109TH CONGRESS
1ST SESSION

H. R. 470

To amend the Help America Vote Act of 2002 to require the software
used in the operation of an electronic voting machine to meet certain
requirements as a condition of the use of the machine in elections
for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mr. LARSON of Connecticut 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
the software used in the operation of an electronic voting
machine to meet certain requirements as a condition
of the use of the machine in elections for Federal office,
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 "Improving Electronic

5   Voting Standards and Disclosure Act of 2005".

SEC. 2. REQUIREMENTS FOR SOFTWARE USED IN ELEC-TRONIC VOTING MACHINES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—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) SPECIFIC REQUIREMENTS FOR SOFTWARE USED IN ELECTRONIC VOTING MACHINES.—In addition to any other requirements under this subsection, a State or other jurisdiction may not use an electronic voting system in an election for Federal office unless—

"(A) the manufacturer of the software used in the operation of the system has provided the State with an updated copy of the software used in the operation of the system;

"(B) not later than 30 days before the date of the election (and at least once on the date of the election) the State tests each type of voting machine used in the system to ensure that the software used in the operation of that type of machine is working correctly; and

"(C) the manufacturer of the software used in the operation of the system has provided the Commission with updated information regarding the identification of each individual

1   who participated in the writing of the software,

2   including specific information regarding wheth-

3   er the individual has ever been convicted of a

4   crime involving fraud.''.

5   (b) DEADLINE FOR ADOPTION OF VOLUNTARY GUID-

6 ANCE BY COMMISSION.—Section 311(b)(1) of such Act

7 (42 U.S.C. 15501(b)(1)) is amended by striking ''January

8 1, 2004'' and inserting ''January 1, 2004 (or January 1,

9 2006, with respect to subsection (a)(7) of such section)''.

SEC. 3. REQUIRING LABORATORIES TO MEET STANDARDS PROHIBITING CONFLICTS OF INTEREST AS CONDITION OF ACCREDITATION FOR TESTING OF VOTING SYSTEM HARDWARE AND SOFTWARE.

15   (a) IN GENERAL.—Section 231(b) of the Help Amer-

16 ica Vote Act of 2002 (42 U.S.C. 15371(b)) is amended

17 by adding at the end the following new paragraph:

18   ''(3) PROHIBITING CONFLICTS OF INTEREST.—

19   A laboratory may not be accredited by the Commis-

20   sion for purposes of this section unless the labora-

21   tory meets such standards as the Commission may

22   establish to prevent the existence or appearance of

23   any conflict of interest in the testing, certification,

24   decertification, and recertification carried out by the

25   laboratory under this section, including standards to

1 ensure that the laboratory does not have a financial

2 interest in the manufacture, sale, and distribution of

3 voting system hardware and software, and is suffi-

4 ciently independent from other persons with such an

5 interest.''.

6 (b) DEADLINE FOR ESTABLISHMENT OF STAND-

7 ARDS.—The Election Assistance Commission shall estab-

8 lish the standards described in section 231(b)(3) of the

9 Help America Vote Act of 2002 (as added by subsection

10 (a)) not later than January 1, 2006.

11 **SEC. 4. POSTING OF NOTICE OF AVAILABILITY OF ADMINIS-**

12 **TRATIVE COMPLAINT PROCEDURES IN CASE**

13 **OF FAILURE OF VOTING MACHINES.**

14 (a) POSTING OF NOTICE.—Section 303(b)(2) of the

15 Help America Vote Act of 2002 (42 U.S.C. 15482(b)(2))

16 is amended—

17 (1) by redesignating subparagraphs (E) and

18 (F) as subparagraphs (F) and (G); and

19 (2) by inserting after subparagraph (D) the fol-

20 lowing new subparagraph:

21 ''(E) information regarding the availability

22 of the administrative complaint procedures for

23 individuals who believe that a voting machine or

24 other equipment used in the election is not

25 working properly or who otherwise believe that

1   a State or jurisdiction is not in compliance with

2   the requirements of this Act;".

3   (b) CLARIFICATION OF STANDING REQUIRED FOR

4 FILING COMPLAINT.—Section 402(a) of such Act (42

5 U.S.C. 15512(a)) is amended—

6   (1) in paragraph (2)(B), by inserting "(subject

7   to paragraph (3)" after "any person"; and

8   (2) by adding at the end the following new

9   paragraph:

10   "(3) CLARIFICATION OF STANDING REQUIRED

11   FOR FILING COMPLAINT RELATING TO FAILURE OF

12   VOTING MACHINE OR OTHER EQUIPMENT.—An indi-

13   vidual may not file a complaint under this subsection

14   with respect to an allegation that a voting machine

15   or other equipment used in an election is not work-

16   ing properly unless the individual is eligible to cast

17   a vote on or otherwise use the machine or equipment

18   which is the subject of the complaint.".

19 **SEC. 5. EFFECTIVE DATE.**

20   Except as otherwise provided, the amendments made

21 by this Act shall apply with respect to the regularly sched-

22 uled general election for Federal office in November 2006

23 and each subsequent election for Federal office.

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