

MARKUP OF H.R. 2722, THE SAFE ACT

MARKUP
BEFORE THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTEENTH CONGRESS
FIRST SESSION

—————
JUNE 21, 2019
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COMMITTEE ON HOUSE ADMINISTRATION

116TH CONGRESS

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MARKUP OF H.R. 2722, THE SAFE ACT

FRIDAY, JUNE 21, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

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 Dornier, 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:]

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

JAMIE RASKIN, MARYLAND
VICE CHAIRPERSON

SUSAN DAVIS, CALIFORNIA
G.K. BUTTERFIELD, NORTH CAROLINA
MARCIA FUDGE, OHIO
PETE AGUILAR, CALIFORNIA

JAMIE FLEET, STAFF DIRECTOR

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MARK WALKER, NORTH CAROLINA
BARRY LOUDERMILK, GEORGIA

ONE HUNDRED SIXTEENTH CONGRESS
JEN DAULBY, MINORITY STAFF DIRECTOR

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 system 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:]

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

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.

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.

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.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

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

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

PART 2—GRANTS TO CARRY OUT IMPROVEMENTS

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

“PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

- “Sec. 297. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
 “Sec. 297A. Voting system security improvements described.
 “Sec. 297B. Eligibility of States.
 “Sec. 297C. Reports to Congress.
 “Sec. 297D. Authorization of appropriations.
 Sec. 112. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
 Sec. 113. Incorporation of definitions.

Subtitle B—Grants for Risk-Limiting Audits of Results of Elections

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

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

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

TITLE II—PROMOTING CYBERSECURITY THROUGH
IMPROVEMENTS IN ELECTION ADMINISTRATION

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

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

TITLE III—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

Sec. 301. Establishment of advisory committee.

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

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

TITLE V—SEVERABILITY

Sec. 501. Severability.

1 **TITLE I—FINANCIAL SUPPORT**
2 **FOR ELECTION INFRASTRUC-**
3 **TURE**

4 **Subtitle A—Voting System Security**
5 **Improvement Grants**

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

9 **SEC. 101. SHORT TITLE.**

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

12 **SEC. 102. PAPER BALLOT AND MANUAL COUNTING RE-**
13 **QUIREMENTS.**

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

17 “(2) PAPER BALLOT REQUIREMENT.—

18 “(A) VOTER-VERIFIED PAPER BALLOTS.—

1 “(i) PAPER BALLOT REQUIREMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

1 “(II) it is demonstrated by clear
2 and convincing evidence (as deter-
3 mined in accordance with the applica-
4 ble standards in the jurisdiction in-
5 volved) in any recount, audit, or con-
6 test of the result of the election that
7 the paper ballots have been com-
8 promised (by damage or mischief or
9 otherwise) and that a sufficient num-
10 ber of the ballots have been so com-
11 promised that the result of the elec-
12 tion could be changed,
13 the determination of the appropriate rem-
14 edy with respect to the election shall be
15 made in accordance with applicable State
16 law, except that the electronic tally shall
17 not be used as the exclusive basis for de-
18 termining the official certified result.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **PART 2—GRANTS TO CARRY OUT**

14 **IMPROVEMENTS**

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

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

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

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

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

11 “(1) to replace a voting system—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(2) Cyber and risk mitigation training.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(1) \$1,000,000,000 for fiscal year 2019; and

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

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

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

“PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 297. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 297A. Voting system security improvements described.

“Sec. 297B. Eligibility of States.

“Sec. 297C. Reports to Congress.

“Sec. 297D. Authorization of appropriations.

9 **SEC. 112. COORDINATION OF VOTING SYSTEM SECURITY**
10 **ACTIVITIES WITH USE OF REQUIREMENTS**
11 **PAYMENTS AND ELECTION ADMINISTRATION**
12 **REQUIREMENTS UNDER HELP AMERICA**
13 **VOTE ACT OF 2002.**

14 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
15 SION.—Section 202 of the Help America Vote Act of 2002
16 (52 U.S.C. 20922) is amended in the matter preceding
17 paragraph (1) by striking “by” and inserting “and the se-
18 curity of election infrastructure by”.

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

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

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

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

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

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
11 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
12 U.S.C. 20961(c)(1)) is amended—

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

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

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

19 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
20 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
21 OF HOMELAND SECURITY.—Section 241(a) of such Act
22 (52 U.S.C. 20981(a)) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “the Commission shall” and inserting “the

1 Commission, in consultation with the Secretary of
2 Homeland Security (as appropriate), shall”;

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

5 (3) by redesignating paragraph (4) as para-
6 graph (5); and

7 (4) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

9 “(4) will be secure against attempts to under-
10 mine the integrity of election systems by cyber or
11 other means; and”.

12 (e) REQUIREMENTS PAYMENTS.—

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

17 “(4) PERMITTING USE OF PAYMENTS FOR VOT-
18 ING SYSTEM SECURITY IMPROVEMENTS.—A State
19 may use a requirements payment to carry out any
20 of the following activities:

21 “(A) Cyber and risk mitigation training.

22 “(B) Providing increased technical support
23 for any information technology infrastructure
24 that the chief State election official deems to be
25 part of the State’s election infrastructure or

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

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

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

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

14 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
15 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
16 MENTS.—Section 255 of such Act (52 U.S.C.
17 21005) is amended—

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

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

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

1 Indian tribes, and shall represent the needs of rural as
2 well as urban areas of the State, as the case may be.”.

3 (f) ENSURING PROTECTION OF COMPUTERIZED
4 STATEWIDE VOTER REGISTRATION LIST.—Section
5 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
6 ed by striking the period at the end and inserting “, as
7 well as other measures to prevent and deter cybersecurity
8 incidents, as identified by the Commission, the Secretary
9 of Homeland Security, and the Technical Guidelines De-
10 velopment Committee.”.

11 **SEC. 113. INCORPORATION OF DEFINITIONS.**

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

15 **“SEC. 901. DEFINITIONS.**

16 “In this Act, the following definitions apply:

17 “(1) The term ‘cybersecurity incident’ has the
18 meaning given the term ‘incident’ in section 227 of
19 the Homeland Security Act of 2002 (6 U.S.C. 148).

20 “(2) The term ‘election agency’ means any com-
21 ponent of a State, or any component of a unit of
22 local government in a State, which is responsible for
23 the administration of elections for Federal office in
24 the State.

1 “(3) The term ‘election infrastructure’ means
2 storage facilities, polling places, and centralized vote
3 tabulation locations used to support the administra-
4 tion of elections for public office, as well as related
5 information and communications technology, includ-
6 ing voter registration databases, voting machines,
7 electronic mail and other communications systems
8 (including electronic mail and other systems of ven-
9 dors who have entered into contracts with election
10 agencies to support the administration of elections,
11 manage the election process, and report and display
12 election results), and other systems used to manage
13 the election process and to report and display elec-
14 tion results on behalf of an election agency.

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

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

“Sec. 901. Definitions.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(b) DUTIES.—

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

25 “(A) review such application; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **TITLE V—SEVERABILITY**

2 **SEC. 501. SEVERABILITY.**

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

○

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:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

5 (b) TABLE OF CONTENTS.—The table of contents of
6 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**
2 **FOR ELECTION INFRASTRUC-**
3 **TURE**

4 **Subtitle A—Voting System Security**
5 **Improvement Grants**

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

9 **SEC. 101. SHORT TITLE.**

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

1 **SEC. 102. PAPER BALLOT AND MANUAL COUNTING RE-**
2 **QUIREMENTS.**

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

6 “(2) PAPER BALLOT REQUIREMENT.—

7 “(A) VOTER-VERIFIED PAPER BALLOTS.—

8 “(i) PAPER BALLOT REQUIREMENT.—

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

25 “(II) The voting system shall provide
26 the voter with an opportunity to correct

1 any error on the paper ballot before the
2 permanent voter-verified paper ballot is
3 preserved in accordance with clause (ii).

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

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

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

1 “(II) In the event of any inconsis-
2 tencies or irregularities between any elec-
3 tronic vote tallies and the vote tallies de-
4 termined by counting by hand the indi-
5 vidual, durable, voter-verified paper ballots
6 used pursuant to clause (i), and subject to
7 subparagraph (B), the individual, durable,
8 voter-verified paper ballots shall be the
9 true and correct record of the votes cast.

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

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

21 “(i) IN GENERAL.—In the event
22 that—

23 “(I) there is any inconsistency
24 between any electronic vote tallies and
25 the vote tallies determined by count-

1 ing by hand the individual, durable,
2 voter-verified paper ballots used pur-
3 suant to subparagraph (A)(i) with re-
4 spect to any election for Federal of-
5 fice; and

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

18 the determination of the appropriate rem-
19 edy with respect to the election shall be
20 made in accordance with applicable State
21 law, except that the electronic tally shall
22 not be used as the exclusive basis for de-
23 termining the official certified result.

24 “(ii) RULE FOR CONSIDERATION OF
25 BALLOTS ASSOCIATED WITH EACH VOTING

1 MACHINE.—For purposes of clause (i),
2 only the paper ballots deemed com-
3 promised, if any, shall be considered in the
4 calculation of whether or not the result of
5 the election could be changed due to the
6 compromised paper ballots.”.

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

13 (c) OTHER CONFORMING AMENDMENTS.—Section
14 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
15 ed—

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

19 (2) in subparagraph (A)(ii), by striking “count-
20 ed” and inserting “counted, in accordance with
21 paragraphs (2) and (3)”;

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

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

4 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
5 **INDIVIDUALS WITH DISABILITIES.**

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

8 (1) **IN GENERAL.—**Section 301(a)(3)(B) of the
9 Help America Vote Act of 2002 (52 U.S.C.
10 21081(a)(3)(B)) is amended to read as follows:

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

14 “(I) is equipped for individuals with
15 disabilities, including nonvisual and en-
16 hanced visual accessibility for the blind
17 and visually impaired, and contains fea-
18 tures to support enhanced manual accessi-
19 bility for the mobility and dexterity im-
20 paired;

21 “(II) in the case of any election for
22 Federal office occurring after the date that
23 is 6 years after the date of the enactment
24 of the Securing America’s Federal Elec-
25 tions Act—

1 “(aa) marks ballots that are
2 identical in size, ink, and paper stock
3 to those ballots that would be marked
4 by hand or a ballot marking device
5 used by voters who do not have acces-
6 sibility needs;

7 “(bb) marks the ballot in such a
8 way that someone examining the bal-
9 lot will not be able to readily deter-
10 mine whether the ballot was marked
11 by hand or machine; and

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

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

21 “(ii) in the case of any election for Federal
22 office occurring after the date that is 6 years
23 after the date of the enactment of the Securing
24 America’s Federal Elections Act, meet the re-
25 quirements of subparagraph (A) and paragraph

1 (2)(A) by using a system that allows the voter
2 to privately and independently verify the accu-
3 racy of the permanent paper ballot through the
4 presentation, in accessible form, of the printed
5 or marked vote selections from the same print-
6 ed or marked information that would be used
7 for any vote tabulation or auditing; and”.

8 (2) CLARIFICATION WITH RESPECT TO APPLICA-
9 TION OF REQUIREMENT TO BALLOTS MARKED AT
10 HOME.—Section 301(a)(3) of such Act (52 U.S.C.
11 21081(a)(3)) is amended by adding at the end the
12 following new flush sentence:

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

16 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
17 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
18 VERIFICATION MECHANISMS.—

19 (1) STUDY AND REPORTING.—Subtitle C of
20 title II of such Act (52 U.S.C. 21081 et seq.) is
21 amended—

22 (A) by redesignating section 247 as section
23 248; and

24 (B) by inserting after section 246 the fol-
25 lowing 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;

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

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

6 “(e) AVAILABILITY OF TECHNOLOGY.—Any tech-
7 nology developed with the grants made under this section
8 shall be treated as non-proprietary and shall be made
9 available to the public, including to manufacturers of vot-
10 ing systems.

11 “(d) COORDINATION WITH GRANTS FOR TECH-
12 NOLOGY IMPROVEMENTS.—The Director shall carry out
13 this section so that the activities carried out with the
14 grants made under subsection (a) are coordinated with the
15 research conducted under the grant program carried out
16 by the Commission under section 271, to the extent that
17 the Director and Commission determine necessary to pro-
18 vide for the advancement of accessible voting technology.

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

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

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

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

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

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
5 adopting any voluntary guidance under subtitle B of title
6 III of the Help America Vote Act with respect to the ac-
7 cessibility of the paper ballot verification requirements for
8 individuals with disabilities, the Election Assistance Com-
9 mission shall include and apply the same accessibility
10 standards applicable under the voluntary guidance adopt-
11 ed for accessible voting systems under such subtitle.

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

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

20 Section 301(a) of the Help America Vote Act of 2002
21 (52 U.S.C. 21081(a)) is amended by adding at the end
22 the following new paragraph:

23 “(7) DURABILITY AND READABILITY REQUIRE-
24 MENTS FOR BALLOTS.—

1 “(A) DURABILITY REQUIREMENTS FOR
2 PAPER BALLOTS.—

3 “(i) IN GENERAL.—All voter-verified
4 paper ballots required to be used under
5 this Act shall be marked or printed on du-
6 rable paper.

7 “(ii) DEFINITION.—For purposes of
8 this Act, paper is ‘durable’ if it is capable
9 of withstanding multiple counts and re-
10 counts by hand without compromising the
11 fundamental integrity of the ballots, and
12 capable of retaining the information
13 marked or printed on them for the full du-
14 ration of a retention and preservation pe-
15 riod of 22 months.

16 “(B) READABILITY REQUIREMENTS FOR
17 PAPER BALLOTS MARKED BY BALLOT MARKING
18 DEVICE.—All voter-verified paper ballots com-
19 pleted by the voter through the use of a ballot
20 marking device shall be clearly readable by the
21 voter without assistance (other than eyeglasses
22 or other personal vision enhancing devices) and
23 by an optical character recognition device or
24 other device equipped for individuals with dis-
25 abilities.”.

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

2 (a) REQUIRING PAPER BALLOTS TO BE PRINTED ON
3 RECYCLED PAPER MANUFACTURED IN UNITED
4 STATES.—Section 301(a) of the Help America Vote Act
5 of 2002 (52 U.S.C. 21081(a)), as amended by section 104,
6 is amended by adding at the end the following new para-
7 graph:

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

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

15 **SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DE-**
16 **SIGN.**

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

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

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

2 Section 301(d) of the Help America Vote Act of 2002
3 (52 U.S.C. 21081(d)) is amended to read as follows:

4 “(d) EFFECTIVE DATE.—

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

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

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

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

25 “(i) DELAY.—In the case of a juris-
26 diction described in clause (ii), subpara-

1 graph (A) shall apply to a voting system in
2 the jurisdiction as if the reference in such
3 subparagraph to ‘2020’ were a reference to
4 ‘2022’, but only with respect to the fol-
5 lowing requirements of this section:

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

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

13 “(III) Paragraph (7) of sub-
14 section (a) (relating to durability and
15 readability requirements for ballots).

16 “(ii) JURISDICTIONS DESCRIBED.—A
17 jurisdiction described in this clause is a ju-
18 risdiction—

19 “(I) which used voter-verified
20 paper record printers attached to di-
21 rect recording electronic voting ma-
22 chines, or which used other voting
23 systems that used or produced paper
24 records of the vote verifiable by voters
25 but that are not in compliance with

1 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)
2 and (II), and (7) of subsection (a) (as
3 amended or added by the Voter Con-
4 fidence and Increased Accessibility
5 Act of 2019), for the administration
6 of the regularly scheduled general
7 election for Federal office held in No-
8 vember 2018; and

9 “(II) which will continue to use
10 such printers or systems for the ad-
11 ministration of elections for Federal
12 office held in years before 2022.

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

17 “(I) REQUIRING BALLOTS TO BE
18 OFFERED AND PROVIDED.—The ap-
19 propriate election official at each poll-
20 ing place that uses a printer or sys-
21 tem described in clause (ii)(I) for the
22 administration of elections for Federal
23 office shall offer each individual who
24 is eligible to cast a vote in the election
25 at the polling place the opportunity to

1 cast the vote using a blank pre-print-
2 ed paper ballot which the individual
3 may mark by hand and which is not
4 produced by the direct recording elec-
5 tronic voting machine or other such
6 system. The official shall provide the
7 individual with the ballot and the sup-
8 plies necessary to mark the ballot, and
9 shall ensure (to the greatest extent
10 practicable) that the waiting period
11 for the individual to cast a vote is the
12 lesser of 30 minutes or the average
13 waiting period for an individual who
14 does not agree to cast the vote using
15 such a paper ballot under this clause.

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

1 otherwise been required to cast a pro-
2 visional ballot.

3 “(III) POSTING OF NOTICE.—
4 The appropriate election official shall
5 ensure there is prominently displayed
6 at each polling place a notice that de-
7 scribes the obligation of the official to
8 offer individuals the opportunity to
9 cast votes using a pre-printed blank
10 paper ballot.

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

23 “(V) PERIOD OF APPLICA-
24 BILITY.—The requirements of this
25 clause apply only during the period in

1 which the delay is in effect under
2 clause (i).

3 “(C) SPECIAL RULE FOR JURISDICTIONS
4 USING CERTAIN NONTABULATING BALLOT
5 MARKING DEVICES.—In the case of a jurisdic-
6 tion which uses a nontabulating ballot marking
7 device which automatically deposits the ballot
8 into a privacy sleeve, subparagraph (A) shall
9 apply to a voting system in the jurisdiction as
10 if the reference in such subparagraph to ‘any
11 election for Federal office held in 2020 or any
12 succeeding year’ were a reference to ‘elections
13 for Federal office occurring held in 2022 or
14 each succeeding year’, but only with respect to
15 paragraph (3)(B)(iii)(II) of subsection (a) (re-
16 lating to nonmanual casting of the durable
17 paper ballot).”.

18 **PART 2—GRANTS TO CARRY OUT**
19 **IMPROVEMENTS**

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

23 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
24 II of the Help America Vote Act of 2002 (52 U.S.C.

1 21001 et seq.) is amended by adding at the end the fol-
2 lowing new part:

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

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

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

13 **“(1) to replace a voting system—**

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

22 **“(B) which does meet such requirements**
23 **but which is not in compliance with the most**
24 **recent voluntary voting system guidelines issued**
25 **by the Commission prior to the regularly sched-**

1 uled general election for Federal office held in
2 November 2020 with another system which does
3 meet such requirements and is in compliance
4 with such guidelines;

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

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

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

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

1 may be necessary to ensure that the entire amount appro-
2 priated under this part is distributed to the States.

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

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

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

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

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

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

1 “(E) Providing a secure voter registration
2 database that logs requests submitted to the
3 database.

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

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

10 “(H) Providing a secure platform for dis-
11 seminating vote totals.

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

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

20 “(4) The plan of the State to conduct a rig-
21 orous evaluation of the effectiveness of the activities
22 carried out with the grant.

23 “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-
24 MINISTER RANKED CHOICE ELECTIONS.—To the greatest
25 extent practicable, an eligible State which receives a grant

1 to replace a voting system under this section shall ensure
2 that the replacement system is capable of administering
3 a system of ranked choice voting under which each voter
4 shall rank the candidates for the office in the order of
5 the voter's preference.

6 **"SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**
7 **DESCRIBED.**

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

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

15 "(2) Cyber and risk mitigation training.

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

21 "(4) The maintenance of election infrastruc-
22 ture, including addressing risks and vulnerabilities
23 which are identified under either of the security risk
24 and vulnerability assessments described in para-
25 graph (3), except that none of the funds provided

1 under this part may be used to renovate or replace
2 a building or facility which is used primarily for pur-
3 poses other than the administration of elections for
4 public office.

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

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

14 “(7) Enhancing the cybersecurity of voter reg-
15 istration systems.

16 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
17 DORS DESCRIBED.—

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

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

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

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

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

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

1 “(E) The vendor agrees to meet the re-
2 quirements of paragraph (3) with respect to
3 any known or suspected cybersecurity incidents
4 involving any of the goods and services provided
5 by the vendor pursuant to a grant under this
6 part.

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

12 “(3) CYBERSECURITY INCIDENT REPORTING
13 REQUIREMENTS.—

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

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

1 later than 3 days after the vendor first be-
2 comes aware of the possibility that the in-
3 cident occurred);

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

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

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

1 “(i) The date, time, and time zone
2 when the election cybersecurity incident
3 began, if known.

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

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

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

14 “(v) Any planned and implemented
15 technical measures to respond to and re-
16 cover from the incident.

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

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

23 “A State is eligible to receive a grant under this part
24 if the State submits to the Commission, at such time and

1 in such form as the Commission may require, an applica-
2 tion containing—

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

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

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

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

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

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

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

25 “(1) \$600,000,000 for fiscal year 2019; and

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

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

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

“PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 297. Grants for obtaining compliant paper ballot voting systems and
carrying out voting system security improvements.

“Sec. 297A. Voting system security improvements described.

“Sec. 297B. Eligibility of States.

“Sec. 297C. Reports to Congress.

“Sec. 297D. Authorization of appropriations.

9 **SEC. 112. COORDINATION OF VOTING SYSTEM SECURITY**
10 **ACTIVITIES WITH USE OF REQUIREMENTS**
11 **PAYMENTS AND ELECTION ADMINISTRATION**
12 **REQUIREMENTS UNDER HELP AMERICA**
13 **VOTE ACT OF 2002.**

14 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
15 SION.—Section 202 of the Help America Vote Act of 2002
16 (52 U.S.C. 20922) is amended in the matter preceding
17 paragraph (1) by striking “by” and inserting “and the se-
18 curity of election infrastructure by”.

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

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

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

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

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

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
11 MENT COMMITTEE.—Section 221(e)(1) of such Act (52
12 U.S.C. 20961(c)(1)) is amended—

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

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

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

19 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
20 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY
21 OF HOMELAND SECURITY.—Section 241(a) of such Act
22 (52 U.S.C. 20981(a)) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “the Commission shall” and inserting “the

1 Commission, in consultation with the Secretary of
2 Homeland Security (as appropriate), shall”;

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

5 (3) by redesignating paragraph (4) as para-
6 graph (5); and

7 (4) by inserting after paragraph (3) the fol-
8 lowing new paragraph:

9 “(4) will be secure against attempts to under-
10 mine the integrity of election systems by cyber or
11 other means; and”.

12 (e) REQUIREMENTS PAYMENTS.—

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

17 “(4) PERMITTING USE OF PAYMENTS FOR VOT-
18 ING SYSTEM SECURITY IMPROVEMENTS.—A State
19 may use a requirements payment to carry out any
20 of the following activities:

21 “(A) Cyber and risk mitigation training.

22 “(B) Providing increased technical support
23 for any information technology infrastructure
24 that the chief State election official deems to be
25 part of the State’s election infrastructure or

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

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

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

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

14 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
15 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
16 MENTS.—Section 255 of such Act (52 U.S.C.
17 21005) is amended—

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

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

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

1 Indian tribes, and shall represent the needs of rural as
2 well as urban areas of the State, as the case may be.”.

3 (f) ENSURING PROTECTION OF COMPUTERIZED
4 STATEWIDE VOTER REGISTRATION LIST.—Section
5 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
6 ed by striking the period at the end and inserting “, as
7 well as other measures to prevent and deter cybersecurity
8 incidents, as identified by the Commission, the Secretary
9 of Homeland Security, and the Technical Guidelines De-
10 velopment Committee.”.

11 **SEC. 113. INCORPORATION OF DEFINITIONS.**

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

15 **“SEC. 901. DEFINITIONS.**

16 “In this Act, the following definitions apply:

17 “(1) The term ‘cybersecurity incident’ has the
18 meaning given the term ‘incident’ in section 227 of
19 the Homeland Security Act of 2002 (6 U.S.C. 148).

20 “(2) The term ‘election agency’ means any com-
21 ponent of a State, or any component of a unit of
22 local government in a State, which is responsible for
23 the administration of elections for Federal office in
24 the State.

1 “(3) The term ‘election infrastructure’ means
2 storage facilities, polling places, and centralized vote
3 tabulation locations used to support the administra-
4 tion of elections for public office, as well as related
5 information and communications technology, includ-
6 ing voter registration databases, voting machines,
7 electronic mail and other communications systems
8 (including electronic mail and other systems of ven-
9 dors who have entered into contracts with election
10 agencies to support the administration of elections,
11 manage the election process, and report and display
12 election results), and other systems used to manage
13 the election process and to report and display elec-
14 tion results on behalf of an election agency.

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

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

“Sec. 901. Definitions.”.

1 **Subtitle B—Risk-Limiting Audits**

2 **SEC. 121. RISK-LIMITING AUDITS.**

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

6 **“SEC. 303A. RISK-LIMITING AUDITS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) RISK-LIMITING AUDIT.—The term ‘risk-
9 limiting audit’ means, with respect to any election
10 contest, a post-election process that—

11 “(A) has a probability of at least 95 per-
12 cent of correcting the reported outcome if the
13 reported outcome is not the correct outcome;

14 “(B) will not change the outcome if the re-
15 ported outcome is the correct outcome; and

16 “(C) involves a manual adjudication of
17 voter intent from some or all of the ballots val-
18 idly cast in the election contest.

19 “(2) REPORTED OUTCOME; CORRECT OUTCOME;
20 OUTCOME.—

21 “(A) REPORTED OUTCOME.—The term ‘re-
22 ported outcome’ means the outcome of an elec-
23 tion contest which is determined according to
24 the canvass and which will become the official,

1 certified outcome unless it is revised by an
2 audit, recount, or other legal process.

3 “(B) CORRECT OUTCOME.—The term ‘cor-
4 rect outcome’ means the outcome that would be
5 determined by a manual adjudication of voter
6 intent for all votes validly cast in the election
7 contest.

8 “(C) OUTCOME.—The term ‘outcome’
9 means the winner or set of winners of an elec-
10 tion contest.

11 “(3) MANUAL ADJUDICATION OF VOTER IN-
12 TENT.—The term ‘manual adjudication of voter in-
13 tent’ means direct inspection and determination by
14 humans, without assistance from electronic or me-
15 chanical tabulation devices, of the ballot choices
16 marked by voters on each voter-verified paper
17 record.

18 “(4) BALLOT MANIFEST.—The term ‘ballot
19 manifest’ means a record maintained by each juris-
20 diction that—

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

24 “(B) functions as a sampling frame for
25 conducting a risk-limiting audit; and

1 “(C) accounts for all ballots validly east re-
2 gardless of how or whether they were tabulated
3 and includes a precise description of the man-
4 ner in which the ballots are physically stored,
5 including the total number of physical groups of
6 ballots, the numbering system for each group, a
7 unique label for each group, and the number of
8 ballots in each such group.

9 “(b) REQUIREMENTS.—

10 “(1) IN GENERAL.—

11 “(A) AUDITS.—

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

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

23 “(B) FULL MANUAL TABULATION.—If a
24 risk-limiting audit conducted under subpara-
25 graph (A) corrects the reported outcome of an

1 ests and other data involved in risk-
2 limiting audits.

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

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

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

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

21 “(B) PUBLIC REPORT.—

22 “(i) IN GENERAL.—After the comple-
23 tion of the risk-limiting audit and at least
24 5 days before the election contest is cer-
25 tified, the State shall publish a report on

1 the results of the audit, together with such
2 information as necessary to confirm that
3 the audit was conducted properly.

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

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

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

18 (b) CONFORMING AMENDMENTS RELATED TO EN-
19 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
20 is amended by striking “and 303” and inserting “303, and
21 303A”.

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

“Sec. 303A. Risk-limiting audits.”.

1 **SEC. 122. FUNDING FOR CONDUCTING POST-ELECTION**
2 **RISK-LIMITING AUDITS.**

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

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

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

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

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

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

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

25 “(c) SPECIAL RULES.—

1 “(1) RULES AND PROCEDURES.—The Commis-
2 sion shall establish rules and procedures for submis-
3 sion of eligible post-election audit costs for payments
4 under this section.

5 “(2) INSUFFICIENT FUNDS.—In any case in
6 which the amounts appropriated under subsection
7 (d) are insufficient to pay all eligible post-election
8 audit costs submitted by States with respect to any
9 Federal election, the amount of such costs paid
10 under subsection (a) to any State shall be equal to
11 the amount that bears the same ratio to the amount
12 which would be paid to such State (determined with-
13 out regard to this paragraph) as—

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

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

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—

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

24 “(2) AVAILABILITY.—Any amounts appro-
25 priated pursuant to paragraph (1) shall remain

1 available without fiscal year limitation until ex-
2 pended.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act, as amended by section 111(b), is further
5 amended by adding at the end of the items relating to
6 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.

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

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

17 (b) REPORT.—The Comptroller General of the
18 United States shall submit a report on the analysis con-
19 ducted under subsection (a) to the Committee on House
20 Administration of the House of Representatives and the
21 Committee on Rules and Administration of the Senate.

1 **TITLE II—PROMOTING CYBERSE-**
2 **CURITY THROUGH IMPROVE-**
3 **MENTS IN ELECTION ADMIN-**
4 **ISTRATION**

5 **SEC. 201. VOTING SYSTEM CYBERSECURITY REQUIRE-**
6 **MENTS.**

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

12 “(9) **BALLOT TABULATING METHODS.**—

13 “(A) **IN GENERAL.**—The voting system
14 tabulates ballots by hand or through the use of
15 an optical scanning device that meets the re-
16 quirements of subparagraph (B).

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

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

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

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

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

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

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

1 for each State in which the de-
2 vice is used; and

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

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

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

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

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

1 Cybersecurity and Infrastructure Security
2 requires.

3 “(C) WAIVER.—

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

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

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

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

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

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

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

15 “(B) EFFECTIVE DATE.—Each State and
16 jurisdiction shall be required to comply with the
17 requirements of this paragraph for the regularly
18 scheduled election for Federal office in Novem-
19 ber 2020, and for each subsequent election for
20 Federal office.

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

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

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

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

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

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

19 “(13) BALLOT MARKING DEVICES.—

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

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

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

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

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

9 “(B) REQUIREMENTS.—

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

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

1 meets the requirements of this clause if it
2 is conducted with—

3 “(I) a pool of subjects that are—

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

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

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

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

20 (2) PROCEDURE FOR TESTING.—

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

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

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

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

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

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

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

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

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

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

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

12 “(A) IN GENERAL.—The term ‘qualified
13 independent user experience research labora-
14 tory’ means a laboratory accredited under this
15 subsection by the Election Assistance Commis-
16 sion in accordance with standards determined
17 by the Commission, in consultation with the Di-
18 rector of the National Institute of Standards
19 and Technology and the Secretary of Homeland
20 Security.

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

24 “(i) no employee of, or individual with
25 an ownership in, such laboratory has, or

1 has had during the 5 preceding years, any
2 financial relationship with a manufacturer
3 of voting systems; and

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

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

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

13 “(c) REVIEW BY INDEPENDENT BOARD.—

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

17 “(A) Any protocol submitted to the Com-
18 mission under subsection (b)(3)(A).

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

21 “(2) FINAL APPROVAL.—Not later than the
22 date that is 12 months before the date of the elec-
23 tion for Federal office in which a State or jurisdic-
24 tion intends to use the ballot marking device, the
25 independent review board shall report to the Com-

1 mission on whether it has approved a report sub-
2 mitted under paragraph (1)(B).

3 “(3) INDEPENDENT REVIEW BOARD.—

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

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

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

17 “(ii) may not have, or have had dur-
18 ing the 5 preceding years, any financial re-
19 lationship with a manufacturer of voting
20 systems.

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

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

1 “(B) any report submitted under sub-
2 section (b)(3)(C); and

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

5 “(d) CERTIFICATION.—If—

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

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

14 then the Commission shall certify the ballot marking de-
15 vice.

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

21 (B) CONFORMING AMENDMENTS.—

22 (i) Section 202(2) of the Help Amer-
23 ica Vote Act of 2002 (52 U.S.C. 20922(2))
24 is amended by inserting “and ballot mark-

1 ing devices” after “hardware and soft-
2 ware”).

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

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

8 (I) by inserting “; Ballot Mark-
9 ing Devices” at the end of the item
10 relating to subtitle B of title II; and

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

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

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

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

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

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

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

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

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

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

6 “(3) ELECTION CYBERSECURITY GUIDE-
7 LINES.—Not later than 6 months after the date of
8 the enactment of the Securing America’s Federal
9 Elections Act, the Development Committee shall
10 issue election cybersecurity guidelines, including
11 standards and best practices for procuring, main-
12 taining, testing, operating, and updating election
13 systems to prevent and deter cybersecurity inci-
14 dents.”.

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

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

22 “(9) REQUIRING USE OF SOFTWARE AND HARD-
23 WARE FOR WHICH INFORMATION IS DISCLOSED BY
24 MANUFACTURER.—

1 “(A) REQUIRING USE OF SOFTWARE FOR
2 WHICH SOURCE CODE IS DISCLOSED BY MANU-
3 FACTURER.—

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

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

23 “(I) widely-used operating system
24 software which is not specific to vot-
25 ing systems and for which the source

1 code or baseline functionality is not
2 altered; or

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

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

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

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

1 “(I) the manufacturer of the sys-
2 tem publicly discloses online the com-
3 ponents of the hardware, the design of
4 such components, and how such com-
5 ponents are connected in the oper-
6 ation of the system; and

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

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

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

6 (a) INCLUSION IN DEFINITION OF VOTING SYS-
7 TEM.—Section 301(b) of the Help America Vote Act of
8 2002 (52 U.S.C. 21081(b)) is amended—

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

11 (2) by striking “and” at the end of paragraph
12 (1);

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

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

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

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

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

23 (2) by inserting after subsection (b) the fol-
24 lowing new subsection:

1 “(c) ELECTRONIC POLL BOOK DEFINED.—In this
2 Act, the term ‘electronic poll book’ means the total com-
3 bination of mechanical, electromechanical, or electronic
4 equipment (including the software, firmware, and docu-
5 mentation required to program, control, and support the
6 equipment) that is used—

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

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

13 (c) EFFECTIVE DATE.—Section 301(e) of such Act
14 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
15 is amended by striking the period at the end and inserting
16 the following: “, or, with respect to any requirements re-
17 lating to electronic poll books, on and after January 1,
18 2020.”.

19 **SEC. 205. PRE-ELECTION REPORTS ON VOTING SYSTEM**
20 **USAGE.**

21 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title
22 III of the Help America Vote Act of 2002 (52 U.S.C.
23 21081 et seq.) is amended by inserting after section 301
24 the following new section:

1 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**
2 **USAGE.**

3 “(a) **REQUIRING STATES TO SUBMIT REPORTS.**—Not
4 later than 120 days before the date of each regularly
5 scheduled general election for Federal office, the chief
6 State election official of a State shall submit a report to
7 the Commission containing a detailed voting system usage
8 plan for each jurisdiction in the State which will admin-
9 ister the election, including a detailed plan for the usage
10 of electronic poll books and other equipment and compo-
11 nents of such system.

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

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

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

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

1 **SEC. 206. STREAMLINING COLLECTION OF ELECTION IN-**
2 **FORMATION.**

3 Section 202 of the Help America Vote Act of 2002
4 (52 U.S.C. 20922) is amended—

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

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

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

14 **TITLE III—USE OF VOTING MA-**
15 **CHINES MANUFACTURED IN**
16 **THE UNITED STATES**

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

19 Section 301(a) of the Help America Vote Act of 2002
20 (52 U.S.C. 21081(a)), as amended by section 104, section
21 105, and section 203, is further amended by adding at
22 the end the following new paragraph:

23 “(10) VOTING MACHINE REQUIREMENTS.—By
24 not later than the date of the regularly scheduled
25 general election for Federal office occurring in No-
26 vember 2022, each State shall seek to ensure that

1 any voting machine used in such election and in any
2 subsequent election for Federal office is manufac-
3 tured in the United States.”.

4 **TITLE IV—SEVERABILITY**

5 **SEC. 401. SEVERABILITY.**

6 If any provision of this Act or amendment made by
7 this Act, or the application of a provision or amendment
8 to any person or circumstance, is held to be unconstitu-
9 tional, the remainder of this Act and amendments made
10 by this Act, and the application of the provisions and
11 amendment to any person or circumstance, shall not be
12 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. Staff will distribute the amendment and report.

The CLERK. Amendment—

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—

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:]

AMENDMENT**OFFERED BY MR. RODNEY DAVIS OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Election Security As-
3 sistance Act”.

**4 SEC. 2. GRANTS TO STATES FOR ELECTION ADMINISTRA-
5 TION IMPROVEMENTS.**

6 (a) AUTHORIZATION OF FUNDS.—Notwithstanding
7 section 104(c)(2)(B) of the Help America Vote Act of
8 2002 (52 U.S.C. 20904(c)(2)(B)), there is authorized to
9 be appropriated \$380,000,000 for fiscal year 2020 to the
10 Election Assistance Commission for necessary expenses to
11 make payments to States for activities to improve the ad-
12 ministration of elections for Federal office, including to
13 enhance election technology and make election security im-
14 provements, as authorized by sections 101, 103, and 104
15 of such Act.

16 (b) PAYMENTS TO STATES.—

17 (1) STATE MATCH.—Not later than two years
18 after receiving funds under subsection (a), a State
19 shall make available funds for activities described in

1 such subsection in an amount equal to 25 percent of
2 the total amount of the payment made to the State
3 under such subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) by inserting after subsection (b) the fol-
16 lowing new subsection:

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

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

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

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

5 (c) EFFECTIVE DATE.—Section 301(e) of such Act
6 (52 U.S.C. 21081(e)), as redesignated by subsection (b),
7 is amended by striking the period at the end and inserting
8 the following: “, or, with respect to any requirements re-
9 lating to electronic poll books, on and after January 1,
10 2020.”.

11 **SEC. 4. SECURITY CLEARANCE ASSISTANCE FOR ELECTION**
12 **OFFICIALS.**

13 (a) STATE OFFICIALS.—In order to promote the
14 timely sharing of information on threats to election infra-
15 structure, the Secretary of Homeland Security may—

16 (1) help expedite a security clearance at the top
17 secret level for the chief State election official and
18 other appropriate State personnel involved in the ad-
19 ministration of elections, as designated by the chief
20 State election official;

21 (2) sponsor a security clearance at the top se-
22 cret level for the chief State election official and
23 other appropriate State personnel involved in the ad-
24 ministration of elections, as designated by the chief
25 State election official; and

1 (3) facilitate the issuance of a temporary clear-
2 ance at the top secret level to the chief State election
3 official and other appropriate State personnel in-
4 volved in the administration of elections, as des-
5 ignated by the chief State election official, if the
6 Secretary determines classified information to be
7 timely and relevant to the election infrastructure of
8 the State at issue.

9 (b) ELECTION ASSISTANCE COMMISSION.—The Sec-
10 retary shall expeditiously issue a security clearance at the
11 top secret level to the following officials:

12 (1) Each member of the Election Assistance
13 Commission appointed pursuant to section 203(a) of
14 the Help America Vote Act of 2002 (52 U.S.C.
15 20923(a)).

16 (2) The Executive Director of the Election As-
17 sistance Commission appointed pursuant to section
18 204(a)(1) of such Act (52 U.S.C. 20924(a)(1)).

19 (3) The General Counsel of the Election Assist-
20 ance Commission appointed pursuant to section
21 204(a)(4) of such Act (52 U.S.C. 20924(a)(4)).

22 (c) DEFINITIONS.—In this section—

23 (1) the term “chief State election official”
24 means, with respect to a State, the individual des-
25 ignated by the State under section 10 of the Na-

1 tional Voter Registration Act of 1993 (52 U.S.C.
2 20509) to be responsible for coordination of the
3 State's responsibilities under such Act;

4 (2) the term "election infrastructure" means
5 storage facilities, polling places, and centralized vote
6 tabulation locations used to support the administra-
7 tion of elections for public office, as well as related
8 information and communications technology, includ-
9 ing voter registration databases, voting machines,
10 electronic mail and other communications systems
11 (including electronic mail and other systems of elec-
12 tion service providers who have entered into con-
13 tracts with election agencies to support the adminis-
14 tration of elections, manage the election process, and
15 report and display election results), and other sys-
16 tems used to manage the election process and to re-
17 port and display election results on behalf of an elec-
18 tion agency.

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

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

1 **SEC. 5. DUTY OF SECRETARY OF HOMELAND SECURITY TO**
2 **NOTIFY STATE AND LOCAL OFFICIALS OF**
3 **ELECTION CYBERSECURITY INCIDENTS.**

4 (a) **DUTY TO SHARE INFORMATION WITH DEPART-**
5 **MENT OF HOMELAND SECURITY.**—If a Federal entity re-
6 ceives information about an election cybersecurity inci-
7 dent, the Federal entity shall promptly share that infor-
8 mation with the Department of Homeland Security, unless
9 the head of the entity (or a Senate-confirmed official des-
10 ignated by the head) makes a specific determination in
11 writing that there is good cause to withhold the particular
12 information.

13 (b) **RESPONSE TO RECEIPT OF INFORMATION BY**
14 **SECRETARY OF HOMELAND SECURITY.**—

15 (1) **IN GENERAL.**—Upon receiving information
16 about an election cybersecurity incident under sub-
17 section (a), the Secretary of Homeland Security, in
18 consultation with the Attorney General, the Director
19 of the Federal Bureau of Investigation, and the Di-
20 rector of National Intelligence, shall promptly (but
21 in no case later than 48 hours after receiving the in-
22 formation) review the information and make a deter-
23 mination whether each of the following apply:

24 (A) There is credible evidence that the in-
25 cident occurred.

1 (B) There is a basis to believe that the in-
2 cident resulted, could have resulted, or could re-
3 sult in voter information systems or voter tab-
4 ulation systems being altered or otherwise af-
5 fected.

6 (2) DUTY TO NOTIFY STATE AND LOCAL OFFI-
7 CIALS.—

8 (A) DUTY DESCRIBED.—If the Secretary
9 makes a determination under paragraph (1)
10 that subparagraphs (A) and (B) of such para-
11 graph apply with respect to an election cyberse-
12 curity incident, not later than 48 hours after
13 making the determination, the Secretary shall
14 provide a notification of the incident to each of
15 the following:

16 (i) The chief executive of the State in-
17 volved.

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

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

22 (B) TREATMENT OF CLASSIFIED INFORMA-
23 TION.—

24 (i) EFFORTS TO AVOID INCLUSION OF
25 CLASSIFIED INFORMATION.—In preparing

1 a notification provided under this para-
2 graph to an individual described in clause
3 (i), (ii), or (iii) of subparagraph (A), the
4 Secretary shall attempt to avoid the inclu-
5 sion of classified information.

6 (ii) PROVIDING GUIDANCE TO STATE
7 AND LOCAL OFFICIALS.—To the extent
8 that a notification provided under this
9 paragraph to an individual described in
10 clause (i), (ii), or (iii) of subparagraph (A)
11 includes classified information, the Sec-
12 retary (in consultation with the Attorney
13 General and the Director of National Intel-
14 ligence) shall indicate in the notification
15 which information is classified.

16 (3) EXCEPTION.—

17 (A) IN GENERAL.—If the Secretary, in
18 consultation with the Attorney General and the
19 Director of National Intelligence, makes a de-
20 termination that it is not possible to provide a
21 notification under paragraph (1) with respect to
22 an election cybersecurity incident without com-
23 promising intelligence methods or sources or
24 interfering with an ongoing investigation, the

1 Secretary shall not provide the notification
2 under such paragraph.

3 (B) ONGOING REVIEW.—Not later than 30
4 days after making a determination under sub-
5 paragraph (A) and every 30 days thereafter,
6 the Secretary shall review the determination. If,
7 after reviewing the determination, the Secretary
8 makes a revised determination that it is pos-
9 sible to provide a notification under paragraph
10 (2) without compromising intelligence methods
11 or sources or interfering with an ongoing inves-
12 tigation, the Secretary shall provide the notifi-
13 cation under paragraph (2) not later than 48
14 hours after making such revised determination.

15 (c) DEFINITIONS.—In this section, the following defi-
16 nitions apply:

17 (1) ELECTION AGENCY.—The term “election
18 agency” means any component of a State, or any
19 component of a unit of local government in a State,
20 which is responsible for the administration of elec-
21 tions for Federal office in the State.

22 (2) ELECTION CYBERSECURITY INCIDENT.—
23 The term “election cybersecurity incident” means an
24 occurrence that actually or imminently jeopardizes,
25 without lawful authority, the integrity, confiden-

1 tiality, or availability of information on an informa-
2 tion system of election infrastructure, or actually or
3 imminently jeopardizes, without lawful authority, an
4 information system of election infrastructure.

5 (3) FEDERAL ELECTION.—The term “Federal
6 election” means any election (as defined in section
7 301(1) of the Federal Election Campaign Act of
8 1971 (52 U.S.C. 30101(1))) for Federal office (as
9 defined in section 301(3) of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30101(3))).

11 (4) FEDERAL ENTITY.—The term “Federal en-
12 tity” means any agency (as defined in section 551
13 of title 5, United States Code).

14 (5) LOCAL ELECTION OFFICIAL.—The term
15 “local election official” means the chief election offi-
16 cial of a component of a unit of local government of
17 a State that is responsible for administering Federal
18 elections.

19 (6) SECRETARY.—The term “Secretary” means
20 the Secretary of Homeland Security.

21 (7) STATE.—The term “State” means each of
22 the several States, the District of Columbia, the
23 Commonwealth of Puerto Rico, Guam, American
24 Samoa, the Commonwealth of Northern Mariana Is-
25 lands, and the United States Virgin Islands.

1 (8) STATE ELECTION OFFICIAL.—The term
2 “State election official” means—

3 (A) the chief State election official of a
4 State designated under section 10 of the Na-
5 tional Voter Registration Act of 1993 (52
6 U.S.C. 20509); or

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

12 (d) EFFECTIVE DATE.—This section shall apply with
13 respect to information about an election cybersecurity inci-
14 dent which is received on or after the date of the enact-
15 ment of this Act.

16 **SEC. 6. ESTABLISHMENT OF ELECTION CYBER ASSISTANCE**
17 **UNIT IN ELECTION ASSISTANCE COMMIS-**
18 **SION.**

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

1 **“PART 4—ELECTION CYBER ASSISTANCE UNIT**

2 **“SEC. 225. ELECTION CYBER ASSISTANCE UNIT.**

3 “(a) ESTABLISHMENT.—There is established in the
4 Commission the Election Cyber Assistance Unit (hereafter
5 in this part referred to as the ‘Unit’).

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

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

“PART 4—ELECTION CYBER ASSISTANCE UNIT

“Sec. 225. Election Cyber Assistance Unit.”.

16 **SEC. 7. REPRESENTATIVE OF DEPARTMENT OF HOMELAND**

17 **SECURITY ON TECHNICAL GUIDELINES DE-**

18 **VELOPMENT COMMITTEE.**

19 Section 221(c)(1) of the Help America Vote Act of
20 2002 (52 U.S.C. 20961(c)(1)) is amended—

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

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

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

3 **SEC. 8. REPORTS TO CONGRESS ON FOREIGN THREATS TO**
4 **ELECTIONS.**

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

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

19 (c) **APPROPRIATE FEDERAL ENTITIES.**—In this sec-
20 tion, the term “appropriate Federal entities” means—

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

23 (2) the Department of Defense;

24 (3) the Department of Homeland Security, in-
25 cluding the component of the Department that re-

1 ports to the Under Secretary responsible for over-
2 seeing critical infrastructure protection, cybersecu-
3 rity, and other related programs of the Department;

4 (4) the Department of Justice, including the
5 Federal Bureau of Investigation;

6 (5) the Election Assistance Commission; and

7 (6) the Office of the Director of National Intel-
8 ligence, the National Security Agency, and such
9 other elements of the intelligence community (as de-
10 fined in section 3 of the National Security Act of
11 1947 (50 U.S.C. 3003)) as the Director of National
12 Intelligence determines are appropriate.

13 (d) OTHER DEFINITIONS.—In this section—

14 (1) the term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Rules and Adminis-
17 tration, the Committee on Homeland Security
18 and Governmental Affairs, the Select Com-
19 mittee on Intelligence, and the Committee on
20 Foreign Relations of the Senate; and

21 (B) the Committee on House Administra-
22 tion, the Committee on Homeland Security, the
23 Permanent Select Committee on Intelligence,
24 and the Committee on Foreign Affairs of the
25 House of Representatives;

1 (2) the term “chief State election official”
2 means, with respect to a State, the individual des-
3 ignated by the State under section 10 of the Na-
4 tional Voter Registration Act of 1993 (52 U.S.C.
5 20509) to be responsible for coordination of the
6 State’s responsibilities under such Act;

7 (3) the term “election agency” means any com-
8 ponent of a State or any component of a unit of
9 local government of a State that is responsible for
10 administering Federal elections;

11 (4) the term “Secretary” means the Secretary
12 of Homeland Security; and

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

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

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

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

22 (2) The types of risk-limiting audits performed
23 by States.

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

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

8 **SEC. 10. GAO ANALYSIS OF FEASIBILITY OF REQUIRING**
9 **USE OF PAPER BALLOTS.**

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

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

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

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

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

23 (a) STUDY.—The Election Assistance Commission
24 shall conduct a study of the best ways to design ballots
25 used in elections for public office, including paper ballots

1 and electronic or digital ballots, to minimize confusion and
2 user errors.

3 (b) REPORT.—Not later than January 1, 2020, the
4 Election Assistance Commission shall submit to Congress
5 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 CLERK. Madam Chairperson, on this vote there are five noes and three yeses.

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 MR. 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 gentleman from Georgia.

Mr. LOUDERMILK. Madam Chairperson, I have an amendment at the desk.

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 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. 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, us 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. LOUDEWALK**

Strike subtitle B of title I and insert the following:

1 **Subtitle B—Risk-Limiting Audits**

2 **SEC. 121. FUNDING TO IMPLEMENT RISK-LIMITING AUDIT**
3 **SYSTEM.**

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

8 **“PART 8—FUNDING TO IMPLEMENT RISK-**
9 **LIMITING AUDIT SYSTEM**

10 **“SEC. 298. GRANTS TO STATES TO IMPLEMENT RISK-LIM-**
11 **ITING AUDIT SYSTEM.**

12 “(a) AVAILABILITY OF GRANTS.—The Commission
13 shall make grants to each eligible State to implement a
14 post-election, risk-limiting audit system under which, in
15 accordance with rules and procedures established by the
16 chief State election official of the State, if the reported
17 outcome of the election is incorrect, there is at least a pre-
18 determined percentage chance that the audit will replace
19 the incorrect outcome with the correct outcome as deter-

1 mined by a full, hand-to-eye tabulation of all votes validly
2 cast in that election that ascertains voter intent manually
3 and directly from voter-verified paper records.

4 “(b) ELIGIBILITY OF STATES.—Subject to the suc-
5 ceeding provisions of this part, a State is eligible to receive
6 a grant under this part if the State submits to the Com-
7 mission, at such time and in such form as the Commission
8 may require, an application containing a description of
9 how the State will use the grant to carry out the activities
10 under this part, together with such other information and
11 assurances as the Commission may require.

12 “(c) AMOUNT OF GRANT.—

13 “(1) IN GENERAL.—The amount of a grant
14 made to a State under this section with respect to
15 a fiscal year shall be such amount as the Commis-
16 sion determines to be appropriate.

17 “(2) PRO RATA REDUCTIONS.—If the amount
18 of funds appropriated for grants under this part
19 with respect to a fiscal year is insufficient to ensure
20 that each State receives the amount of the grant cal-
21 culated under paragraph (1), the Commission shall
22 make such pro rata reductions in such amounts as
23 may be necessary to ensure that the entire amount
24 appropriated under this part is distributed to the
25 States.

1 **“SEC. 298A. REQUIRING ELECTION SERVICE PROVIDERS TO**
2 **REPORT ELECTION CYBERSECURITY INCI-**
3 **DENTS.**

4 “(a) REQUIREMENT.—A State may not use a grant
5 under this part to obtain goods or services from any elec-
6 tion service provider unless the election service provider
7 agrees to meet the requirements of section 297C(b) with
8 respect to any known or suspected election cybersecurity
9 incidents involving any of such goods and services.

10 “(b) DEFINITION.—In this section, the term ‘election
11 cybersecurity incident’ has the meaning given such term
12 in section 297E(2).

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

14 “(a) AUTHORIZATION.—There are authorized to be
15 appropriated for grants under this part \$20,000,000 for
16 each of the fiscal years 2019, 2021, 2023, 2025, and
17 2027.

18 “(b) CONTINUING AVAILABILITY OF FUNDS.—
19 Amounts appropriated pursuant to the authorization of
20 appropriations under this section shall remain available
21 until expended.”

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

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 gentlady 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. DAVIS**

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
2 later than 2 years after receiving the grant, the
3 State will make available funds for activities author-
4 ized under this part in an amount equal to 25 per-
5 cent 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.

I oppose the amendment to add a requirement that States provide this additional match to accompany the funding allocated in the SAFE Act.

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 to 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 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?
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 MR. 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 offi-
18 cial duties as authorized by law.

1 “(2) An employee of the United States Postal
2 Service while engaged in official duties as authorized
3 by law.

4 “(3) Any other individual who is allowed by law
5 to collect and transmit United States mail, while en-
6 gaged in official duties as authorized by law.

7 “(4) A family member, household member, or
8 caregiver of the person to whom the ballot was
9 mailed.

10 “(b) DEFINITIONS.—For purposes of this section,
11 with respect to a person to whom the ballot was mailed:

12 “(1) The term ‘caregiver’ means an individual
13 who provides medical or health care assistance to
14 such person in a residence, nursing care institution,
15 hospice facility, assisted living center, assisted living
16 facility, assisted living home, residential care institu-
17 tion, adult day health care facility, or adult foster
18 care home.

19 “(2) The term ‘family member’ means an indi-
20 vidual who is related to such person by blood, mar-
21 riage, adoption or legal guardianship.

22 “(3) The term ‘household member’ means an
23 individual who resides at the same residence as such
24 person.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by inserting after the item relating
3 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-

tage 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 yeases.

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. Raskin.

Mr. RASKIN. Aye.

The CLERK. Mr. Raskin votes yes.

Mrs. Davis of California.

Mrs. DAVIS of California. Aye.

The CLERK. Mrs. Davis of California votes yes.

Mr. Butterfield.

Mr. BUTTERFIELD. Aye.

The CLERK. Mr. Butterfield votes yes.

Ms. Fudge.

Ms. FUDGE. Aye.

The CLERK. Ms. Fudge votes yes.

Mr. Aguilar.

Mr. AGUILAR. Aye.

The CLERK. Mr. Aguilar votes yes.

Mr. Davis of Illinois.

Mr. DAVIS of Illinois. No.

The CLERK. Mr. Davis votes no.

Mr. Walker.

Mr. WALKER. Nay.

The CLERK. Mr. Walker votes no.

Mr. Loudermilk.

Mr. LOUDERMILK. No.

The CLERK. Mr. Loudermilk votes no.

The CHAIRPERSON. The clerk will report.

The CLERK. Madam Chairperson, on this vote, six Members vote yes, three Members vote no.

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 mark-up.

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.]