

108TH CONGRESS  
1ST SESSION

# S. 1986

To amend the Help America Vote Act of 2002 to require voter verification and improved security for voting systems under title III of the Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2003

Mrs. CLINTON introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require voter verification and improved security for voting systems under title III of the Act, 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 “Protecting American  
5       Democracy Act of 2003”.

6       **SEC. 2. REQUIRING VERIFICATION FOR VOTERS.**

7       (a) IN GENERAL.—Section 301(a)(2) of the Help  
8       America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is

1 amended by adding at the end the following new subpara-  
 2 graph:

3 “(C) VOTER VERIFICATION.—

4 “(i) The voting system shall provide a  
 5 means by which each individual voter must  
 6 be able to verify his or her vote at the time  
 7 the vote is cast, and shall preserve each  
 8 vote within the polling place on the day of  
 9 the election in a manner that ensures the  
 10 security of the votes as verified for later  
 11 use in any audit.

12 “(ii) The voting system shall provide  
 13 the voter with an opportunity to correct  
 14 any error made by the system before the  
 15 permanent record is preserved for use in  
 16 any audit.

17 “(iii) The verified vote produced  
 18 under this subparagraph shall be available  
 19 as an official record.

20 “(iv) Any method used to permit the  
 21 individual voter to verify his or her vote at  
 22 the time the vote is cast and before a per-  
 23 manent record is created—

24 “(I) shall use the most accurate  
 25 technology, which may include voter-

verifiable paper ballots, votemeters,  
modular voting architecture, and  
encrypted votes, in a uniform and  
nondiscriminatory manner;

“(II) shall guarantee voters with  
disabilities and other affected voters  
the ability to cast a vote in private,  
consistent with paragraph (3)(A); and

“(III) shall guarantee voters al-  
ternative language accessibility under  
the requirements of section 203 of the  
Voting Rights Act of 1965 (42 U.S.C.  
1973aa-1a), consistent with para-  
graph (4).”.

**SEC. 3. REQUIRING INCREASED SECURITY FOR VOTING  
SYSTEMS.**

(a) Section 301(a) of the Help America Vote Act of  
2002 (42 U.S.C. 15481(a)) is amended by adding at the  
end the following new paragraph:

“(7) INCREASED SECURITY FOR VOTING SYS-  
TEMS.—

“(A) VOTING SYSTEM SECURITY REQUIRE-  
MENT.—The voting system shall adhere to secu-  
rity requirements for Federal computer systems  
or more stringent requirements adopted by the

1 Election Assistance Commission after receiving  
2 recommendations from the Technical Guidelines  
3 Development Committee under sections 221  
4 and 222. Such requirements shall provide that  
5 no voting system shall contain any wireless de-  
6 vice. All software and hardware used in any  
7 electronic voting system shall be certified by  
8 laboratories accredited by the Commission as  
9 meeting the requirements of this subsection.

10 “(B) REPORT TO CONGRESS ON SECURITY  
11 REVIEW.—The Commission, in consultation  
12 with the National Institute of Standards and  
13 Technology (NIST), shall report to Congress  
14 not later than 6 months after the date of enact-  
15 ment of the Protecting American Democracy  
16 Act of 2003 regarding a proposed security re-  
17 view and certification process for all voting sys-  
18 tems.

19 “(C) GENERAL ACCOUNTING OFFICE RE-  
20 PORT.—Not later than 3 months after the date  
21 of enactment of the Protecting American De-  
22 mocracy Act of 2003, the Government Account-  
23 ing Office, unless the Commission has pre-  
24 viously completed such report, shall issue a re-  
25 port to Congress on the operational and man-

1           agement systems that should be employed to  
 2           safeguard the security of voting systems, to-  
 3           gether with a schedule for how quickly each  
 4           such system should be implemented.

5           “(D) PROVISION OF SECURITY CONSULTA-  
 6           TION SERVICES.—

7                   “(i) IN GENERAL.—On and after the  
 8                   date of enactment of the Protecting Amer-  
 9                   ican Democracy Act of 2003, the National  
 10                  Institute of Standards and Technology  
 11                  (NIST) shall provide security consultation  
 12                  services to State and local jurisdictions.

13                  “(ii) AUTHORIZATION.—To carry out  
 14                  the purposes of this subparagraph,  
 15                  \$2,000,0000 is authorized for each of fis-  
 16                  cal years 2004 through 2006.”.

17 **SEC. 4. EFFECTIVE DATE.**

18           The amendments made by this Act shall take effect  
 19 as if included in the enactment of the Help America Vote  
 20 Act of 2002.

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