

108TH CONGRESS
2D SESSION

H. R. 4187

To amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2004

Mr. KING of Iowa (for himself, Mr. BRADY of Texas, Mr. JONES of North Carolina, Mr. AKIN, Mr. HERGER, Mr. BURTON of Indiana, Mr. PITTS, Mr. FRANKS of Arizona, Mr. COLE, Mr. CAMP, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. NORWOOD, Mr. SHADEGG, Mr. SMITH of Texas, Mr. WELDON of Florida, Mr. LINDER, Mr. WILSON of South Carolina, Mr. UPTON, Mr. PAUL, Mr. GIBBONS, Ms. HARRIS, Mr. BASS, Mrs. MILLER of Michigan, Mr. PEARCE, Mrs. MYRICK, and Mrs. CUBIN) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, 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.**

4 This Act may be cited as the “Know Your Vote
5 Counts Act of 2004”.

1 **SEC. 2. ADDITIONAL REQUIREMENTS FOR VOTING SYS-**
2 **TEMS.**

3 (a) PRODUCTION OF PERMANENT, INDIVIDUALLY
4 VERIFIABLE PAPER RECORD OF EACH VOTE CAST.—Sec-
5 tion 301(a)(2)(B) of the Help America Vote Act of 2002
6 (42 U.S.C. 15481(a)(2)(B)) is amended—

7 (1) by redesignating clause (iii) as clause (iv);
8 and

9 (2) by striking clauses (i) and (ii) and inserting
10 the following:

11 “(i) After the voter enters a vote on
12 the voting system, the system shall provide
13 the voter with an auditable paper record
14 showing how the vote will be recorded by
15 the system, and the voter shall use such
16 record to verify that the vote shown is the
17 vote the voter intends to cast.

18 “(ii) If the voter does not verify that
19 the vote shown on a record provided under
20 clause (i) is the vote the voter intends to
21 cast, the system shall provide the voter
22 with the opportunity to change the ballot
23 and correct any error in the vote, and shall
24 provide the voter with a new auditable
25 paper record under such clause that re-

1 fleets the change or correction made by the
2 voter.

3 “(iii) Once a voter verifies that the
4 vote shown on a paper record provided
5 under clause (i) is the vote the voter in-
6 tends to cast (whether verified as originally
7 entered or as changed and corrected as de-
8 scribed in clause (ii)), the vote shall be
9 final and the record shall serve as a per-
10 manent paper record of the vote.”.

11 (b) PROHIBITING REMOVAL OF PAPER RECORD
12 FROM POLLING PLACE; CLARIFYING PURPOSES FOR
13 WHICH RECORD MAY BE USED.—Clause (iv) of section
14 301(a)(2)(B) of such Act (42 U.S.C. 15481(a)(2)(B)), as
15 redesignated by subsection (a)(1), is amended by striking
16 the period at the end and inserting the following: “, and
17 for such other official purposes as may be provided under
18 State law, and may be removed from the polling place by
19 and otherwise made available to an appropriate election
20 official for such purposes, but the record (including any
21 duplicate of the record or any photographic image of the
22 record) may not be removed from the polling place by any
23 other person or for any other purpose.”.

24 (c) REQUIRING VOLUNTARY VOTING SYSTEM GUIDE-
25 LINES TO INCLUDE GUIDELINES TO ENSURE SECURITY

1 OF ELECTRONIC DATA.—Section 221(b)(1) of such Act
2 (42 U.S.C. 15361(b)(1)) is amended by striking the period
3 at the end and inserting the following: “, including guide-
4 lines to ensure the security of any data which is trans-
5 mitted or received electronically by voting systems”.

6 **SEC. 3. EFFECTIVE DATE.**

7 The amendments made by this Act shall take effect
8 as if included in the enactment of the Help America Vote
9 Act of 2002.

○