

“(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

“(B) The vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure.

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

“(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(E) The vendor agrees to meet the requirements of paragraph (3) with respect to
any known or suspected cybersecurity incidents
involving any of the goods and services provided
by the vendor pursuant to a grant under this
part.

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

“(3) CYBERSECURITY INCIDENT REPORTING
REQUIREMENTS.—

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

“(i) the vendor promptly assesses
whether or not such an incident occurred,
and submits a notification meeting the re-
quirements of subparagraph (B) to the
Secretary and the Chairman of the assess-
ment as soon as practicable (but in no case
later than 3 days after the vendor first be-
comes aware of the possibility that the incident occurred);

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

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

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

“(i) The date, time, and time zone when the election cybersecurity incident began, if known.
“(ii) The date, time, and time zone when the election cybersecurity incident was detected.

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

“(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

“(v) Any planned and implemented technical measures to respond to and recover from the incident.

“(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

“SEC. 297B. ELIGIBILITY OF STATES.

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

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

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

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

“SEC. 297C. REPORTS TO CONGRESS.

“Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.

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

“(1) $1,000,000,000 for fiscal year 2019; and
“(2) $175,000,000 for each of the fiscal years 2020, 2022, 2024, and 2026.

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

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items 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.

SEC. 112. COORDINATION OF VOTING SYSTEM SECURITY

ACTIVITIES WITH USE OF REQUIREMENTS

PAYMENTS AND ELECTION ADMINISTRATION

REQUIREMENTS UNDER HELP AMERICA VOTE ACT OF 2002.

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

(b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
ANCE COMMISSION.—Section 214(a) of such Act (52
U.S.C. 20944(a)) is amended—

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

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

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

(c) REPRESENTATIVE OF DEPARTMENT OF HOME-
LAND SECURITY ON TECHNICAL GUIDELINES DEVEL-
OPMENT COMMITTEE.—Section 221(c)(1) of such Act (52
U.S.C. 20961(c)(1)) is amended—

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

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

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

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

(1) in the matter preceding paragraph (1), by
striking “the Commission shall” and inserting “the
Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall”;

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

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

“(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and”.

(e) Requirements Payments.—

(1) Use of Payments for Voting System Security Improvements.—Section 251(b) of such Act (52 U.S.C. 21001(b)) is amended by adding at the end the following new paragraph:

“(4) Permitting use of payments for voting system security improvements.—A State may use a requirements payment to carry out any of the following activities:

“(A) Cyber and risk mitigation training.

“(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or
designates as critical to the operation of the 
State’s election infrastructure.

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

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

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

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

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

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

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

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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
4 (f) ENSURING PROTECTION OF COMPUTERIZED
5 STATEWIDE VOTER REGISTRATION LIST.—Section
6 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
7 ed by striking the period at the end and inserting “, as
8 well as other measures to prevent and deter cybersecurity
9 incidents, as identified by the Commission, the Secretary
10 of Homeland Security, and the Technical Guidelines De-
11 velopment Committee.”.
12
13 SEC. 113. INCORPORATION OF DEFINITIONS.
14 (a) IN GENERAL.—Section 901 of the Help America
15 Vote Act of 2002 (52 U.S.C. 21141) is amended to read
16 as follows:
17 "SEC. 901. DEFINITIONS.
18 "In this Act, the following definitions apply:
19 "(1) The term ‘cybersecurity incident’ has the
20 meaning given the term ‘incident’ in section 227 of
22 "(2) The term ‘election agency’ means any com-
23 ponent of a State, or any component of a unit of
24 local government in a State, which is responsible for
25 the administration of elections for Federal office in
26 the State.
27
28
“(3) The term ‘election infrastructure’ means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

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

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

“Sec. 901. 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.

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

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

SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS.

“(a) Availability of Grants.—The Commission shall make a grant to each eligible State to conduct risk-limiting audits as described in subsection (b) with respect to the regularly scheduled general elections for Federal office held in November 2020 and each succeeding election for Federal office.

“(b) Risk-Limiting Audits Described.—In this part, a ‘risk-limiting audit’ is a post-election process—

“(1) which is conducted in accordance with rules and procedures established by the chief State election official of the State which meet the requirements of subsection (c); and
“(2) under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome as determined by a full, hand-to-eye tabulation of all votes validly cast in that election that ascertains voter intent manually and directly from voter-verifiable paper records.

“(c) REQUIREMENTS FOR RULES AND PROCEDURES.—The rules and procedures established for conducting a risk-limiting audit shall include the following elements:

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

“(2) Rules and procedures for ensuring the accuracy of ballot manifests produced by election agencies.

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

“(4) Methods to ensure that any cast vote records used in the audit are those used by the voting system to tally the election results sent to the chief State election official and made public.
“(5) Procedures for the random selection of ballots to be inspected manually during each audit.

“(6) Rules for the calculations and other methods to be used in the audit and to determine whether and when the audit of an election is complete.

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

“(d) DEFINITIONS.—In this part, the following definitions apply:

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

“(A) The record is created without reliance on any part of the voting system used to tabulate votes.

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

“(C) The record contains the following information with respect to the ballots cast and counted in the election:

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

“(iii) A precise description of the manner in which the ballots are physically stored, including the total number of physical groups of ballots, the numbering system for each group, a unique label for each group, and the number of ballots in each such group.

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

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

“(4) The term ‘reported outcome’ means the outcome of an election which is determined according to the canvass and which will become the official, certified outcome unless it is revised by an audit, recount, or other legal process.
"SEC. 298A. ELIGIBILITY OF STATES.

A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and in such form as the Commission may require, an application containing—

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

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

“(3) a certification that the audit shall be completed not later than the date on which the State certifies the results of the election;

“(4) a certification that, after completing the audit, the State shall publish a report on the results of the audit, together with such information as necessary to confirm that the audit was conducted properly;

“(5) a certification that, if a risk-limiting audit conducted under this part leads to a full manual tally of an election, State law requires that the State
or election agency shall use the results of the full
manual tally as the official results of the election;
and
“(6) such other information and assurances as
the Commission may require.

“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

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

(b) CLERICAL AMENDMENT.—The table of contents
of such Act, as amended by section 111(h), is further
amended by adding at the end of the items relating to
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.

SEC. 122. GAO ANALYSIS OF EFFECTS OF AUDITS.

(a) ANALYSIS.—Not later than 6 months after the
first election for Federal office is held after grants are
first awarded to States for conducting risk-limiting audits
under part 8 of subtitle D of title II of the Help America
Vote Act of 2002 (as added by section 121) for conducting
risk-limiting audits of elections for Federal office, the
Comptroller General of the United States shall conduc-
an analysis of the extent to which such audits have im-
proved the administration of such elections and the security of election infrastructure in the States receiving such grants.

(b) REPORT.—The Comptroller General of the United States shall submit a report on the analysis conducted under subsection (a) to the appropriate congressional committees.

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.

(a) Requiring Testing of Existing Voting Systems.—

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

“(3) Testing to ensure compliance with guidelines.—

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

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

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

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

"(3) Election cybersecurity guidelines.—Not later than 6 months after the date of the enactment of this paragraph, the Development Committee shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents."

SEC. 202. REQUIRING USE OF SOFTWARE AND HARDWARE

FOR WHICH INFORMATION IS DISCLOSED BY MANUFACTURER.

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

"(9) Requiring use of software and hardware for which information is disclosed by manufacturer.—

"(A) Requiring use of software for which source code is disclosed by manufacturer.—
“(i) IN GENERAL.—In the operation of voting systems in an election for Federal office, a State may only use software for which the manufacturer makes the source code (in the form in which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in such source code, except that the manufacturer may prohibit a person who obtains the software from using the software in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.

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

“(I) widely-used operating system software which is not specific to voting systems and for which the source code or baseline functionality is not altered; or
“(II) widely-used cybersecurity software which is not specific to voting systems and for which the source code or baseline functionality is not altered.

“(B) Requiring use of hardware for which information is disclosed by manufacturer.—

“(i) Requiring disclosure of hardware.—A State may not use a voting system in an election for Federal office unless the manufacturer of the system publicly discloses online the identification of the hardware used to operate the system.

“(ii) Additional disclosure requirements for custom or altered hardware.—To the extent that the hardware used to operate a voting system or any component thereof is not widely-used, or is widely-used but is altered, the State may not use the system in an election for Federal office unless—

“(I) the manufacturer of the system publicly discloses online the com-
ponents of the hardware, the design of
such components, and how such com-
ponents are connected in the oper-
ation of the system; and

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

(b) EFFECTIVE DATE.—The amendment made by
subsection (a) shall apply with respect to elections for
Federal office held in 2020 or any succeeding year.
SEC. 203. TREATMENT OF ELECTRONIC POLL BOOKS AS PART OF VOTING SYSTEMS.

(a) Inclusion in Definition of Voting System.—Section 301(b) of the Help America Vote Act of 2002 (52 U.S.C. 21081(b)) is amended—

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

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

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph:

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

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

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

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

“(c) Electronic Poll Book Defined.—In this Act, the term ‘electronic poll book’ means the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and docu-
mentation required to program, control, and support the
equipment) that is used—

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

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

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

SEC. 204. PRE-ELECTION REPORTS ON VOTING SYSTEM

USAGE.

(a) Requiring States To Submit Reports.—Title
II of the Help America Vote Act of 2002 (52 U.S.C.
21081 et seq.) is amended by inserting after section 301
the following new section:

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

USAGE.

“(a) Requiring States To Submit Reports.—
Not later than 120 days before the date of each regularly
scheduled general election for Federal office, the chief
State election official of a State shall submit a report to
the Commission containing a detailed voting system usage
plan for each jurisdiction in the State which will admin-
ister the election, including a detailed plan for the usage
of electronic poll books and other equipment and compo-

tents of such system.

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

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

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

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

SEC. 205. STREAMLINING COLLECTION OF ELECTION IN-
FORMATION.

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

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

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

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“(b) Waiver of Certain Requirements.—Sub-
chapter I of chapter 35 of title 44, United States Code,
shall not apply to the collection of information for pur-
poses of maintaining the clearinghouse described in para-
graph (1) of subsection (a).”.

TITLE III—ELECTION SECURITY
GRANTS ADVISORY COMMITTEE

SEC. 301. ESTABLISHMENT OF ADVISORY COMMITTEE.

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

“PART 4—ELECTION SECURITY GRANTS
ADVISORY COMMITTEE

“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-
MITTEE.

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

“(b) Duties.—

“(1) In General.—The Committee shall, with
respect to an application for a grant received by the
Commission—

“(A) review such application; and

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

“(2) CONSIDERATIONS.—In reviewing an application pursuant to paragraph (1)(A), the Committee shall consider—

“(A) the record of the applicant with respect to—

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

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

“(B) the goals and requirements of election security as described in the Securing America’s Federal Elections Act.

“(c) MEMBERSHIP.—The Committee shall be composed of 15 individuals appointed by the Executive Director of the Commission with experience and expertise in election security.

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

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

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

TITLE IV—USE OF VOTING MA-
CHINES MANUFACTURED IN
THE UNITED STATES

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

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

“(10) VOTING MACHINE REQUIREMENTS.—By
not later than the date of the regularly scheduled
general election for Federal office occurring in No-

ber 2022, each State shall seek to ensure that
any voting machine used in such election and in any
subsequent election for Federal office is manufac-
tured in the United States.”.
TITLE V—SEVERABILITY

SEC. 501. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.
The CHAIRPERSON. The Chair recognizes herself to offer an amendment in the nature of a substitute. The amendment has been made available in advance and is in front of each Member.

The clerk shall designate the amendment.

The CLERK. Amendment in the Nature of a Substitute to H.R. 2722, Offered by Ms. Lofgren of California.

The CHAIRPERSON. Without objection, the amendment will be considered as read and be considered as original text for purposes of amendment and shall be open for amendment at any point.

[The amendment of the Chairperson follows:]
AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY MS. LOFGREN OF CALIFORNIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

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

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

PART 2—GRANTS TO CARRY OUT IMPROVEMENTS

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

Subtitle B—Risk-Limiting Audits
Sec. 121. Risk-limiting audits.
Sec. 122. Funding for conducting post-election risk-limiting audits.
Sec. 123. GAO analysis of effects of audits.

TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS IN ELECTION ADMINISTRATION

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

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

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

TITLE IV—SEVERABILITY

Sec. 401. Severability.

1 TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

2 Subtitle A—Voting System Security Improvement Grants

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

4 SEC. 101. SHORT TITLE.

5 This subtitle may be cited as the “Voter Confidence and Increased Accessibility Act of 2019”.
SEC. 102. PAPER BALLOT AND MANUAL COUNTING REQUIREMENTS.

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

"(2) Paper ballot requirement.—

"(A) Voter-verified paper ballots.—

"(i) Paper ballot requirement.—

(I) The voting system shall require the use of an individual, durable, voter-verified paper ballot of the voter's vote that shall be marked and made available for inspection and verification by the voter before the voter's vote is cast and counted, and which shall be counted by hand or read by an optical character recognition device or other counting device. For purposes of this subclause, the term ‘individual, durable, voter-verified paper ballot’ means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device or system, so long as the voter shall have the option to mark his or her ballot by hand.

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

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

“(ii) Preservation as official
record.—The individual, durable, voter-
verified paper ballot used in accordance
with clause (i) shall constitute the official
ballot and shall be preserved and used as
the official ballot for purposes of any re-
count or audit conducted with respect to
any election for Federal office in which the
voting system is used.

“(iii) Manual counting require-
ments for recounts and audits.—(I)
Each paper ballot used pursuant to clause
(i) shall be suitable for a manual audit,
and shall be counted by hand in any re-
count or audit conducted with respect to
any election for Federal office.
“(II) In the event of any inconsistencies or irregularities between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper ballots used pursuant to clause (i), and subject to subparagraph (B), the individual, durable, voter-verified paper ballots shall be the true and correct record of the votes cast.

“(iv) APPLICATION TO ALL BALLOTS.—The requirements of this subparagraph shall apply to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters.

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

“(i) IN GENERAL.—In the event that—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by count-
ing by hand the individual, durable, voter-verified paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

"(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction involved) in any recount, audit, or contest of the result of the election that the paper ballots have been compromised (by damage or mischief or otherwise) and that a sufficient number of the ballots have been so compromised that the result of the election could be changed, the determination of the appropriate remedy with respect to the election shall be made in accordance with applicable State law, except that the electronic tally shall not be used as the exclusive basis for determining the official certified result.

"(ii) Rule for consideration of ballots associated with each voting
For purposes of clause (i), only the paper ballots deemed compromised, if any, shall be considered in the calculation of whether or not the result of the election could be changed due to the compromised paper ballots.”.

(b) Conforming Amendment Clarifying Applicability of Alternative Language Accessibility.—Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4)) is amended by inserting “(including the paper ballots required to be used under paragraph (2))” after “voting system”.

(c) Other Conforming Amendments.—Section 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amended—

(1) in subparagraph (A)(i), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

(2) in subparagraph (A)(ii), by striking “counted” and inserting “counted, in accordance with paragraphs (2) and (3)”;

(3) in subparagraph (A)(iii), by striking “counted” each place it appears and inserting “counted, in accordance with paragraphs (2) and (3)”; and
(4) in subparagraph (B)(ii), by striking "counted" and inserting "counted, in accordance with paragraphs (2) and (3)".

SEC. 103. ACCESIBILITY AND BALLOT VERIFICATION FOR INDIVIDUALS WITH DISABILITIES.

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

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

"(B)(i) satisfy the requirement of subparagraph (A) through the use of at least 1 voting system at each polling place that—

"(I) is equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and contains features to support enhanced manual accessibility for the mobility and dexterity impaired;

"(II) in the case of any election for Federal office occurring after the date that is 6 years after the date of the enactment of the Securing America's Federal Elections Act—
“(aa) marks ballots that are identical in size, ink, and paper stock to those ballots that would be marked by hand or a ballot marking device used by voters who do not have accessibility needs;

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

“(cc) combines ballots produced by the voting system with ballots marked by voters using other types of voting systems used by the State or jurisdiction in a way that prevents identification of which ballots were cast using each voting system; and

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

“(ii) in the case of any election for Federal office occurring after the date that is 6 years after the date of the enactment of the Securing America’s Federal Elections Act, meet the requirements of subparagraph (A) and paragraph
(2)(A) by using a system that allows the voter to privately and independently verify the accuracy of the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote tabulation or auditing; and”.

(2) Clarification with respect to application of requirement to ballots marked at home.—Section 301(a)(3) of such Act (52 U.S.C. 21081(a)(3)) is amended by adding at the end the following new flush sentence:

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

(b) Specific Requirement of Study, Testing, and Development of Accessible Paper Ballot Verification Mechanisms.—

(1) Study and reporting.—Subtitle C of title II of such Act (52 U.S.C. 21081 et seq.) is amended—

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

(B) by inserting after section 246 the following new section:
1 "SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER
2 BALLOT VERIFICATION MECHANISMS.
3 “(a) STUDY AND REPORT.—The Director of the Na-
4 tional Science Foundation shall make grants to not fewer
5 than 3 eligible entities to study, test, and develop acces-
6 sible paper ballot voting, verification, and casting mecha-
7 nisms and devices and best practices to enhance the acces-
8 sibility of paper ballot voting and verification mechanisms
9 for individuals with disabilities, for voters whose primary
10 language is not English, and for voters with difficulties
11 in literacy, including best practices for the mechanisms
12 themselves and the processes through which the mecha-
13 nisms are used.
14 “(b) ELIGIBILITY.—An entity is eligible to receive a
15 grant under this part if it submits to the Director (at such
16 time and in such form as the Director may require) an
17 application containing—
18 “(1) certifications that the entity shall specifi-
19 cally investigate enhanced methods or devices, in-
20 cluding non-electronic devices, that will assist such
21 individuals and voters in marking voter-verified
22 paper ballots and presenting or transmitting the in-
23 formation printed or marked on such ballots back to
24 such individuals and voters, and casting such ballots;
“(2) a certification that the entity shall complete the activities carried out with the grant not later than December 31, 2020; and
“(3) such other information and certifications as the Director may require.
“(c) AVAILABILITY OF TECHNOLOGY.—Any technology developed with the grants made under this section shall be treated as non-proprietary and shall be made available to the public, including to manufacturers of voting systems.
“(d) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Director shall carry out this section so that the activities carried out with the grants made under subsection (a) are coordinated with the research conducted under the grant program carried out by the Commission under section 271, to the extent that the Director and Commission determine necessary to provide for the advancement of accessible voting technology.
“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $5,000,000, to remain available until expended.”.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended—

(A) by redesignating the item relating to section 247 as relating to section 248; and
(B) by inserting after the item relating to section 246 the following new item:

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

(c) **Clarification of Accessibility Standards Under Voluntary Voting System Guidance.**—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act with respect to the accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(d) **Permitting Use of Funds for Protection and Advocacy Systems to Support Actions to Enforce Election-related Disability Access.**—Section 292(a) of the Help America Vote Act of 2002 (52 U.S.C. 21062(a)) is amended by striking "; except that" and all that follows and inserting a period.

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

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

"(7) **Durability and Readability Requirements for Ballots.**—
“(A) DURABILITY REQUIREMENTS FOR PAPER BALLOTS.—

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

“(ii) DEFINITION.—For purposes of this Act, paper is ‘durable’ if it is capable of withstanding multiple counts and recounts by hand without compromising the fundamental integrity of the ballots, and capable of retaining the information marked or printed on them for the full duration of a retention and preservation period of 22 months.

“(B) READABILITY REQUIREMENTS FOR PAPER BALLOTS MARKED BY BALLOT MARKING DEVICE.—All voter-verified paper ballots completed by the voter through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other device equipped for individuals with disabilities.”.
SEC. 105. PAPER BALLOT PRINTING REQUIREMENTS.

(a) Requiring Paper Ballots to Be Printed on Recycled Paper Manufactured in United States.—Section 301(a) of the Help America Vote Act of 2002 (52 U.S.C. 21081(a)), as amended by section 104, is amended by adding at the end the following new paragraph:

“(8) Printing requirements for ballots.—All paper ballots used in an election for Federal office shall be printed in the United States on recycled paper manufactured in the United States.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to elections occurring on or after January 1, 2021.

SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DESIGN.

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

(b) Report.—Not later than January 1, 2020, the Election Assistance Commission shall submit to Congress a report on the study conducted under subsection (a).
SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.

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

“(d) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

“(2) SPECIAL RULE FOR CERTAIN REQUIREMENTS.—

“(A) IN GENERAL.—Except as provided in section 105(b) of the Securing America’s Federal Elections Act and subparagraphs (B) and (C), the requirements of this section which are first imposed on a State and jurisdiction pursuant to the amendments made by the Voter Confidence and Increased Accessibility Act of 2019 shall apply with respect to voting systems used for any election for Federal office held in 2020 or any succeeding year.

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

“(i) DELAY.—In the case of a jurisdiction described in clause (ii), subpara-
graph (A) shall apply to a voting system in
the jurisdiction as if the reference in such
subparagraph to '2020' were a reference to
'2022', but only with respect to the fol-
lowing requirements of this section:

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

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

"(III) Paragraph (7) of sub-
section (a) (relating to durability and
readability requirements for ballots).

"(ii) JURISDICTIONS DESCRIBED.—A
jurisdiction described in this clause is a ju-
risdiction—

"(I) which used voter-verified
paper record printers attached to di-
rect recording electronic voting ma-
hines, or which used other voting
systems that used or produced paper
records of the vote verifiable by voters
but that are not in compliance with
paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and

“(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.

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

“(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or system described in clause (ii)(I) for the administration of elections for Federal office shall offer each individual who is eligible to cast a vote in the election at the polling place the opportunity to
cast the vote using a blank pre-printed paper ballot which the individual may mark by hand and which is not produced by the direct recording electronic voting machine or other such system. The official shall provide the individual with the ballot and the supplies necessary to mark the ballot, and shall ensure (to the greatest extent practicable) that the waiting period for the individual to cast a vote is the lesser of 30 minutes or the average waiting period for an individual who does not agree to cast the vote using such a paper ballot under this clause.

"(II) TREATMENT OF BALLOT.— Any paper ballot which is cast by an individual under this clause shall be counted and otherwise treated as a regular ballot for all purposes (including by incorporating it into the final unofficial vote count (as defined by the State) for the precinct) and not as a provisional ballot, unless the individual casting the ballot would have
otherwise been required to cast a provisional ballot.

"(III) POSTING OF NOTICE.—
The appropriate election official shall ensure there is prominently displayed at each polling place a notice that describes the obligation of the official to offer individuals the opportunity to cast votes using a pre-printed blank paper ballot.

"(IV) TRAINING OF ELECTION OFFICIALS.—The chief State election official shall ensure that election officials at polling places in the State are aware of the requirements of this clause, including the requirement to display a notice under subclause (III), and are aware that it is a violation of the requirements of this title for an election official to fail to offer an individual the opportunity to cast a vote using a blank pre-printed paper ballot.

"(V) PERIOD OF APPLICABILITY.—The requirements of this clause apply only during the period in
which the delay is in effect under clause (i).

“(C) Special rule for jurisdictions using certain nontabulating ballot marking devices.—In the case of a jurisdiction which uses a nontabulating ballot marking device which automatically deposits the ballot into a privacy sleeve, subparagraph (A) shall apply to a voting system in the jurisdiction as if the reference in such subparagraph to ‘any election for Federal office held in 2020 or any succeeding year’ were a reference to ‘elections for Federal office occurring held in 2022 or each succeeding year’, but only with respect to paragraph (3)(B)(iii)(II) of subsection (a) (relating to nonmanual casting of the durable paper ballot).’’.

PART 2—GRANTS TO CARRY OUT IMPROVEMENTS

SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

(a) Availability of Grants.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C.
21001 et seq.) is amended by adding at the end the follow-

ing new part:

"PART 7—GRANTS FOR OBTAINING COMPLIANT
PAPER BALLOT VOTING SYSTEMS AND CAR-
RYING OUT VOTING SYSTEM SECURITY IM-
PROVEMENTS"

"SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER
BALLOT VOTING SYSTEMS AND CARRYING
OUT VOTING SYSTEM SECURITY IMPROVE-
MENTS.

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

“(1) to replace a voting system—

“(A) which does not meet the requirements
which are first imposed on the State pursuant

to the amendments made by the Voter Con-
fidence and Increased Accessibility Act of 2019
with a voting system which does meet such re-
quirements, for use in the regularly scheduled
general elections for Federal office held in No-

vember 2020, or

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

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

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

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

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

“(d) SURPLUS APPROPRIATIONS.—If the amount of funds appropriated for grants authorized under section 297D(a)(2) exceed the amount necessary to meet the requirements of subsection (b), the Commission shall consider the following in making a determination to award remaining funds to a State:

“(1) The record of the State in carrying out the following with respect to the administration of elections for Federal office:

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

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

“(C) Conducting pre-election testing on every voting machine and ensuring that paper ballots are available wherever electronic machines are used.

“(D) Maintaining offline backups of voter registration lists.
“(E) Providing a secure voter registration database that logs requests submitted to the database.

“(F) Publishing and enforcing a policy detailing use limitations and security safeguards to protect the personal information of voters in the voter registration process.

“(G) Providing secure processes and procedures for reporting vote tallies.

“(H) Providing a secure platform for disseminating vote totals.

“(2) Evidence of established conditions of innovation and reform in providing voting system security and the proposed plan of the State for implementing additional conditions.

“(3) Evidence of collaboration between relevant stakeholders, including local election officials, in developing the grant implementation plan described in section 297B.

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

“(e) ABILITY OF REPLACEMENT SYSTEMS TO ADMINISTER RANKED CHOICE ELECTIONS.—To the greatest extent practicable, an eligible State which receives a grant
to replace a voting system under this section shall ensure that the replacement system is capable of administering a system of ranked choice voting under which each voter shall rank the candidates for the office in the order of the voter’s preference.

"SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS DESCRIBED.

“(a) PERMITTED USES.—A voting system security improvement described in this section is any of the following:

“(1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate.

“(2) Cyber and risk mitigation training.

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

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

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

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

“(7) Enhancing the cybersecurity of voter registration systems.

“(b) Qualified Election Infrastructure Vendors Described.—

“(1) IN GENERAL.—For purposes of this part, a ‘qualified election infrastructure vendor’ is any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency, who meets the criteria described in paragraph (2).
“(2) CRITERIA.—The criteria described in this paragraph are such criteria as the Chairman, in coordination with the Secretary of Homeland Security, shall establish and publish, and shall include each of the following requirements:

“(A) The vendor must be owned and controlled by a citizen or permanent resident of the United States.

“(B) The vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure.

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

“(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.
“(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part.

“(F) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

“(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—A vendor meets the requirements of this paragraph if, upon becoming aware of the possibility that an election cybersecurity incident has occurred involving any of the goods and services provided by the vendor pursuant to a grant under this part—

“(i) the vendor promptly assesses whether or not such an incident occurred, and submits a notification meeting the requirements of subparagraph (B) to the Secretary and the Chairman of the assessment as soon as practicable (but in no case
later than 3 days after the vendor first becomes aware of the possibility that the incident occurred);

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

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

“(B) CONTENTS OF NOTIFICATIONS.— Each notification submitted under clause (i) or clause (ii) of subparagraph (A) shall contain the following information with respect to any election cybersecurity incident covered by the notification:
“(i) The date, time, and time zone when the election cybersecurity incident began, if known.

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

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

“(iv) The circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any.

“(v) Any planned and implemented technical measures to respond to and recover from the incident.

“(vi) In the case of any notification which is an update to a prior notification, any additional material information relating to the incident, including technical data, as it becomes available.

"SEC. 297B. ELIGIBILITY OF STATES.

“A State is eligible to receive a grant under this part if the State submits to the Commission, at such time and
in such form as the Commission may require, an application containing—

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

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

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

“SEC. 297C. REPORTS TO CONGRESS.

“Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.

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

“(1) $600,000,000 for fiscal year 2019; and
“(2) $175,000,000 for each of the fiscal years 2020, 2022, 2024, and 2026.

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

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


“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.

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

(b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
ANCE COMMISSION.—Section 214(a) of such Act (52 U.S.C. 20944(a)) is amended—

(1) by striking "37 members" and inserting "38 members"; and

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

"(17) The Secretary of Homeland Security or the Secretary’s designee."

(e) REPRESENTATIVE OF DEPARTMENT OF HOMELAND SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(e)(1) of such Act (52 U.S.C. 20961(e)(1)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:


(d) GOALS OF PERIODIC STUDIES OF ELECTION ADMINISTRATION ISSUES; CONSULTATION WITH SECRETARY OF HOMELAND SECURITY.—Section 241(a) of such Act (52 U.S.C. 20981(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "the Commission shall" and inserting "the
Commission, in consultation with the Secretary of Homeland Security (as appropriate), shall”;  

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

(3) by redesignating paragraph (4) as paragraph (5); and  

(4) by inserting after paragraph (3) the following new paragraph:  

“(4) will be secure against attempts to undermine the integrity of election systems by cyber or other means; and”.  

(e) REQUIREMENTS PAYMENTS.—  

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

“(4) PERMITTING USE OF PAYMENTS FOR VOTING SYSTEM SECURITY IMPROVEMENTS.—A State may use a requirements payment to carry out any of the following activities:  

“(A) Cyber and risk mitigation training.  

“(B) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State’s election infrastructure or
designates as critical to the operation of the State’s election infrastructure.

“(C) Enhancing the cybersecurity and operations of the information technology infrastructure described in subparagraph (B).

“(D) Enhancing the security of voter registration databases.”.

(2) Incorporation of election infrastructure protection in state plans for use of payments.—Section 254(a)(1) of such Act (52 U.S.C. 21004(a)(1)) is amended by striking the period at the end and inserting “, including the protection of election infrastructure.”.

(3) Composition of committee responsible for developing state plan for use of payments.—Section 255 of such Act (52 U.S.C. 21005) is amended—

(A) by redesignating subsection (b) as subsection (c); and

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

“(b) Geographic representation.—The members of the committee shall be a representative group of individuals from the State’s counties, cities, towns, and
Indian tribes, and shall represent the needs of rural as
well as urban areas of the State, as the case may be.”.

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

SEC. 113. INCORPORATION OF DEFINITIONS.

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

“SEC. 901. DEFINITIONS.

“In this Act, the following definitions apply:

“(1) The term ‘cybersecurity incident’ has the
meaning given the term ‘incident’ in section 227 of

“(2) The term ‘election agency’ means any com-
ponent of a State, or any component of a unit of
local government in a State, which is responsible for
the administration of elections for Federal office in
the State.
“(3) The term ‘election infrastructure’ means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

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

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

“Sec. 901. Definitions.”.
Subtitle B—Risk-Limiting Audits

SEC. 121. RISK-LIMITING AUDITS.

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

"SEC. 303A. RISK-LIMITING AUDITS.

"(a) Definitions.—In this section:

"(1) Risk-limiting audit.—The term ‘risk-limiting audit’ means, with respect to any election contest, a post-election process that—

"(A) has a probability of at least 95 percent of correcting the reported outcome if the reported outcome is not the correct outcome;

"(B) will not change the outcome if the reported outcome is the correct outcome; and

"(C) involves a manual adjudication of voter intent from some or all of the ballots validly cast in the election contest.

"(2) Reported outcome; correct outcome;

outcome.—

"(A) Reported outcome.—The term ‘reported outcome’ means the outcome of an election contest which is determined according to the canvass and which will become the official,
certified outcome unless it is revised by an audit, recount, or other legal process.

"(B) CORRECT OUTCOME.—The term ‘correct outcome’ means the outcome that would be determined by a manual adjudication of voter intent for all votes validly cast in the election contest.

"(C) OUTCOME.—The term ‘outcome’ means the winner or set of winners of an election contest.

"(3) MANUAL ADJUDICATION OF VOTER INTENT.—The term ‘manual adjudication of voter intent’ means direct inspection and determination by humans, without assistance from electronic or mechanical tabulation devices, of the ballot choices marked by voters on each voter-verified paper record.

"(4) BALLOT MANIFEST.—The term ‘ballot manifest’ means a record maintained by each jurisdiction that—

"(A) is created without reliance on any part of the voting system used to tabulate votes;

"(B) functions as a sampling frame for conducting a risk-limiting audit; and
“(C) accounts for all ballots validly cast regard-
less of how or whether they were tabulated
and includes a precise description of the man-
ner in which the ballots are physically stored,
including the total number of physical groups of
ballots, the numbering system for each group, a
unique label for each group, and the number of
ballots in each such group.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—

“(A) AUDITS.—

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

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

“(B) FULL MANUAL TABULATION.—If a
risk-limiting audit conducted under subpara-
graph (A) corrects the reported outcome of an
... election contest, the State or jurisdiction shall use the results of the manual adjudication of voter intent conducted as part of the risk-limiting audit as the official results of the election contest.

“(2) AUDIT REQUIREMENTS.—

“(A) RULES AND PROCEDURES.—

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

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

“(I) Rules and procedures for ensuring the security of ballots and documenting that prescribed procedures were followed.

“(II) Rules and procedures for ensuring the accuracy of ballot manifests produced by jurisdictions.

“(III) Rules and procedures for governing the format of ballot mani-
fests and other data involved in risk-limiting audits.

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

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

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

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

“(B) PUBLIC REPORT.—

“(i) IN GENERAL.—After the completion of the risk-limiting audit and at least 5 days before the election contest is certified, the State shall publish a report on
the results of the audit, together with such
information as necessary to confirm that
the audit was conducted properly.

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

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

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

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

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

“See. 303A. Risk-limiting audits.”.
SEC. 122. FUNDING FOR CONDUCTING POST-ELECTION RISK-LIMITING AUDITS.

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

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

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

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

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

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

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

“(c) SPECIAL RULES.—
“(1) RULES AND PROCEDURES.—The Commission shall establish rules and procedures for submission of eligible post-election audit costs for payments under this section.

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

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

“(B) the total number of individuals who voted in such Federal election in all States submitting a claim for eligible post-election audit costs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain
available without fiscal year limitation until expended.’.

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

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

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

SEC. 123. GAO ANALYSIS OF EFFECTS OF AUDITS.

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

(b) REPORT.—The Comptroller General of the United States shall submit a report on the analysis conducted under subsection (a) to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.
TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS IN ELECTION ADMINISTRATION

SEC. 201. VOTING SYSTEM CYBERSECURITY REQUIREMENTS.

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

“(9) BALLOT TABULATING METHODS.—

“(A) IN GENERAL.—The voting system tabulates ballots by hand or through the use of an optical scanning device that meets the requirements of subparagraph (B).

“(B) REQUIREMENTS FOR OPTICAL SCANNING DEVICES.—Except as provided in subparagraph (C), the requirements of this subparagraph are as follows:

“(i) The device is designed and built in a manner in which it is mechanically impossible for the device to add or change the vote selections on a printed or marked ballot.
“(ii) The device is capable of exporting its data (including vote tally data sets and cast vote records) in a machine-readable, open data standard format required by the Commission, in consultation with the Director of the National Institute of Standards and Technology.

“(iii) The device consists of hardware that—

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

“(II) demonstrably conforms to a hardware component manifest describing point-of-origin information (including upstream hardware supply chain information for each component) that—

“(aa) has been provided to the Commission, the Director of Cybersecurity and Infrastructure Security under section 2215 of the Homeland Security Act, and the chief State election official
for each State in which the device is used; and

“(bb) may be shared by any entity to whom it has been provided under item (aa) with independent experts for cybersecurity analysis.

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

“(v) The device operates using software—

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

“(aa) have been provided to the Commission, the Director of Cybersecurity and Infrastructure Security under section 2215 of the Homeland Security Act, and the chief State election official for each State in which the device is used; and
“(bb) may be shared by any entity to whom it has been provided under item (aa) with independent experts for cybersecurity analysis; and

“(II) that is certified under section 2216 of the Homeland Security Act.

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

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

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

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

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

“(C) WAIVER.—

“(i) In general.—The Director of Cybersecurity and Infrastructure Security, in consultation with the Director of the National Institute of Standards and Technology, may waive one or more of the requirements of subparagraph (B) (other than the requirement of clause (i) thereof) with respect to any device for a period of not to exceed 2 years.

“(ii) Publication.—Information relating to any waiver granted under clause (i) shall be made publicly available on the Internet.

“(D) Effective date.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for the regularly scheduled election for Federal office in November 2024, and for each subsequent election for Federal office.”.

(b) OTHER CYBERSECURITY REQUIREMENTS.— Section 301(a) of such Act (52 U.S.C. 21081(a)), as amended by section 104, section 105, and subsection (a), is further
amended by adding at the end the following new paragraphs:

“(10) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—

“(A) IN GENERAL.—No system or device upon which ballot marking devices or optical scanners are configured, upon which ballots are marked by voters (except as necessary for individuals with disabilities to use ballot marking devices that meet the accessibility requirements of paragraph (3)), or upon which votes are cast, tabulated, or aggregated shall contain, use, or be accessible by any wireless, power-line, or concealed communication device.

“(B) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for the regularly scheduled election for Federal office in November 2020, and for each subsequent election for Federal office.

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

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

“(B) Effective date.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for the regularly scheduled election for Federal office in November 2020, and for each subsequent election for Federal office.”.

(c) Special Cybersecurity Rules for Certain Ballot Marking Devices.—

(1) In general.—Section 301(a) of such Act (52 U.S.C. 21081(a)), as amended by section 104, section 105, and subsections (a) and (b), is further amended by adding at the end the following new paragraph:

“(13) Ballot marking devices.—

“(A) In general.—In the case of a voting system that uses a ballot marking device, the ballot marking device shall be a device that—

“(i) is not capable of tabulating votes;

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

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

“(B) REQUIREMENTS.—

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

“(ii) SIMULATED ELECTION SCEN-
meets the requirements of this clause if it is conducted with—

“(I) a pool of subjects that are—

“(aa) diverse in age, gender, education, and physical limitations; and

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

“(II) ballots that are representative of ballots ordinarily used in the communities in which the voting system will be used.

“(C) EFFECTIVE DATE.—Each State and jurisdiction shall be required to comply with the requirements of this paragraph for the regularly scheduled election for Federal office in November 2022, and for each subsequent election for Federal office.”.

(2) PROCEDURE FOR TESTING.—

(A) IN GENERAL.—Subtitle B of title II of the Help America Vote Act of 2002 (52 U.S.C. 20971 et seq.) is amended by adding at the end the following new section:
“SEC. 232. TESTING AND CERTIFICATION OF BALLOT MARKING DEVICES.

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

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

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

“(2) ASSIGNMENT.—Upon receipt of an application for testing under this section, the Commission shall contract with a qualified independent user experience research laboratory for the testing of whether the ballot marking device intended to be used by the State or jurisdiction meets the requirements of section 301(a)(10)(B).

“(3) REQUIREMENTS FOR TESTING.—Any contract described in paragraph (2) shall require the qualified independent user experience research laboratory to—
“(A) not later than 30 days before testing begins, submit to the Commission for approval the protocol for the simulated election scenario used for testing the ballot marking device; 

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

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

“(4) QUALIFIED INDEPENDENT USER EXPERIENCE RESEARCH LABORATORY.—For purposes of this section:

“(A) IN GENERAL.—The term ‘qualified independent user experience research laboratory’ means a laboratory accredited under this subsection by the Election Assistance Commission in accordance with standards determined by the Commission, in consultation with the Director of the National Institute of Standards and Technology and the Secretary of Homeland Security.

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

“(i) no employee of, or individual with an ownership in, such laboratory has, or
has had during the 5 preceding years, any
financial relationship with a manufacturer
of voting systems; and
“(ii) any group of individuals con-
ducting tests under this section collectively
meet the following qualifications:
“(I) Experience designing and
running user research studies and ex-
periments using both qualitative and
quantitative methodologies.
“(II) Experience with voting sys-
tems.
“(c) Review by Independent Board.—
“(1) IN GENERAL.—The Commission shall sub-
mit for approval to an independent review board es-
tablished under paragraph (3) the following:
“(A) Any protocol submitted to the Com-
mision under subsection (b)(3)(A).
“(B) Any report submitted to the Commis-
sion under subsection (b)(3)(C).
“(2) FINAL APPROVAL.—Not later than the
date that is 12 months before the date of the elec-
tion for Federal office in which a State or jurisdic-
tion intends to use the ballot marking device, the
independent review board shall report to the Com-
mission on whether it has approved a report submitted under paragraph (1)(B).

“(3) INDEPENDENT REVIEW BOARD.—

“(A) IN GENERAL.—An independent review board established under this paragraph shall be composed of 5 independent scientists appointed by the Commission, in consultation with the Director of the National Institute of Standards and Technology.

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

“(i) shall have expertise and relevant peer-reviewed publications in the following fields: cognitive psychology, experimental design, statistics, and user experience research and testing; and

“(ii) may not have, or have had during the 5 preceding years, any financial relationship with a manufacturer of voting systems.

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

“(A) any protocol approved under this subsection;
“(B) any report submitted under subsection (b)(3)(C); and

“(C) any determination made by an independent review board under paragraph (2).

“(d) CERTIFICATION.—If—

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

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

then the Commission shall certify the ballot marking device.

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

(B) CONFORMING AMENDMENTS.—

(i) Section 202(2) of the Help America Vote Act of 2002 (52 U.S.C. 20922(2)) is amended by inserting “and ballot mark-
ing devices” after “hardware and software”).

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

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

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

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

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

SEC. 202. TESTING OF EXISTING VOTING SYSTEMS TO ENSURE COMPLIANCE WITH ELECTION CYBERSECURITY GUIDELINES AND OTHER GUIDELINES.

(a) Requiring Testing of Existing Voting Systems.—

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

“(3) TESTING TO ENSURE COMPLIANCE WITH GUIDELINES.—
“(A) Testing.—Not later than 9 months before the date of each regularly scheduled general election for Federal office, the Commission shall provide for the testing by accredited laboratories under this section of the voting system hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.

“(B) Decertification of Hardware or Software Failing to Meet Guidelines.—If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.”.

(2) Effective Date.—The amendment made by paragraph (1) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.
(b) Issuance of Cybersecurity Guidelines by Technical Guidelines Development Committee.—
Section 221(b) of the Help America Vote Act of 2002 (52 U.S.C. 20961(b)) is amended by adding at the end the following new paragraph:

“(3) Election cybersecurity guidelines.—Not later than 6 months after the date of the enactment of the Securing America’s Federal Elections Act, the Development Committee shall issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.”.

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

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

“(9) Requiring use of software and hardware for which information is disclosed by manufacturer.—
“(A) Requiring use of software for which source code is disclosed by manufacturer.—

“(i) In general.—In the operation of voting systems in an election for Federal office, a State may only use software for which the manufacturer makes the source code (in the form in which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in such source code, except that the manufacturer may prohibit a person who obtains the software from using the software in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.

“(ii) Exceptions.—Clause (i) does not apply with respect to—

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

"(II) widely-used cybersecurity software which is not specific to voting systems and for which the source code or baseline functionality is not altered.

"(B) Requiring use of hardware for which information is disclosed by manufacturer.—

"(i) Requiring disclosure of hardware.—A State may not use a voting system in an election for Federal office unless the manufacturer of the system publicly discloses online the identification of the hardware used to operate the system.

"(ii) Additional disclosure requirements for custom or altered hardware.—To the extent that the hardware used to operate a voting system or any component thereof is not widely-used, or is widely-used but is altered, the State may not use the system in an election for Federal office unless—
“(I) the manufacturer of the system publicly discloses online the components of the hardware, the design of such components, and how such components are connected in the operation of the system; and

“(II) the manufacturer makes the design (in the form which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in the design of the hardware or the component, except that the manufacturer may prohibit a person who obtains the design from using the design in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.”.
(b) EFFECTIVE DATE.—The amendment made by
subsection (a) shall apply with respect to elections for
Federal office held in 2020 or any succeeding year.

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

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

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

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

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

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

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

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

(1) by redesignating subsections (e) and (d) as
subsections (d) and (e); and

(2) by inserting after subsection (b) the fol-
lowing new subsection:
“(c) ELECTRONIC POLL BOOK DEFINED.—In this
Act, the term ‘electronic poll book’ means the total com-

bination of mechanical, electromechanical, or electronic
equipment (including the software, firmware, and docu-

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

“(1) to retain the list of registered voters at a

polling location, or vote center, or other location at

which voters cast votes in an election for Federal of-

ce; and

“(2) to identify registered voters who are eligi-

ble to vote in an election.”.

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

SEC. 205. PRE-ELECTION REPORTS ON VOTING SYSTEM

USAGE.

(a) REQUIRING STATES TO SUBMIT REPORTS.—Title
21081 et seq.) is amended by inserting after section 301
the following new section:
"SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM USAGE.

“(a) Requiring States to Submit Reports.—Not later than 120 days before the date of each regularly scheduled general election for Federal office, the chief State election official of a State shall submit a report to the Commission containing a detailed voting system usage plan for each jurisdiction in the State which will administer the election, including a detailed plan for the usage of electronic poll books and other equipment and components of such system.

“(b) Effective Date.—Subsection (a) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.”.

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

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

“Sec. 301A. Pre-election reports on voting system usage.”.
SEC. 206. STREAMLINING COLLECTION OF ELECTION INFORMATION.

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

(1) by striking "The Commission" and inserting "(a) In General.—The Commission"; and

(2) by adding at the end the following new subsection:

"(b) Waiver of Certain Requirements.—Subchapter I of chapter 35 of title 44, United States Code, shall not apply to the collection of information for purposes of maintaining the clearinghouse described in paragraph (1) of subsection (a)."

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

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

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

"(10) Voting machine requirements.—By not later than the date of the regularly scheduled general election for Federal office occurring in November 2022, each State shall seek to ensure that
any voting machine used in such election and in any subsequent election for Federal office is manufactured in the United States.”.

**TITLE IV—SEVERABILITY**

**SEC. 401. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.
The CHAIRPERSON. I would like to take a moment here to explain what is in the amendment.

As you know, we worked hard and we did have disagreements on H.R. 1, but we had less disagreement about the need to secure our infrastructure. I think the remaining disagreement—and we did have substantial efforts to try and reach a bipartisan agreement, but, in large measure, the disagreement is whether we mandate what is in this bill or whether we work in a different way, with carrots more than sticks.

I will let Mr. Davis speak later if he thinks there are additional matters.

But, you know, it occurs to me that if the Russians had attacked with military weapons, we wouldn’t say, “Well, let’s let each State and county figure out how to counter that.” The Russians attacked us and, next election, it could be the Chinese. They are not too happy with what we are doing right now. It could be other international actors or even nonstate actors.

Given the nature and the severity of that attack on our country, I believe it is really imperative that we as a Nation respond, which is why we have proposed this bill.

I would like to explain the additional measures that are in the amendment in the nature of a substitute.

First, fostering accountability for election technology vendors. It creates a qualified election infrastructure vendor designation, in conjunction with DHS, to craft cybersecurity guidelines and require vendors to follow those guidelines. This includes agreeing to report any known or suspect cybersecurity incidents involving election infrastructure. And grants would only be permitted for those qualified vendors.

We also include specific cybersecurity standards to apply to paper ballot or optical scanning voting systems. There will be another set of standards applying to ballot-marking devices. The requirements are that the device is built in a manner where it is mechanically impossible for the device to add or change the vote selections on a printed or marked ballot. The device consists of hardware certified by the Department of Homeland Security and the device is not capable of tabulating votes.

It requires that voting machines be manufactured in the United States, which I think is an enormously important requirement. And, also, because we know that we have a disability community that has an absolute right to vote, even if they are not able to mark with a pencil, we have the capability to meet their needs.

We require that the use of software and hardware for which information is disclosed by the manufacturer be open-source.

We also prohibit wireless communication devices. We have found and have seen reports from the FBI that voting systems were connected to wireless communication systems. That is just a nightmare. So we require that any wireless, power line, or concealed communication devices from all systems, that that be prohibited. From ballot-marking devices, optical scanners, we prohibit internet connectivity.

We think this is a sound measure, and we think it is important to proceed apace. We have, when we return after the Fourth of July recess, 17 legislative days before the August recess. We have,
as we know, appropriations bills that have eaten up our schedule. Because certain Members of the House believe that there should be a recorded vote on every amendment that ordinarily would be voice-voted, these appropriation matters have taken a very long time. If we have a window to move this bill—and we believe we have that short window next week—we need to take it.

So, with that, I would ask, are there any Members seeking recognition for an amendment?

Mr. DAVIS of Illinois. Madam Chairperson, I have an amendment at the desk.

The CHAIRPERSON. The gentleman from Illinois is recognized.

Mr. DAVIS of Illinois. Madam Chairperson, I am okay with waiving the reading of the amendment.

The CHAIRPERSON. Without objection, the reading of the amendment is waived.

[The amendment of Mr. Davis of Illinois follows:]

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Mrs. DAVIS of California. Madam Chairperson, I reserve a point of order.

The CHAIRPERSON. A point of order is reserved.

The CLERK. Amendment Offered by Mr. Rodney Davis. Short Title. This Act may be cited as the “Election Security Assistance Act”. Sec. 2. Grants to States for Election Administration Improvements. (a) Authorization of Funds. Notwithstanding Section 104—
AMENDMENT

OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Election Security Assistance Act”.

4 SEC. 2. GRANTS TO STATES FOR ELECTION ADMINISTRATION IMPROVEMENTS.

(a) AUTHORIZATION OF FUNDS.—Notwithstanding section 104(e)(2)(B) of the Help America Vote Act of 2002 (52 U.S.C. 20904(e)(2)(B)), there is authorized to be appropriated $380,000,000 for fiscal year 2020 to the Election Assistance Commission for necessary expenses to make payments to States for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized by sections 101, 103, and 104 of such Act.

(b) PAYMENTS TO STATES.—

(1) STATE MATCH.—Not later than two years after receiving funds under subsection (a), a State shall make available funds for activities described in
such subsection in an amount equal to 25 percent of
the total amount of the payment made to the State
under such subsection.

(2) TIMING.—The Election Assistance Commis-
sion shall make payments to States under subsection
(a) not later than 45 days after the date of enact-
ment of this Act.

(3) GUARANTEED MINIMUM PAYMENT.—For
purposes of this section, with respect to section 103
of such Act (52 U.S.C. 20903)—

(A) each reference to “$5,000,000” shall
be deemed to refer to “$3,000,000”; and

(B) each reference to “$1,000,000” shall
be deemed to refer to “$600,000”.

(c) REFERENCE.—For purposes of this section, with
respect to sections 101 and 103 of such Act, each ref-
ERENCE to the “Administrator of General Services” or the
“Administrator” shall be deemed to refer to the “Election
Assistance Commission”.

SEC. 3. TREATMENT OF ELECTRONIC POLL BOOKS AS PART
OF VOTING SYSTEMS.

(a) INCLUSION IN DEFINITION OF VOTING SYS-
TEM.—Section 301(b) of the Help America Vote Act of
2002 (52 U.S.C. 21081(b)) is amended—
(1) in the matter preceding paragraph (1), by
striking “this section” and inserting “this Act”;
(2) by striking “and” at the end of paragraph
(1);
(3) by redesignating paragraph (2) as para-
graph (3); and
(4) by inserting after paragraph (1) the fol-
lowing new paragraph:
“(2) any electronic poll book used with respect
to the election; and”.
(b) DEFINITION.—Section 301 of such Act (52
U.S.C. 21081) is amended—
(1) by redesignating subsections (c) and (d) as
subsections (d) and (e); and
(2) by inserting after subsection (b) the fol-
lowing new subsection:
“(e) ELECTRONIC POLL BOOK DEFINED.—In this
Act, the term ‘electronic poll book’ means the total com-
bination of mechanical, electromechanical, or electronic
equipment (including the software, firmware, and docu-
mentation required to program, control, and support the
equipment) that is used—
“(1) to retain the list of registered voters at a
polling location, or vote center, or other location at
which voters cast votes in an election for Federal office; and

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

(e) Effective Date.—Section 301(e) of such Act (52 U.S.C. 21081(e)), as redesignated by subsection (b), is amended by striking the period at the end and inserting the following: “, or, with respect to any requirements relating to electronic poll books, on and after January 1, 2020.”.

SEC. 4. SECURITY CLEARANCE ASSISTANCE FOR ELECTION OFFICIALS.

(a) State Officials.—In order to promote the timely sharing of information on threats to election infrastructure, the Secretary of Homeland Security may—

(1) help expedite a security clearance at the top secret level for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official;

(2) sponsor a security clearance at the top secret level for the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official; and
(3) facilitate the issuance of a temporary clearance at the top secret level to the chief State election official and other appropriate State personnel involved in the administration of elections, as designated by the chief State election official, if the Secretary determines classified information to be timely and relevant to the election infrastructure of the State at issue.

(b) ELECTION ASSISTANCE COMMISSION.—The Secretary shall expeditiously issue a security clearance at the top secret level to the following officials:

(1) Each member of the Election Assistance Commission appointed pursuant to section 203(a) of the Help America Vote Act of 2002 (52 U.S.C. 20923(a)).

(2) The Executive Director of the Election Assistance Commission appointed pursuant to section 204(a)(1) of such Act (52 U.S.C. 20924(a)(1)).

(3) The General Counsel of the Election Assistance Commission appointed pursuant to section 204(a)(4) of such Act (52 U.S.C. 20924(a)(4)).

(c) DEFINITIONS.—In this section—

(1) the term “chief State election official” means, with respect to a State, the individual designated by the State under section 10 of the Na-
tional Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act;

(2) the term "election infrastructure" means storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of election service providers who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

(3) the term "Secretary" means the Secretary of Homeland Security; and

(4) the term "State" has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).
SEC. 5. DUTY OF SECRETARY OF HOMELAND SECURITY TO
NOTIFY STATE AND LOCAL OFFICIALS OF
ELECTION CYBERSECURITY INCIDENTS.

(a) Duty to Share Information With Department of Homeland Security.—If a Federal entity receives information about an election cybersecurity incident, the Federal entity shall promptly share that information with the Department of Homeland Security, unless the head of the entity (or a Senate-confirmed official designated by the head) makes a specific determination in writing that there is good cause to withhold the particular information.

(b) Response to Receipt of Information by Secretary of Homeland Security.—

(1) In general.—Upon receiving information about an election cybersecurity incident under subsection (a), the Secretary of Homeland Security, in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall promptly (but in no case later than 48 hours after receiving the information) review the information and make a determination whether each of the following apply:

(A) There is credible evidence that the incident occurred.
(B) There is a basis to believe that the incident resulted, could have resulted, or could result in voter information systems or voter tabulation systems being altered or otherwise affected.

(2) Duty to Notify State and Local Officials.—

(A) Duty Described.—If the Secretary makes a determination under paragraph (1) that subparagraphs (A) and (B) of such paragraph apply with respect to an election cybersecurity incident, not later than 48 hours after making the determination, the Secretary shall provide a notification of the incident to each of the following:

(i) The chief executive of the State involved.

(ii) The State election official of the State involved.

(iii) The local election official of the election agency involved.

(B) Treatment of Classified Information.—

(i) Efforts to Avoid Inclusion of Classified Information.—In preparing
a notification provided under this paragraph to an individual described in clause (i), (ii), or (iii) of subparagraph (A), the Secretary shall attempt to avoid the inclusion of classified information.

(ii) Providing guidance to state and local officials.—To the extent that a notification provided under this paragraph to an individual described in clause (i), (ii), or (iii) of subparagraph (A) includes classified information, the Secretary (in consultation with the Attorney General and the Director of National Intelligence) shall indicate in the notification which information is classified.

(3) Exception.—

(A) In general.—If the Secretary, in consultation with the Attorney General and the Director of National Intelligence, makes a determination that it is not possible to provide a notification under paragraph (1) with respect to an election cybersecurity incident without compromising intelligence methods or sources or interfering with an ongoing investigation, the
Secretary shall not provide the notification under such paragraph.

(B) ONGOING REVIEW.—Not later than 30 days after making a determination under subparagraph (A) and every 30 days thereafter, the Secretary shall review the determination. If, after reviewing the determination, the Secretary makes a revised determination that it is possible to provide a notification under paragraph (2) without compromising intelligence methods or sources or interfering with an ongoing investigation, the Secretary shall provide the notification under paragraph (2) not later than 48 hours after making such revised determination.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ELECTION AGENCY.—The term “election agency” means any component of a State, or any component of a unit of local government in a State, which is responsible for the administration of elections for Federal office in the State.

(2) ELECTION CYBERSECURITY INCIDENT.—The term “election cybersecurity incident” means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confiden-
tiality, or availability of information on an information system of election infrastructure, or actually or imminently jeopardizes, without lawful authority, an information system of election infrastructure.

(3) **Federal election.**—The term “Federal election” means any election (as defined in section 301(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(1))) for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101(3))).

(4) **Federal entity.**—The term “Federal entity” means any agency (as defined in section 551 of title 5, United States Code).

(5) **Local election official.**—The term “local election official” means the chief election official of a component of a unit of local government of a State that is responsible for administering Federal elections.

(6) **Secretary.**—The term “Secretary” means the Secretary of Homeland Security.

(7) **State.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and the United States Virgin Islands.
(8) **STATE ELECTION OFFICIAL.**—The term “State election official” means—

(A) the chief State election official of a State designated under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509); or

(B) in the case of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the United States Virgin Islands, a chief State election official designated by the State for purposes of this Act.

(d) **EFFECTIVE DATE.**—This section shall apply with respect to information about an election cybersecurity incident which is received on or after the date of the enactment of this Act.

**SEC. 6. ESTABLISHMENT OF ELECTION CYBER ASSISTANCE UNIT IN ELECTION ASSISTANCE COMMISSION.**

(a) **IN GENERAL.**—Subtitle A of title II of the Help America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is amended by adding at the end the following new part:
PART 4—ELECTION CYBER ASSISTANCE UNIT

SEC. 225. ELECTION CYBER ASSISTANCE UNIT.

"(a) Establishment.—There is established in the Commission the Election Cyber Assistance Unit (hereafter in this part referred to as the ‘Unit’).

“(b) Duties.—The Unit will provide State and local election officials in various geographic regions of the United States with access to risk-management, resiliency, and technical support services provided by election administration and cybersecurity experts who will be based in such regions and who may provide such services in person, by telephone, or online.”.

(b) Clerical Amendment.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle A of title II the following:

"PART 4—ELECTION CYBER ASSISTANCE UNIT

"Sec. 225. Election Cyber Assistance Unit."

SEC. 7. REPRESENTATIVE OF DEPARTMENT OF HOMELAND SECURITY ON TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.

Section 221(c)(1) of the Help America Vote Act of 2002 (52 U.S.C. 20961(c)(1)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:
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"(E) A representative of the Department
of Homeland Security.".

SEC. 8. REPORTS TO CONGRESS ON FOREIGN THREATS TO
ELECTIONS.

(a) IN GENERAL.—Not later than 30 days after the
date of enactment of this Act, and 30 days after the end
of each fiscal year thereafter, the Secretary of Homeland
Security and the Director of National Intelligence, in co-
ordination with the heads of the appropriate Federal enti-
ties, shall submit a joint report to the appropriate congres-
sional committees and the chief State election official of
each State on foreign threats to elections in the United
States, including physical and cybersecurity threats.

(b) VOLUNTARY PARTICIPATION BY STATES.—The
Secretary shall solicit and consider comments from all
State election agencies. Participation by an election agen-
cy in the report under this section shall be voluntary and
at the discretion of the State.

(c) APPROPRIATE FEDERAL ENTITIES.—In this sec-
tion, the term "appropriate Federal entities" means—

(1) the Department of Commerce, including the
National Institute of Standards and Technology;

(2) the Department of Defense;

(3) the Department of Homeland Security, in-
cluding the component of the Department that re-
ports to the Under Secretary responsible for over-
seeing critical infrastructure protection, cybersecu-

(4) the Department of Justice, including the

Federal Bureau of Investigation;

(5) the Election Assistance Commission; and

(6) the Office of the Director of National Intel-

ligence, the National Security Agency, and such

other elements of the intelligence community (as de-

fined in section 3 of the National Security Act of

1947 (50 U.S.C. 3003)) as the Director of National

Intelligence determines are appropriate.

(d) OTHER DEFINITIONS.—In this section—

(1) the term “appropriate congressional com-

mittees” means—

(A) the Committee on Rules and Adminis-

tration, the Committee on Homeland Security

and Governmental Affairs, the Select Com-

mittee on Intelligence, and the Committee on

Foreign Relations of the Senate; and

(B) the Committee on House Administra-

tion, the Committee on Homeland Security, the

Permanent Select Committee on Intelligence,

and the Committee on Foreign Affairs of the

House of Representatives;
(2) the term "chief State election official" means, with respect to a State, the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (52 U.S.C. 20509) to be responsible for coordination of the State's responsibilities under such Act;

(3) the term "election agency" means any component of a State or any component of a unit of local government of a State that is responsible for administering Federal elections;

(4) the term "Secretary" means the Secretary of Homeland Security; and

(5) the term "State" has the meaning given such term in section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141).

SEC. 9. GAO ANALYSIS OF FEASIBILITY OF CONDUCTING RISK-LIMITING AUDITS.

(a) ANALYSIS.—The Comptroller General of the United States shall conduct an analysis of the following:

(1) The feasibility for States to conduct risk-limiting audits of elections for Federal office.

(2) The types of risk-limiting audits performed by States.
(3) The extent to which risk-limiting audits performed by States have improved the administration of elections in such States.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the analysis conducted under subsection (a).

SEC. 10. GAO ANALYSIS OF FEASIBILITY OF REQUIRING USE OF PAPER BALLOTS.

(a) ANALYSIS.—The Comptroller General of the United States shall conduct an analysis of the following:

(1) The feasibility of requiring the use of paper ballots in elections for Federal office on a nationwide basis.

(2) The impacts with respect to accessibility for individuals with disabilities of requiring the use of paper ballots in elections for Federal office.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the analysis conducted under subsection (a).

SEC. 11. STUDY AND REPORT ON OPTIMAL BALLOT DESIGN.

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

(b) REPORT.—Not later than January 1, 2020, the Election Assistance Commission shall submit to Congress a report on the study conducted under subsection (a).
The CHAIRPERSON. The gentleman is recognized for five minutes in support of his amendment.

Mr. DAVIS of Illinois. Thank you, Madam Chairperson.

This is the bill that was introduced by my colleagues and me that would, I believe, address many of the election security concerns that we as Americans should have in a bipartisan way in this country.

This is a bill that preserves the system that we have, which is a decentralized election system, which allows for less opportunity for nefarious actors and foreign entities to be able to do nefarious things.

Let’s be clear. If this markup and this bill is about foreign interference only, we are also missing the point about making sure our election officials have the resources that they need and the flexibility they need to continue to do what they do best at our local level.

I can tell you, Mike Gianasi is a Democratic county clerk in my home county of Christian County, Illinois. Mike and I have known each other since grade school and went to junior high together and went to high school together and you know what? He is in the other party, but I know darn well that Mike Gianasi is going to run the fairest election possible. He wants every vote to be counted. We have a lot of Mike Gianasis in every Congressional district in this country.

But what this bill, what this original piece of legislation does is take away Mike’s right to be able to number one, afford to upgrade the election software, the election equipment. And it forces and mandates a certain type of investment that they may have already planned to invest in another type in the future but does nothing to address the concerns that we all have as Americans to keep our elections safe and secure.

That is why our bill is a better bill. It doesn’t have this one-size-fits-all approach. It is the approach that we were working in a bipartisan way with the staff of this Committee and our staff, sitting down, talking about how we can come up with a bipartisan solution, a bipartisan bill—something that we haven’t seen a lot under this new Democratic Majority in this Congress.

Frankly, outside of the USMCA, which I don’t even know if that will be bipartisan, I don’t know what partisan success any of my colleagues on the other side of the aisle are going to be able to tout.

If there is anything that should be bipartisan, it is election security. But, instead, again, the far-left fringe of the Democratic Party has decided to lead this Committee and then also this Congress into a piece of legislation that is a lot more about show than it is about helping people like Mike Gianasi in Christian County, Illinois. That is unfortunate, but here we go again. It seems like H.R. 1 to me.

If we want to do something together, our bill, the Election Security Assistance Act, will do that. It provides assistance to States to update their aging and at-risk equipment. That is what Democratic and Republican officials in my district told me they need the most and our bill does that.

It keeps the decentralization. If we are worried about nefarious actors, the last thing we want as a Congress is the Federal Govern-
ment being the clearinghouse for elections and registration and vote counting. It is terrible.

The reason we have the safest elections and the most fair election system in the world, where we don’t have a lot of outside, foreign observers coming in wondering whether or not it is going to be a fair count—in most cases, around here—clearly, there are some instances, a la North Carolina recently, where you have some bad actors that will likely go to jail—ironically, for using the same process that is legal in other States. We want to make sure—and we have an amendment later to outlaw that, and I certainly hope my colleagues can join us there.

Let’s stop playing games. If we were sitting down and talking about how to solve this problem in a bipartisan way—and, again, the Democratic Majority did not live up to the promise that they made to the American people, that they wanted to work with us. That is unfortunate. I certainly hope it changes. I certainly hope—I am not optimistic. I certainly hope my colleagues on the other side of this dais help support this amendment, but I can bet you I could give you the count right now of what it is going to be.

So thank you for the time. I have 22 seconds, and I will reserve that time later, but I will yield it back now.

The CHAIRPERSON. Thank you, Mr. Davis.

Mrs. Davis of California. Madam Chairperson, I will withdraw the point of order.

The CHAIRPERSON. The point of order is withdrawn. The amendment is germane.

I appreciate the gentleman is offering a proposal that recognizes the important role that the Federal Government has in election security, although with a different approach.

I do need to oppose this amendment.

I fully appreciate there are elements of this proposal that could be a step forward from the status quo. However, voter-verified paper ballots are the solution that really address the risks and threats that our Nation faces.

Unlike the gentleman’s amendment, voter-verified paper ballots are what the SAFE Act provides in Section 103, page 3, lines 6 through 24. It is the solution that nonpartisan cybersecurity experts have repeatedly urged Congress to adopt.

Voter-verified paper ballots are the best way to ensure a voter’s ballot is counted as cast. Voters should be able to see their vote clearly and verify that the vote they intended to cast is the one recorded, boosting voter confidence in cases where a recount is necessary.

The SAFE Act also requires risk-limiting audits, which are cost-effective and go hand-in-hand with paper. These risk-limiting audit requirements are Section 303(A)(b), page 41, line 9.

Paper and risk-limiting audits really are the gold standard of election security and will address the national emergency our Nation faces and that is why I think we ought to maintain our commitment to that proposal.

Moreover, unlike the gentleman’s amendment, the SAFE Act Section 201(b) on page 53, starting at line 3, expressly prohibits wireless and internet connectivity in systems or devices upon which
ballots are marked by voters or upon which votes are cast, tabulated, or aggregated. This is an important and basic cybersecurity standard we ought to require. Nobody thinks that connecting voter systems to the internet is a good idea. Sometimes low-tech is the best defense to a high-tech threat.

So I would urge a “no” vote on this amendment.

Does any Member wish to be recognized for the purpose of offering an amendment to Mr. Davis’s amendment?

Mr. WALKER. Madam Chairperson, I would like to speak.

The CHAIRPERSON. The gentleman is recognized for five minutes.

Mr. WALKER. I do believe that what Representative Davis is offering is a good amendment, but I will yield back some time to him to articulate further why.

Mr. DAVIS of Illinois. Thank you.

Sorry, Madam Chairperson. I know my colleagues thought I was done, but I am back for a few more minutes.

Ms. FUDGE. No, we didn’t.

Mr. DAVIS of Illinois. Yes. Thank you, my good friend Ms. Fudge.

Listen, I certainly hope we can come together after this bill is forced through the floor—and likely going to again be a partisan roll call vote—I certainly hope we can come together on a lot of the provisions that we agree with.

I mean, I would urge each Member on my side of the aisle and the other side of the aisle, to meet with your local election officials, hear from them. Because, frankly, that is why we have our bill, the Election Security Assistance Act. They don’t want that heavy hand of Washington.

We were talking about technology. You know, I am sure today there are a lot of technological experts and security experts that will say, you know what, every single county in the United States should have this certain type of system. What about those counties that invested their hard-earned tax dollars and their residents’ hard-earned tax dollars in equipment that may be just as secure but all of a sudden they have to come in and—because the Federal Government says, you are going to do this?

What are we doing to limit ourselves with technology? That is why we have provisions in our bill to account for future technological advances. I mean, it wasn’t too long ago that everybody filed their tax returns on paper, right? Are we requiring that to happen again?

Technology will change when it comes to elections and election security that can do lot of things. It may allow the polls to be less, less lines at our polling places. It may allow for more polling places to exist because of technological advances. And, oh, by the way, by the way—I know some may disagree with this; some may say, oh, this will never happen—but it could be more secure.

What are we doing as a Federal Government with this piece of legislation limiting the ability to bring new and safer technology into our election systems? Let’s not do this. That is why we need to pass this amendment. We have provisions in place. I certainly hope my colleagues will join me in making that happen.

I mean, we even had a hearing not too long ago, unfortunately, the EAC hearing. The EAC, Election Assistance Commission, is the one that is supposed to be administering many of the things that
my colleagues want to pass in their bill. They are supposed to be doing this already.

We had a hearing with EAC officials that I wish we would have talked more about what they were doing to protect our election security in this country, but instead it devolved in this room into a personnel meeting over who likes whom and who doesn’t. That is where we are at right now? That is why we need to be serious about this.

Your own witnesses said that DREs with voter-verified paper audit trails are safe in the one hearing that we had. Why are we now at the Federal level mandating people like Mike in Christian County, Illinois, to do something and to have to pay for something that may not be the most secure process?

So, with that, I again urge a “yes” vote on my amendment. I will yield back to my colleague, Mr. Walker.

Mr. Walker. Thank you, Mr. Davis.

I will yield back, Madam Chairperson.

The Chairperson. The gentleman from North Carolina yields back.

Does any other Member wish to be—the gentlelady from Ohio—

Ms. Fudge. Thank you.

The Chairperson [continuing]. Is recognized for five minutes.

Ms. Fudge. Thank you very much, Madam Chairperson.

I just wanted to say that a lot of the things that my colleague Mr. Davis says I do agree with. But he made a comment on the record that I really wanted to clarify. He made the comment that what happened in North Carolina is legal in most other places, which, in fact, is not true. Harvesting ballots is, but not submitting them or changing them is not legal anywhere.

So I just wanted to make the record clear. I yield back. Thank you.

The Chairperson. The gentlelady from Ohio yields back.

Does any other Member wish to be heard on the amendment offered by Mr. Davis?

Then we will have a vote on the amendment.

All those who are in favor of the amendment will do so by signaling aye.

All those who are opposed will say nay.

In the opinion of the Chair, the noes have it.

Mr. Davis of Illinois. I would like to request a recorded vote.

The Chairperson. Mr. Davis has asked for a recorded vote.

The clerk will please call the roll.

The Clerk. Chairperson Lofgren.

The Chairperson. No.

The Clerk. Chairperson Lofgren votes no.

Mr. Raskin. [No response.]

The Clerk. Mrs. Davis of California.

Mrs. Davis of California. No.

The Clerk. Mrs. Davis of California votes no.

Mr. Butterfield.

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.
Ms. Fudge.
Ms. FUDGE. No.
The CLERK. Ms. Fudge votes no.
Mr. Aguilar.
Mr. AGUILAR. No.
The CLERK. Mr. Aguilar votes no.
Mr. Davis of Illinois.
Mr. DAVIS of Illinois. I would like the record to show that we won the voice vote, but I will vote yes.
The CLERK. Mr. Davis of Illinois votes yes.
Mr. Walker.
Mr. WALKER. Aye.
The CLERK. Mr. Walker votes yes.
Mr. Loudermilk.
Mr. LOUDERMILK. Aye.
The CLERK. Mr. Loudermilk votes yes.
Madam Chairperson, on this vote, there are four noes and three yeses.
The CHAIRPERSON. Actually, five. I think you—there are——
The CHAIRPERSON. Correct. The amendment is not agreed to.
Are there additional amendments offered to the amendment in the nature of a substitute?
Mr. DAVIS of Illinois. Madam Chairperson?
The CHAIRPERSON. The gentleman from Illinois is recognized.
Mr. DAVIS of Illinois. I have an amendment at the desk, Amendment 2.
The CHAIRPERSON. The clerk will report the amendment.
The CLERK. Amendment to the Amendment in the Nature of a Substitute to H.R. 2722.
The CHAIRPERSON. Without objection, the reading of the amendment is waived.
[The amendment of Mr. Davis of Illinois follows:]
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY M. DAVIS

Strike subtitle A of title I (and conform the succeeding subtitle accordingly).

☒
The CHAIRPERSON. The gentleman is recognized for five minutes.
Mrs. DAVIS of California. Madam Chairperson, I reserve a point of order.
The CHAIRPERSON. A point of order is reserved.
Mr. DAVIS of Illinois. Madam Chairperson, this goes to what we were talking about in the last amendment debate.
Mandating States to use paper ballots is a Federal overreach. It preempts State laws and the historical and constitutional role of States and localities in choosing the method of voting that is best for their own citizens.
Mandatory paper ballot voting system introduces many security, logistical, and fiscal concerns. They are especially vulnerable to being destroyed, misplaced, tampered with, as we saw in North Carolina’s Ninth Congressional District during the most recent election cycle.
Tampered-with paper ballots—that is where nefarious people, bad actors, that are in both parties, that is where they can play a role in determining the outcome of the election. That is just as much of an election security issue as many other issues that we ought to be able to face in a bipartisan way.
These mandatory paper ballots—again, I alluded to—what technology may exist in the future to help us lessen the lines in polling places? Well, what the Majority wants us to do is to mandate paper ballots that have been proven time and time again to increase the wait time at polling places. I thought that is what we were trying to stop.
It is, you know, going to require more training of poll workers, which we had a debate on why there is a shortage of poll workers in the first place at this same Committee a few months ago.
This provision requires that paper ballots must be counted by hand or another primitive device, which effectively, again, eliminates the modern technology currently used in nearly every jurisdiction.
In the election community, they are called direct-recording electronic machines, or DRE machines, addressed by many of the witnesses that the Majority called here to hearings in the only one hearing we had on this issue before this bill was scheduled for a markup. You know, this one hearing was the only one we had in this Congress to address voting systems. Not one witness claimed that voting machines were inherently unsafe or that paper ballots were foolproof.
Having personally spoken to local and State election administrators in my own State, I know there is overwhelming support for States to have the option to choose the right voting methods for themselves. They ought to have the right to choose. There is simply no basis for a proposal requiring the use of paper ballots in every election.
Now, additionally, I recognize that paper ballots come in various forms, but I am concerned that proposals like this will bring us back to the days of hanging chads in Florida during the Presidential election of 2000.
Last but not least, a paper ballot voting system would be detrimental to the disability and elderly community. We need to ensure that every eligible American has the opportunity to vote.
You are going hear a lot about assisted voting devices for those who are disabled, but they are not the same as the DRE machines that many in the disabled community are using right now, that many communities and election jurisdictions are already using. It would be an additional cost to take another Federal mandate to have the devices in place that would drop the optical scanned card out. That is an added cost, it is an unfunded mandate to the people in every election jurisdiction.

If the Majority wants to federalize the election system, be honest about it. Just do it. Run it at the national level. Try and run that through. But let’s not use paper ballots as an unfunded mandate to the county election officials in all our States.

So, with that, I will reserve the balance of my time.

The CHAIRPERSON. The gentleman yields back.

Mrs. DAVIS of California. I will withdraw the point of order.

The CHAIRPERSON. The point of order is withdrawn.

I oppose this amendment striking the mandate for paper ballots, because striking the mandate would completely undermine the bill and the security that we are trying to achieve.

Section 102, page 3, lines 6 through 24 of this bill mandates that States conduct all Federal elections using voter-verified paper ballots. This provision, along with Section 304(A)(b), which is on page 41, line 9, mandates post-election risk-limiting audits and forms the heart of this bill.

We simply cannot be sure that our elections are free from outside interference unless we have an auditable paper trail that we can use to confirm reported election results. Voter-verified paper ballots are the best way to ensure a voter’s ballot is counted as cast. Voters should be able to see their vote clearly and verify that the vote they intended to cast is the one recorded, boosting voter confidence in cases where a recount is necessary.

According to the Brennan Center, in 2018, most States used computerized voting machines that were at least 10 years old and which election officials said must be replaced before 2020. Obsolete software can pose a security risk.

We need to ensure that Americans’ faith in our democracy is preserved. Paper ballots are the best way to ensure that faith.

I would note also that the SAFE Act, on page 3, requires that States use voter-verified paper ballots, but we also permit, on page 16, in line 15, that States that use direct-recording electronic machines, DREs, that provide paper receipts to fulfill the requirements may continue to do so until 2020.

These machines are not as secure as paper, but they are not as dangerous as paperless electronic voting machines. In order to ensure that the most vulnerable machines are taken off the market, this bill prioritizes the replacement of paperless voting machines and provides two extra years to replace DREs with paper receipts.

We also require that paper ballots are available at all locations that use DREs with receipts in order to ensure that we maximize the number of voters that cast their ballots on voter-verified paper ballot systems in the 2020 election.

Paper reduces the risk of hacking and changing votes. It creates a trail for potential recounts and audits. You know, the one thing
that every American should know is, when they go in, they cast their ballot, that that ballot is counted as cast. That is very simple. I think it should be a requirement. The idea that we would make this somehow optional—I respect the gentleman from Illinois, as he knows. But when the Russian attack occurred in the last election and our security people, our national security people, said that was a trial run for the next election, you don’t say, well, let’s leave this up to the good people who—and they are good people. We all have our registrar of voters who are our friends in counties but you wouldn’t ask them to stand for the country if there were actual missiles coming at the United States. These are cyber missiles. This is an attack on our Federal system, and we need a Federal response.

For these reasons, I oppose the amendment.

Do other Members wish to be heard on Mr. Davis’s amendment?

Mr. Raskin is recognized for five minutes to strike the last word.

Mr. RASKIN. I move to strike the last word. Madam Chairperson, thank you very much and forgive me for being late. I was just on the Floor with an amendment. This legislation is of essential importance to the American people, and I rise in opposition to the gentleman from Illinois’s amendment.

Let me first speak on behalf, Madam Chairperson, of what we are doing here, which is we are rising to the defense of America’s elections. I am surprised to hear that people are questioning our role in this process. The Constitution says in the Guarantee Clause that Congress must guarantee to every State a republican form of government—that means a representative form of government—based on democracy that works and channels for electoral participation that guarantee the will of the people is expressed, heard, counted, and then embodied in representation.

Congress also has the power and the authority through Section 5 of the 14th Amendment to guarantee equal protection rights for everybody. That has been the basis, along with the 15th Amendment, of a lot of Federal action to vindicate the voting rights of the people and certainly that was the basis for the Voting Rights Act of 1965.

At every turn, whenever Congress has acted either to amend the Constitution or to embody in statute electoral democracy, there have been the claims that this is somehow a violation of federalism or a violation of States’ rights. On the contrary, our action defends democracy at the local level to make sure that everybody’s vote is actually counted.

The requirement of individual, durable, voter-verified paper ballots is absolutely essential in the cyber age, especially in the wake of what Special Counsel Mueller described as a sweeping and systematic attack on American electoral democracy in 2016 by Russia.

That is not any kind of partisan invention, and it is something that should alarm every American of whatever political persuasion, that there was an organized, systematic, comprehensive campaign by Russians to inject poison propaganda into our body politic through Facebook and through Twitter and through other social media mechanisms; to engage in cyber surveillance and sabotage at the DNC, at the DCCC, at the Clinton campaign; and then also to directly attack the election machinery in more than 30 States, to
actually hack into the computer systems in more than 30 different States.

So that is a matter for extraordinary alarm in the world's first modern political democracy. We have to make sure that we hang on to our territorial political integrity and sovereignty and self-government.

We know that Russia does not have the power to attack us militarily, they don't have the power to attack us economically, and they don't have the power to attack us intellectually because our Constitutional democracy is far superior to the kleptocracy they have there. But they have been able to attack us online, through the internet and through the systematic cyber campaign that they led in 2016.

Our intelligence agencies have warned us they are coming back again; they never stopped. And this is part of a global campaign where they have done the same thing in elections in Europe, Asia, and in Africa.

So this legislation is essential. The American people want and deserve voter-verified paper ballots, and it is a major check against computer manipulation of the results. I oppose this amendment. I strongly support the legislation.

Madam Chairperson, I yield back to you.

The CHAIRPERSON. The gentleman yields back.

Do other Members wish to be heard on Mr. Davis’s amendment? If not, then the question is on the amendment.

All those who are in favor will say aye.

All those who are opposed will say no.

In the opinion of the Chair, the noes prevailed and the amendment is not agreed to.

Are there additional amendments that Members wish to offer?

The CHAIRPERSON. Oh, I am sorry. Mr. Davis wished to have a roll call, and so we will get right back to you.

The clerk will call the roll.

The CHAIRPERSON. Chairperson Lofgren.

The CHAIRPERSON. No.

The CHAIRPERSON. Chairperson Lofgren votes no.

Mr. Raskin.

Mr. Raskin. No.

The CHAIRPERSON. Mr. Raskin votes no.

Mrs. Davis of California.

Mrs. Davis of California. No.

The CHAIRPERSON. Mrs. Davis of California votes no.

Mr. Butterfield.

Mr. Butterfield. No.

The CHAIRPERSON. Mr. Butterfield votes no.

Ms. Fudge.

Ms. Fudge. No.

The CHAIRPERSON. Ms. Fudge votes no.

Mr. Aguilar.

Mr. Aguilar. No.

The CHAIRPERSON. Mr. Aguilar votes no.
Mr. Davis of Illinois.  
Mr. DAVIS of Illinois. Aye.
The CLERK. Mr. Davis of Illinois votes yes.
Mr. Walker.  
Mr. WALKER. Aye.
The CLERK. Mr. Walker votes yes.
Mr. Loudermilk.  
Mr. LOUDERMILK. Aye.
The CLERK. Mr. Loudermilk votes yes.
The CHAIRPERSON. The clerk will report.
The CLERK. Madam Chairperson, on this vote, there are six noes and three yeses.
The CHAIRPERSON. The amendment is not agreed to.
The gentleman from Georgia is recognized for the purpose of offering an amendment.  
Mr. LOUDERMILK. Thank you, Madam Chairperson. I have an amendment at the desk.
The CHAIRPERSON. The clerk will report the amendment.
The CLERK. Amendment to the Amendment in the Nature of a Substitute to H.R. 2722, Offered by Mr. Barry Loudermilk of Georgia.  
[The amendment of Mr. Loudermilk follows:]
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY MR. LOUDERMILK

Strike section 105 (and redesignate the succeeding sections accordingly).

☑
Mrs. DAVIS of California. I reserve a point of order, Madam Chairperson.

The CHAIRPERSON. A point of order is reserved.

The gentleman from Georgia is recognized for five minutes in support of his amendment.

Mr. LOUDERMILK. Thank you, Madam Chairperson.

While my amendment addresses the recycled paper aspect of this, I am going to speak on the entirety of the paper ballot issue that we are talking about here.

Look, the Russians, they are bad. Last year was not the first time that they have ever tried to attack us. And I am speaking from experience in this because I have a background in information technology, cybersecurity, and in the intelligence community. The Russians have been trying to interfere with our elections for years and years and years.

Let me tell you, if we were, as was said, trying to rise to the defense against Russia, this is the exact opposite of what we should be doing. Yes, the Russians did attempt to get into our systems. Yes, they got into some election databases. But the thing they did not get into were the actual voting machines. What are we addressing here? The voting machines.

Now, there are some aspects of this, I think, that we do need to address, but one thing that has been missing in all of this is, why were the Russians able to get as far as they did get? I have spoken about this before, because in any type of military operation and in cybersecurity, when you see a threat, you must respond to that threat.

Mr. Michael Daniel, the Cybersecurity Coordinator for President Obama, was told to stand down when he told them that the Russians were actively trying to get into our security system. He testified before the Senate that he was told to stand down. Now, is that the only reason? No. But the fact that you were not responding to that known threat makes us more vulnerable. The vulnerability was voter database systems, which is bad.

Now, here is the problem with the paper ballot. And I have spent a lot of my career helping people to automate on a secure basis. The risk that we face, as the ranking member has brought up, is paper ballots are the most susceptible for voter fraud. They are the most susceptible when that is your primary method of actually voting. That will perpetuate ballot harvesting and especially when the minority has brought up they don’t even like signature verification. It is much harder to verify them.

So, when we had the experts here before that were testifying, the most secure way—and I am all for having paper verification. I have been fighting for this for years in the State legislature. I have been speaking about it here—is to use the automation of the DREs, where you verify the person who is there punching the buttons. The automation allows us to move more people through quicker. We can get more polling places open.

You use your technology that then produces a paper backup report of how that person voted. They are using the automation that then basically prints an audit that they can verify that this was the way they voted. They sign it; it is dropped in a secure box.
Now, if there is the need for a recount, then you have that paper backup. The problem we have with this legislation is it is making the paper the primary reason. If you go back and you look at most of the contested elections, how many contested elections have we had that they were—that they actually created a new language, like “hanging chad.” I mean, these are manual ballots. We got away from that because we wanted automation that was more secure.

There is a lot that we can do and there is a lot we should be doing on election security. But let me tell you, we are the wrong people to be doing it. It is the boots on the ground at the State level who are managing those elections who have a greater interest in making sure that they are safe and secure than we do.

Here is another thing. What the Russians are after is not to disrupt our election system. I can promise you they didn’t want the guy who is in the White House in there any more than anybody else. Right? What they are trying to do is sow discord and distrust in the American people of our election system.

Right now, the Federal Government has the lowest approval rating by the American people than any time in history and, with that, if we then take over the election system, that is just going to further deteriorate and play into the hands of what they want.

That is why I am submitting this amendment and also in support of the other amendment, is I think we need to step back. We need to look at this from what is the actual thing we should be doing, not putting in something that could perpetuate something we are trying to get away from, ballot harvesting.

With that, Madam Chairperson, I encourage all of my colleagues on both sides to support this amendment. I yield back.

The CHAIRPERSON. The gentleman’s time has expired.

The amendment is germane, so the gentlelady from California withdraws her point of order.

I would like to note that the amendment actually strikes the recycled paper provision in the bill. That provision was approved unanimously by the House in the deliberation of H.R. 1 and so is included in this bill.

The gentleman’s discussion, however, as we know, was about the overall issue of paper ballots. I have addressed that issue in the prior amendment that was defeated.

Certainly, I do not challenge the intentions of the gentleman in any way, but I do think that to say that the security of the entire Nation is more properly lodged in the hands of county officials rather than the Federal Government when it comes to attacks by foreign nations I don’t think is correct. I don’t agree with that, in any case.

I think the paper ballot mandate we have heard from experts repeatedly is where we need to go. And I think this amendment should therefore be opposed.

Do other Members wish——

Mr. DAVIS of Illinois. Madam Chairperson.

The CHAIRPERSON. The gentleman, Mr. Davis, moves to strike the last word and is recognized for five minutes.

Mr. DAVIS of Illinois. Thank you, Madam Chairperson.
I would like to remind those in the audience and my colleagues that, while, yes, this language was put into the underlying bill, we did not pass it unanimously. I was on the Floor and did vote “no” but, because we had so many other roll call votes on H.R. 1, we decided not to ask for a roll call on this provision.

This is just a provision that——

The CHAIRPERSON. Would the gentleman yield?

Mr. DAVIS of Illinois. Yes.

The CHAIRPERSON. I would like to correct my statement. It was adopted by voice vote and ordinarily that is considered unanimous, but I take the gentleman’s point.

I yield back.

Mr. DAVIS of Illinois. Only because this is just a provision that goes back to the top-down approach that I believe the Majority is taking.

If you think about this, look, we all want to recycle more, we want to do what we can to help the environment. But, I mean, if you think about the Federal Government tells, let’s say, jurisdictions in Puerto Rico that you have to have recycled paper, and all of a sudden they run out of ballots or they have a problem printing ballots, and they are trying to figure out where to get the new ballots printed, and it is going to be more convenient for them to maybe use a printing office in another Caribbean nation versus here.

I mean, look, we all want to make sure—or they wouldn’t have recycled paper; it is only going to have to be new paper. Are they going to have to apply to the Federal Government to see if they can make that purchase?

I mean, come on. These are the provisions that just don’t make sense. They just don’t make sense.

I can’t say enough about what we should do to move election security priorities forward. It can happen in a bipartisan way. That is why we introduced our version, our bill, that would take provisions like this out and make sure local election officials use what is less costly to them and more convenient to them without some Federal mandate that is based upon a political philosophy rather than cost-effectiveness and rather than reality in many cases.

And I would like to yield time to—as much time as he can consume to my cohort, Mr. Loudermilk.

Mr. LOUDERMILK. Thank you. I thank my fellow cohort for that time.

I want to clarify, to understand, my point being: We are going after the wrong thing if we want to secure our Nation against Russian or any foreign influence. It was voter databases that were actually hacked. This doesn’t address that. This is going after the physical machines that were not hacked, alright?

I fully support some Federal standards, as continuing through Department of Homeland Security, through our Department of Defense, working with States to set standards. But even within those States, there is a multiplicity of databases. They use different platforms. You can’t come in and dictate to them a specific type of security because it may not be tailored exactly to those systems.

If we want to address standards for security of voter databases as it relates to Federal elections, I think that is wholly appropriate.
But to target the one thing that wasn’t manipulated is ignoring the larger problem.

I yield back to my cohort.

The CHAIRPERSON. The gentleman yields back.

Mr. DAVIS of Illinois. I yield back.

The CHAIRPERSON. Mr. Davis yields back.

The gentleman from North Carolina is recognized for five minutes.

Mr. BUTTERFIELD. Thank you, Madam Chairperson. I move to strike the last word.

The CHAIRPERSON. The gentleman is recognized.

Mr. BUTTERFIELD. Madam Chairperson let me just begin by saying that I oppose the gentleman’s amendment and support your amendment in the nature of a substitute. I think your legislation is thoughtful. It is a Federal response to a huge problem. Requiring paper ballots will protect democracy, in my opinion.

It is long past time for Congress to act boldly with legislation that responds to foreign interference that took place in our 2016 election to strengthen election security so we can protect our democracy from future attacks. So we are here today taking the very first step.

Thank you to the Chairperson for including several provisions in your legislation that respond to incidents that occurred in my Congressional district during the 2016 election.

The Mueller report found that Russian military intelligence “targeted”—this is a quote—“targeted private technology firms responsible for manufacturing and administering election-related software and hardware, such as voter registration software and electronic polling stations.”

The report goes on, Madam Chairperson, to name a redacted voting technology company that developed software used by numerous U.S. counties to manage voter rolls and had malware installed on the company’s network.

Subsequent reporting identified the redacted voting technology company as the very same one used in my district and whose electronic pollbook caused major problems in Durham County during the election. The pollbook product provided by the vendor catastrophically failed at several precincts in Durham, causing poll workers to transition to paper records—which is what we are talking about—and pollbooks in the middle of election day, which led to long lines and delays. This is a fact. And this led some voters to leave. Yes, they left the polling place without casting a ballot.

Section 297(a) of your legislation contains provisions that require vendors to notify the EAC and DHS of suspected cybersecurity incidents within three days. This reporting requirement will ensure that we will know about suspicious activity within days instead of three years later.

So I thank you for your legislation, Madam Chairperson. I intend to support it and intend to oppose the gentleman’s amendment.

I yield back.

The CHAIRPERSON. If the gentleman would yield to me for just an additional comment.

Mr. BUTTERFIELD. I yield to the Chairperson, yes.
The Chairperson. The bill before us does address the issue of voter rolls by providing in the grant Section, 297(a), that these funds can go towards enhancing cyber protection of voter systems and directing the EAC to create cybersecurity guidelines that would apply to voter registration databases.

We understand that the documented incursions were to voter rolls. And there is a multiplicity of how those rolls are maintained. We do not intend to mandate to States how those rolls are maintained. But we do address the issue through the grant program and through voluntary cyber guidelines.

I will just say this, that you skate to where the puck is going to be, not to where it was last time. The biggest vulnerability we have is—can you imagine if in 2020 we have the votes actually changed because of insecure voting systems? That would be a catastrophe for our country.

So, with that, I would ask that those who favor the gentleman’s amendment vote aye and those who oppose it will say no.

Those who favor will say aye, please.

And those opposed will say no.

In the opinion of the Chair, the noes have it.

Mr. Davis of Illinois. Madam Chairperson, I ask for a roll call vote.

The Chairperson. Mr. Davis asks for a roll call.

The clerk will call the roll, please.

The Clerk. Chairperson Lofgren.

The Chairperson. No.

The Clerk. Chairperson Lofgren votes no.

Mr. Raskin.

Mr. Raskin. No.

The Clerk. Mr. Raskin votes no.

Mrs. Davis of California.

Mrs. Davis of California. No.

The Clerk. Mrs. Davis of California votes no.

Mr. Butterfield.

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Fudge.

Ms. Fudge. No.

The Clerk. Ms. Fudge votes no.

Mr. Aguilar.

Mr. Aguilar. No.

The Clerk. Mr. Aguilar votes no.

Mr. Davis of Illinois.

Mr. Davis of Illinois. Yes.

The Clerk. Mr. Davis of Illinois votes yes.

Mr. Walker.

[No response.]

The Clerk. Mr. Loudermilk.

Mr. Loudermilk. Yes.

The Clerk. Mr. Loudermilk votes yes.

Madam Chairperson, on this vote, there are six noes and two yeses.

The Chairperson. The amendment is not agreed to.

Are there additional amendments being offered?
The gentleman from Georgia is recognized.
Mr. LOUDERMILK. Thank you, Madam Chairperson. I have an amendment at the desk.
The CHAIRPERSON. The clerk will report the amendment.
The CLERK. Amendment to the Amendment in the Nature of a Substitute to H.R. 2722, Offered by Mr. Barry Loudermilk of Georgia.
Strike Subtitle B of title I and insert the following:
Subtitle B—Risk-Limiting Audits.
Sec. 121. Funding to Implement Risk-Limiting Audit System.
(a) Availability of Funding.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C.)
The CHAIRPERSON. Without objection, the reading of the amendment is waived.
[The amendment of Mr. Loudermilk follows:]
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY MR. LOUDERMILK

Strike subtitle B of title I and insert the following:

Subtitle B—Risk-Limiting Audits

SEC. 121. FUNDING TO IMPLEMENT RISK-LIMITING AUDIT SYSTEM.

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

"PART 8—FUNDING TO IMPLEMENT RISK-LIMITING AUDIT SYSTEM

"SEC. 298. GRANTS TO STATES TO IMPLEMENT RISK-LIMITING AUDIT SYSTEM.

“(a) AVAILABILITY OF GRANTS.—The Commission shall make grants to each eligible State to implement a post-election, risk-limiting audit system under which, in accordance with rules and procedures established by the chief State election official of the State, if the reported outcome of the election is incorrect, there is at least a pre-determined percentage chance that the audit will replace the incorrect outcome with the correct outcome as deter-
mined by a full, hand-to-eye tabulation of all votes validly
cast in that election that ascertains voter intent manually
and directly from voter-verified paper records.

“(b) ELIGIBILITY OF STATES.—Subject to the suc-
eeding provisions of this part, a State is eligible to receive
a grant under this part if the State submits to the Com-
mission, at such time and in such form as the Commission
may require, an application containing a description of
how the State will use the grant to carry out the activities
under this part, together with such other information and
assurances as the Commission may require.

“(c) AMOUNT OF GRANT.—

“(1) IN GENERAL.—The amount of a grant
made to a State under this section with respect to
a fiscal year shall be such amount as the Commiss-
ion determines to be appropriate.

“(2) PRO RATA REDUCTIONS.—If the amount
of funds appropriated for grants under this part
with respect to a fiscal year is insufficient to ensure
that each State receives the amount of the grant cal-
culated under paragraph (1), the Commission shall
make such pro rata reductions in such amounts as
may be necessary to ensure that the entire amount
appropriated under this part is distributed to the
States.
"SEC. 298A. REQUIRING ELECTION SERVICE PROVIDERS TO REPORT ELECTION CYBERSECURITY INCIDENTS.

(a) REQUIREMENT.—A State may not use a grant under this part to obtain goods or services from any election service provider unless the election service provider agrees to meet the requirements of section 297C(b) with respect to any known or suspected election cybersecurity incidents involving any of such goods and services.

(b) DEFINITION.—In this section, the term ‘election cybersecurity incident’ has the meaning given such term in section 297E(2).

"SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated for grants under this part $20,000,000 for each of the fiscal years 2019, 2021, 2023, 2025, and 2027.

(b) CONTINUING AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under this section shall remain available until expended.”.

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

"PART 8—FUNDING TO IMPLEMENT RISK-LIMITING AUDIT SYSTEM"
“Sec. 298. Grants to States to implement risk-limiting audit system.
“Sec. 298A. Requiring election service providers to report election cybersecurity incidents.
“Sec. 298B. Authorization of appropriations.”.
Mrs. Davis of California. I reserve a point of order.

The Chairperson. A point of order is reserved.

The gentleman from Georgia is recognized for five minutes in support of his amendment.

Mr. Loudermilk. Well, thank you, Madam Chairperson. I hope not to take that much time with this amendment. I do want to respond to a couple of other issues in my time here.

One, we understand the Russians attack; they do cyberattacks. Lockheed, other defense contractors, they are continually being attempted to be hacked by the Russians. That is what they do. They are bad people. They have nefarious intentions. We protect ourselves against those attacks of what they are attacking.

Now, I appreciate Mr. Butterfield’s comments regarding the manufacturer and he is absolutely right, they are going to be going after these manufacturers. The best way to know, though, if they are successful is to be able to immediately identify if the voting machine is not reporting accurately while the person is there voting, which is exactly what I proposed: that a paper ballot is generated after the DRE.

That is the best way of telling. The local boots on the ground are right there to see that there is something going wrong with it, and it gives the voter the option then to change what is on that paper ballot but yet you still get the efficiency of electronic voting.

The other aspect is—I appreciate that we are trying to address some of where the Russians were able to hack into the voter rolls. But if we are going to force our States to spend the limited resources they have changing their voting machines, they aren’t going to have a whole lot of money left over for securing their databases, which is the most vulnerable aspect we know of at this point. I am not against making some changes. I just think we are going in the wrong direction.

I think we are going in the wrong direction with the audits as well. Simply, all I am saying is, instead of dictating to the States the specific type of audit to use—there are four types of audits out there—let’s provide the States with some optional grant money that they can use to actually choose the type of audit that best fits in their election system, the best that would work well for them.

So I am not trying to get rid of the audit altogether, but instead of mandating, again, from the Federal level, let’s provide grants to the States and give them the flexibility to implement these.

I yield back.

The Chairperson. Thank you.

The gentleman from Georgia yields back.

Mrs. Davis of California. I will withdraw the point of order.

The Chairperson. The gentlelady withdraws her point of order.

I would ask that we oppose this amendment.

Risk-limiting audits are really the gold standard of post-election audits. These audits involve hand-counting a certain number of ballots using advanced statistical methods to determine with a high degree of confidence that the reported election outcome is accurate.

The audits accomplish two important goals simultaneously: ensuring the integrity of our elections and increasing confidence of
the public in the election results, to wit, that each individual’s vote was counted as cast.

The SAFE Act requires States to implement risk-limiting audits in Section 303(A)(b), which is on page 41, because these audits go hand-in-hand with moving to paper ballots. We need audits to ensure that ballot-marking devices or optical scanners were not hacked and that the reported election results are accurate.

I certainly appreciate the vital role States and counties play in administering elections, but it is the duty of the Federal Government to help States respond to this national security. Though the timeline to implement audits is tight, the issue is simply too important to delay. We can’t risk undermining our democracy by having an election where there is doubt about the reported results.

Are there additional Members wishing to be heard?

If not, I would also like to say I am pleased that this amendment also highlights the importance of vendors notifying Federal and State authorities in the event of a cyber incident. That provision is already in the bill, and I think we all agree that that provision of the bill is important.

With that, those who are in favor of this amendment will say aye.

And those who are opposed will say no.

In the opinion of the Chair, the noes have it.

Mr. DAVIS of Illinois. I would like a verification of that.

The CHAIRPERSON. Mr. Davis has asked for a recorded vote. The clerk will please call the roll.

The CLERK. Chairperson Lofgren.

The CHAIRPERSON. No.

The CLERK. Chairperson Lofgren votes no.

Mr. Raskin.

Mr. RASKIN. No.

The CLERK. Mr. Raskin votes no.

Mrs. Davis of California.

Mrs. DAVIS of California. No.

The CLERK. Mrs. Davis of California votes no.

Mr. Butterfield.

Mr. BUTTERFIELD. No.

The CLERK. Mr. Butterfield votes no.

Ms. Fudge.

Ms. FUDGE. No.

The CLERK. Ms. Fudge votes no.

Mr. Aguilar.

Mr. AGUILAR. No.

The CLERK. Mr. Aguilar votes no.

Mr. Davis of Illinois.

Mr. DAVIS of Illinois. Yes.

The CLERK. Mr. Davis of Illinois votes yes.

Mr. Walker.

[No response.]

The CLERK. Mr. Loudermilk.

Mr. LOUDERMILK. Yes.

The CLERK. Mr. Loudermilk votes yes.

The CHAIRPERSON. The clerk will report.
The CLERK. Madam Chairperson, on this vote, there are six noes and two yeses.

The CHAIRPERSON. The amendment is not agreed to.

Are there additional amendments that Members wish to offer?

Mr. DAVIS of Illinois. I do have an amendment at the desk, Madam Chairperson.

The CHAIRPERSON. The clerk will report the amendment.

The CLERK. Amendment to the Amendment in the Nature of a Substitute to H.R. 2722——

Mrs. DAVIS of California. I reserve a point of order.

The CHAIRPERSON. The gentlelady from California reserves a point of order.

I ask unanimous consent the reading of the amendment be waived.

[The amendment of Mr. Davis of Illinois follows:]
AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY MR. O'HKEES

In section 297B of the Help America Vote Act of 2002 (as proposed to be added by section 111(a) of the bill)—

(1) strike “and” at the end of paragraph (2);

(2) redesignate paragraph (3) as paragraph (4);

and

(3) insert after paragraph (2) the following new paragraph:

1. “(3) a certification and assurance that, not later than 2 years after receiving the grant, the State will make available funds for activities authorized under this part in an amount equal to 25 percent of the total amount of such grant; and”.

☐
The Chairperson. Mr. Davis is recognized for five minutes in support of his amendment.

Mr. DAVIS of Illinois. Thank you, Madam Chairperson.

If my colleagues across the aisle and I can agree on one substantive thing on election security, it is that there is still a need for funding for State and local election officials.

I held a roundtable on this issue, as I have discussed earlier, and it was in my district, and heard directly from those that run my home State's elections.

Though I agree that the Federal Government has a responsibility to States to assist with States’ election administration, I want to make it clear that this is not the sole responsibility of the Federal Government. As representatives of our constituents, we need to be responsible to our taxpayers and be diligent to spend Federal funds only when it is absolutely necessary.

Additionally, it is ultimately the role of the States—the States—to administer their own elections. Each State’s election administration structure and procedures grow—they grew organically based on their unique needs and challenges.

This is why I propose to include a 25-percent funding match from States that receive funding under this bill. This creates a system that provides funding on a need-based criteria and forces States and localities to have some skin in the game. This is similar to last year's appropriations bill, which required States to match 5 percent of Federal funds with State funds to be eligible.

I do want to thank my colleagues for the lively debate on this issue. And I do want to point out that the debate over the last amendment that, if passed, would have made sure that only recycled paper would not have been a requirement from the Federal Government to be used in every single election authority, but we delved into an issue on paper ballot backups and voter verification versus DREs.

I want to say, I think it is a terrible thing that the Federal Government is mandating where our localities can and cannot purchase ballots and the certain types of ballots they have. That is an unfunded mandate that I would have hoped got more bipartisan support.

I have a lot of concerns about election security, because my home State of Illinois, the Illinois State Board of Elections, was part of an initial attempt by nefarious actors to get information. We must do what we can to stop that. This bill that the majority has proposed clearly doesn't do that. Let’s work together to get our local election officials the funding that they are requesting. Let’s do that together.

I think a match requirement is typical of Federal Government. Why wouldn’t we ask them to devote some resources? Frankly, many have devoted their own resources to machines that this bill, if passed, may make obsolete. That is something we have to be thinking about too.

Look, I really appreciated my colleague Mr. Raskin almost saying that we needed States and localities to be republican governments, but I understood what you said. I agree. We are a constitutional republic and there is a role for the Federal Government.
That is why I have my bill, the bill that we have introduced together, that we believe is going to be a less of a top-down approach, more cost-effective and also represent solving the problems of what our local election and State election officials need.

And I can't say enough, we all want to work together to stop countries like Russia from coming into our election system. But requiring paper ballots that will inevitably lead to longer lines is the antithesis of what my good friend, Chairwoman Fudge, the Elections Subcommittee on this Committee, had hearings throughout this country to talk about. We were told that long lines cause problems with people being able to cast their ballots. I would argue many of the provisions in this bill that the majority is supporting would cause longer lines. That is not what we should be doing. That is what we were told at the hearings that were held throughout this country.

We need to do better. I know—not just because I wrote it and my colleagues wrote it—I know our bill is better at addressing these concerns. But I know it didn't pass as an amendment to the first amendment.

Let's at least come together and let's show some bipartisanship on making sure that States and localities help plan for their future. And then we can make our Federal dollars go further and help the counties that need it the most in every election jurisdiction.

So, with that, I ask that this amendment be supported in a very bipartisan way. And if it is not, I certainly ask the Chair to rule in that voice vote a little better than the last few times.

The CHAIRPERSON. Does the gentleman yield back?

Mr. DAVIS of Illinois. I guess.

The CHAIRPERSON. The gentlelady withdraws her point of order.

As we have discussed in this markup, the security of our national elections is a national concern and a national emergency, given the threat that has been outlined to us by the Director of National Intelligence, the Director of the FBI, and others. It should not be reliant on State budget processes, as the Ranking Member has indicated.

This bill does institute requirements to protect our election and making those safety requirements contingent on the State budget process, I believe, is unwise. We ought to shoulder that responsibility if we are—we should not require a 25-percent match.

Article I, Section 4 of the Constitution allows the Congress to provide for the conduct of Federal elections. We are using that authority to protect our country, and we should not make it contingent on State budget processes.

So I would oppose the gentleman's amendment.

Are there other Members who wish to be heard?

The gentleman from Georgia.

Mr. LOUDERMILK. I move to strike the last word.

The CHAIRPERSON. The gentleman is recognized for five minutes.

Mr. LOUDERMILK. Madam Chairperson, I don't know if I have mentioned or articulated my opposition to mandating the paper ballots, but I do want to make one point.
Here, in a little while, hopefully in about 20 minutes or so, they are going to finish debate on the House Floor. The Speaker pro tempore is going call us all to the Floor, and the last thing that the Speaker is going to say before we go to the Floor is “Members will record their votes by electronic device.” Why are we doing that? Because it is more efficient. Because we can move more votes. As anybody that has been on the House Floor in the last few days knows, we have moved a lot of votes through in a short amount of time because we are voting via electronic device.

But we have a physical verification afterwards. You throw your vote up on the machine, you can look and see how it is voting there. And, if you really want, you can go right back to the back and you can pull a paper printout and verify that that is the way that you voted.

This is what——

Mr. DAVIS of Illinois. Would the gentleman yield?

Mr. LOUDERMILK. This is what we are saying—yeah, I will yield.

Mr. DAVIS of Illinois. Is what you are saying is, if we were not able to use electronic voting devices in the House, we would have to go back to what the Senate uses?

Mr. LOUDERMILK. Reclaiming my time, yes, the gentleman is correct.

Mr. DAVIS of Illinois. I am a “no.”

Mr. LOUDERMILK. Why are we using electronic devices with verification afterwards? Because it is more efficient, we can do more. If we want to make sure more people are voting, let’s go the route that will allow us to put more voters into ballot offices with the verification afterwards.

I yield back.

The CHAIRPERSON. The gentleman from Georgia yields back.

The gentlelady’s point of order has been withdrawn.

If I may just make a comment, the analogy between the 435 Members of the House casting ballots in the House chamber and those votes are displayed in the chamber in real-time while the Members look at them, I think, is quite different than millions of Americans casting their votes for a later count. DREs can be hacked to produce different electronic and printed results.

Actually, a recent study by the Georgia Institute of Technology showed last year that, unlike in the House chamber, half of the people didn’t check their actual printed receipt from the DREs to see whether they matched their vote. The other half looked at it for about three seconds, so whether they made that connection is speculation. But half didn’t even look.

I would be surprised if Members of the House of Representatives didn’t look at the big board. But I will tell you this. If there is a vote that seems weird, our staff is running around saying, did you mean to vote that way? So it is a completely different analogy.

The gentleman from Maryland is recognized for five minutes.

Mr. RASKIN. Madam Chairperson, I move to strike the last word.

Thank you.

Just to echo and elaborate on the Chairperson’s refutation of that argument, in the first place, the House of Representatives has not been hacked, at least yet, directly by the GRU and by the agents of Vladimir Putin. We are not aware that we have that particular
security problem on the Floor of the House yet, although I agree that we should, obviously, remain vigilant.

But the Chairperson’s point, I think, is dispositive. If there were computerized voting taking place in a State without a paper trail but everybody’s vote immediately appeared online, where they could check it, then you would have a proper analogy. But what we are afraid of is the use of computer voting technology in the States where there is no paper trail and no one can verify it in any way. You are just sort of—you are entering your vote online and then it just disappears, and it could be subject to manipulation. So——

Mr. LOUDERMILK. Would the gentleman yield?

Mr. RASKIN. Yes, I would be happy to.

Mr. LOUDERMILK. I agree in part with you, but we are mandating in the wrong direction. I think it would be superior to have a voting system that printed a ballot that you could check it right there.

And, also, I am not questioning the Chairperson’s study that she brought up from Georgia Tech. I am not sure what voting systems they were looking at, but the State of Georgia does not have the ability to print a paper ballot after using the DRE. I don’t know if they were looking at other States when they measured whether someone looked at it or not, but the State of Georgia’s systems physically can’t do it. I have been fighting that fight in Georgia for many years.

My point is, we are going in the wrong direction, that, yes, in part, we can look up there immediately, but you can also go and you can pull a printed printout of how you voted. The analogy, I think, is consistent, is that the reason we went to electronic voting is for efficiency. We have a way of verifying.

And that is all the point I was making, is the American people would like to see us abide by the same rules that we put for them. I think we have adopted something for efficiency with verification, and that is my point.

I yield back. Thank you.

Mr. RASKIN. Thank you.

And I yield back.

The CHAIRPERSON. The gentleman from Maryland yields back.

Unless others wish to be heard, we will have a vote on the amendment.

All those who are in favor of the amendment will say aye.

Those who are opposed will say no.

In the opinion of the Chair, the noes have it.

Mr. DAVIS of Illinois. I ask for a roll call vote.

The CHAIRPERSON. Mr. Davis has asked for a roll call vote. The Clerk will call the roll.

The CLERK. Chairperson Lofgren.

The CHAIRPERSON. No.

The CLERK. Chairperson Lofgren votes no.

Mr. Raskin.

Mr. RASKIN. No.

The CLERK. Mr. Raskin votes no.

Mrs. Davis of California.

Mrs. DAVIS of California. No.

The CLERK. Mrs. Davis of California votes no.

Mr. Butterfield.
Mr. Butterfield. No.
The Clerk. Mr. Butterfield votes no.
Ms. Fudge.
Ms. Fudge. No.
The Clerk. Ms. Fudge votes no.
Mr. Aguilar.
Mr. Aguilar. No.
The Clerk. Mr. Aguilar votes no.
Mr. Davis of Illinois.
Mr. Davis of Illinois. Yes.
The Clerk. Mr. Davis of Illinois votes yes.
Mr. Walker.
Mr. Walker. Aye.
The Clerk. Mr. Walker votes aye.
Mr. Loudermilk.
Mr. Loudermilk. Aye.
The Clerk. Mr. Loudermilk votes yes.
The Chairperson. The amendment is not agreed to.
Are there additional amendments?
If there are no——
Mr. Walker. Yes, I have an amendment.
The Chairperson. The gentleman from North Carolina is recognized for his amendment.
Mr. Walker. Thank you.
The Chairperson. The Clerk will report the amendment.
The Clerk. Amendment to the Amendment in the Nature of a Substitute to H.R. 2722, Offered by Mr. Mark Walker of——
[The amendment of Mr. Walker follows:]


AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2722
OFFERED BY M. WALKER

Insert after title III the following (and conform the
succeeding title accordingly):

1 TITLE IV—PROHIBITING BALLOT
2 HARVESTING
3 SEC. 401. PROHIBITION ON COLLECTION AND TRANS-
4 MISSION OF BALLOTS BY THIRD PARTIES.
5 (a) IN GENERAL.—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
7 by section 121, is further amended by inserting after sec-
8 tion 303A the following new section:
9 "SEC. 303B. COLLECTION AND TRANSMISSION OF BALLOTS
10 BY THIRD PARTIES.
11 "(a) IN GENERAL.—By not later than January 1,
12 2022, each State shall have in effect a law that prohibits
13 an individual from the knowing collection and trans-
14 mission of a ballot in an election for Federal office that
15 was mailed to another person, other than an individual
16 described as follows:
17 "(1) An election official while engaged in official
duties as authorized by law.

18
2

"(2) An employee of the United States Postal Service while engaged in official duties as authorized by law.

"(3) Any other individual who is allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law.

"(4) A family member, household member, or caregiver of the person to whom the ballot was mailed.

"(b) DEFINITIONS.—For purposes of this section, with respect to a person to whom the ballot was mailed:

"(1) The term ‘caregiver’ means an individual who provides medical or health care assistance to such person in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

"(2) The term ‘family member’ means an individual who is related to such person by blood, marriage, adoption or legal guardianship.

"(3) The term ‘household member’ means an individual who resides at the same residence as such person.”.
(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 303A the following new item:

"Sec. 303B. Collection and transmission of ballots by third parties."
Mrs. Davis of California. I reserve a point of order.

The Chairperson. A point of order is reserved.

The gentleman is recognized for five minutes.

Mr. Walker. Thank you, Madam Chairperson.

This amendment would add a subtitle prohibiting ballot harvesting.

Ballot harvesting is the practice in which organized campaign workers or volunteers collect absentee ballots from certain voters and drop them off at a polling place or election office. While this process seems innocuous at first, it has been used to take advantage of voters and has been severely abused by political operatives across the country.

Most recently, we saw a new election ordered in the North Carolina Ninth Congressional District because of ballot harvesting allegations. In California, this practice is legal, and we saw it affect multiple races. Valadao was up by six points on election day and lost 3 weeks later. Young Kim was up by 8,000 votes and lost by 5,000 votes. One more example was Jeff Denham lost because of the 57,000 vote-by-mail ballots cast and counted after election day.

I know we have some Members from California that are very versed in this and I am not saying that this is the entire factor, but, obviously, it was at some point a factor in these races.

We can no longer ignore the most notable threat to our election security. Now, we have talked about it today. In fact, I have written down a couple things that some of our members have said. This is an attack on our Federal system, as far as what the Russians have the Chinese have done.

I believe, Mr. Raskin, you said this calls for extraordinary alarm. The Chinese and Russian attack our systems, protection systems, thousands of times per day. But you know when I first heard that? My first month in Congress, when I was on the Committee on Homeland Security, January 2015.

My question is, why wasn’t there an extraordinary alarm during previous elections? Why only is the extraordinary alarm happened during the 2016? We had the information. We had the data. The previous administration had the data that our election systems and that we were getting cyber attacked tens of thousands of times per day just by these two countries alone.

It is an extraordinary alarm and that is why one of the ways that we can prevent that, any kind of potential wrongdoing, is to be able to prohibit ballot harvesting.

If my friends across the aisle claim they are interested in securing elections—and I believe they are—we must pay attention to the actual evidence of election interference where votes were changed and even stolen. Securing the ballot means protecting voters from all means of ballot tampering and interference, including ballot harvesting.

This amendment prohibits the practice of ballot harvesting while allowing for commonsense exceptions for the disabled and elderly and other specific inclusions. I support the passage of this amendment.

I yield back.

The Chairperson. The gentleman from North Carolina yields back.
Arguably, this amendment is not germane, but I would ask that the gentlelady from California not insist on her point of order so that we can at least have this discussion——

Mr. WALKER. Very gracious.

The CHAIRPERSON [continuing]. And a vote.

I would ask that we vote against this amendment.

Although it is not in this bill, some States do have laws that make voting accessible for homebound voters and others who have may have trouble getting to the polls.

For instance, California’s Elections Code § 3017 provides that a vote-by-mail voter who is unable to return the ballot may designate any person to return the ballot to the elections official who issued the ballot to the precinct board at a polling place or vote center within the State or to a vote-by-mail drop-off location within the State.

Now, allowing an absentee voter to designate a person of their choosing to drop off their marked ballot allows for greater participation. Some voters are homebound. Some have no family to delegate this role to. They should not be disenfranchised.

Ballot drop-off laws are, in and of themselves, perfectly appropriate election administration laws. That is quite different than altering the vote, taking a vote and failing to turn it in to scam an election or to engage in fraudulent practices.

States like California see no credible reports of fraud relative to the drop-off. And I will note, since three of the Members of this Committee are from California and are pretty familiar with the elections in the last year, we had monitors, both the Republicans and the Democrats, in every one of those districts. There were no complaints filed by either party about this, because there were no fraudulent practices.

Voter fraud is voter fraud. It is illegal in existing law. This act doesn’t change that. In fact, the SAFE Act institutes measures like risk-limiting audits to make sure that Americans can have confidence that their votes are actually counted.

Experts like the Brennan Center have repeatedly raised that it is more likely that an American will be struck by lightning than that he will impersonate another voter at the polls. So the strawman arguments of voter fraud really distract from the real issue, that many Americans have trouble accessing the ballot. We don’t want to prevent American citizens from being able to cast their ballots. This amendment, arguably not germane but still, I think, ill-advised, should be defeated.

I would ask if other Members would——

Mr. DAVIS of Illinois. Madam Chairperson, I move to strike the last word.

The CHAIRPERSON. The Ranking Member is recognized for five minutes.

Mr. DAVIS of Illinois. Well, I guess lightning struck in North Carolina’s Ninth Congressional District. You had somebody use a process that was illegal in North Carolina. They committed acts of voter fraud. A special election that is being held right now.

The same process of collecting those ballots that was ripe for that lightning strike that happened—I am sure the only place in the United States of America where a political operative took advan-
gage of a process that is illegal in that State but is the exact same process that is legal in another State, that is the only place that lightning struck, according to the Brennan Center, right?

Mr. BUTTERFIELD. Would the gentleman yield?

Mr. DAVIS of Illinois. Come on.

Mr. BUTTERFIELD. Would the gentleman yield?

Mr. DAVIS of Illinois. Yes.

Mr. BUTTERFIELD. I am sympathetic to your amendment. I have been listening to this debate very, very closely——

Mr. DAVIS of Illinois. Thank you.

Mr. BUTTERFIELD [continuing]. Because I know exactly what happened in the North Carolina 9th District, and it was illegal and disgusting.

Mr. DAVIS of Illinois. It was, and it is.

Mr. BUTTERFIELD. I am going to ask the gentleman if you would consider a friendly amendment to your amendment that would allow the voter to designate a person of their choosing to deliver the ballot. If you would do that, I will vote for this amendment. That is the California standard, that they can designate a person of their choosing.

Mr. DAVIS of Illinois. You know, let me talk to my team about that.

Mr. BUTTERFIELD. Let's work on it.

Mr. DAVIS of Illinois. Let's do work on that, because——

Mr. BUTTERFIELD. Let's work on it.

Mr. DAVIS of Illinois [continuing]. You're—Mr. Butterfield, I respect you and I respect your opinion on this issue, and I want to make sure that we offer something.

What I would like to do is ask you to vote for this amendment here, and then we can work on any friendly additions at the——

Mr. BUTTERFIELD. That is putting the cart before the horse. But if you would give me your word that you would consent to adding that provision——

Mr. DAVIS of Illinois. Well——

Mr. BUTTERFIELD [continuing]. That the voter can designate a person of their choosing, I will today vote for——

The CHAIRPERSON. Would the gentleman yield?

Mr. BUTTERFIELD. I will yield.

The CHAIRPERSON. Because we will hopefully have a vote on this before votes are called on the House Floor potentially in the next 10 minutes. Otherwise, we will come back after votes. But——

Mr. DAVIS of Illinois. All right. I will reclaim my time.

We will talk. Seriously. We know this amendment is going fail here. It is going to go on a six-to-three vote. But let's talk. Because we must do something to stop the process.

The idiot in North Carolina's 9th District that committed fraud and likely will go to jail is not the only political operative to take advantage of processes like ballot harvesting. We know it. Sometimes the lightning strike didn't happen because many didn't get caught. We need to fix this.

I look forward to working with you, Mr. Butterfield.

I will yield as much time as he may consume to Mr. Walker.

The CHAIRPERSON. Mr. Walker.
Mr. Walker. I would like to thank the gentleman from North Carolina and respect the time and service Mr. Butterfield has on behalf of his constituents. We would be willing to do something along those lines.

As being both from North Carolina, we saw the reproach that took place that was very disgusting, as far as broke down the confidence that people had in whether their votes were being counted and also how the whole process went down.

We will certainly be flexible on this, if this is something that we can work together on.

The Chairperson. The gentleman yields back.

Certainly, all of us condemn the crimes that were committed in North Carolina. They didn’t relate to voter—the California experience because there has been no fraud there.

I would ask that we oppose this amendment—oh, the gentlelady from California is recognized.

Mrs. Davis of California. Well, if the Chairperson would yield for a second, I will strike the last word.

I can just tell from the body language of my colleagues that you don’t believe that. But, as the Chairperson said, there were a group of attorneys there, I can assure you, from both sides, the best in the country, that were observing this process. If you have evidence, though, that there was fraud in that process, we would—you know, I am sure that folks would——

The Chairperson. Nobody is for fraud.

Mrs. Davis of California [continuing]. Know that in California. But the reality is that it is highly, highly monitored. And I don’t believe even the colleagues that lost those elections came back to ask for an appeal.

Mr. Davis of Illinois. Will the gentlelady yield?

Mrs. Davis of California. Yes.

Mr. Davis of Illinois. Look, I give the Majority a lot of credit. You had a lot more lawyers on the ground and a lot better folks on the ground after the election and while ballots were somehow being collected from those that—obviously, California has a much higher homebound population that needs somebody to collect a ballot than other States, because the substantial amount of ballots coming in after the election is what frustrates the American people too. The American people want elections to be decided not weeks later.

But, to begin with, those lawyers were not on the ground before they——

Mrs. Davis of California. Taking back my time——

The Chairperson. Yes, they were.

Mrs. Davis of California [continuing]. Mr. Davis. I mean, the reality is that the law states that as long as the postmark is by the day of the election that the ballot can be counted—is counted. And so, you know, that is clearly the law. And I assure you that——

Mr. Davis of Illinois. Partisanship is the biggest threat to our fair elections.

The Chairperson. If the gentlelady will yield.

Mr. Davis of Illinois. Voter fraud in this process.

The Chairperson. If the gentlelady will yield.

Mrs. Davis of California. Yes.
The Chairperson. The great majority of the late votes, they weren’t late votes. They were votes postmarked by election day delivered by the post office. Under California law, those votes are counted. And there were huge numbers on both sides. But——

Mrs. Davis of California. Right. And if the Chairperson—also military ballots.

The Chairperson. Also military ballots.

The gentlelady has additional time. Votes have been called on the Floor. The question is, do additional Members wish to be heard on this amendment? If not, we will have to come back after the votes to continue this.

Mr. Raskin. Can we just vote?

The Chairperson. Do you want to just vote?

Mr. Raskin. Yes. We can just vote.

The Chairperson. All right.

Those who favor this amendment will say aye.

Those who oppose will say no.

In the opinion of the Chair, the noes have it.

Mr. Davis of Illinois. I would ask for a roll call vote.

The Chairperson. I think we have noes, but Mr. Davis has asked for a roll call.

Mr. Davis of Illinois. You know what? I am going to withdraw my request for a roll call vote.

The Chairperson. In the opinion of the Chair, the noes have it. Let’s have a roll call. We have had roll calls so far.

The Clerk will call the roll.

The Clerk. Chairperson Lofgren.

The Chairperson. No.

The Clerk. Chairperson Lofgren votes no.

Mr. Raskin.

Mr. Raskin. No.

The Clerk. Mr. Raskin votes no.

Mrs. Davis of California.

Mrs. Davis of California. No.

The Clerk. Mrs. Davis of California votes no.

Mr. Butterfield.

Mr. Butterfield. No.

The Clerk. Mr. Butterfield votes no.

Ms. Fudge.

Ms. Fudge. No.

The Clerk. Ms. Fudge votes no.

Mr. Aguilar.

Mr. Aguilar. No.

The Clerk. Mr. Aguilar votes no.

Mr. Davis of Illinois.

Mr. Davis of Illinois. Yes.

The Clerk. Mr. Davis of Illinois votes yes.

Mr. Walker.

Mr. Walker. Aye.

The Clerk. Mr. Walker votes yes.

Mr. Loudermilk.

Mr. Loudermilk. Aye.

The Clerk. Mr. Loudermilk votes yes.

The Chairperson. The Clerk will report.
The CLERK. Madam Chairperson, on this vote, there are six noes and three yeses.
The CHAIRPERSON. The amendment is not agreed to.
Are there additional amendments to be considered?
If not, then the amendment will be dispensed with.
The question is on agreeing to H.R. 2722, as amended.
All those in favor will say aye.
All those opposed will say no.
In the opinion of the Chair, the ayes have it.
Mr. Davis has requested a roll call vote.
The clerk will call the roll.
Mr. DAVIS of Illinois. Voter verification.
The CLERK. Chairperson Lofgren.
The CHAIRPERSON. Aye.
The CLERK. Chairperson Lofgren votes yes.
Mr. Davis of Illinois.
Mr. Davis of Illinois. No.
The CLERK. Mr. Davis of Illinois votes no.
Mr. Loudermilk.
Mr. Loudermilk. Madam Chairperson. Well, go ahead.
The CHAIRPERSON. The bill passes.
The gentleman from Georgia.
Mr. Loudermilk. Just a closing comment is, I do question some electronic scoring over the last couple years at the Congressional Baseball Game. I have been very concerned over what the electronic scoreboard has shown. I just want to say, next Wednesday night, I reserve the right for a paper backup of whatever the score is.
The CHAIRPERSON. All right. A paper backup on the baseball game is required or requested.
I will note that if any Member gives a notice of intention to file supplemental minority, additional, or dissenting views, we will have 2 days pursuant to clause 21, rule XI, the Committee Rule 10(d). I ask that Committee Members have an additional two days to file with the clerk of the Committee supplemental materials.

I move that H.R. 2722, as amended, be reported favorably to the House.

All those in favor will say aye.

Opposed, no.

In the opinion of the Chair, the ayes have it.

Do we want a recorded vote again on the same.

Mr. Davis of Illinois. No.

The Chairperson. Then the ayes have it. The bill is ordered reported favorably to the House.

There are two days, as noted, for additional or minority views to be submitted to the Committee report.

Without objection, the staff is authorized to make any technical and conforming changes.

I want to thank the Members for participating in today's markup.

There being no further business, without objection the Committee stands adjourned, and we will go to the Floor for votes.

[Whereupon, at 10:30 a.m., the Committee was adjourned.]