

114TH CONGRESS  
2D SESSION

# H. R. 6072

To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2016

Mr. JOHNSON of Georgia (for himself, Mr. CICILLINE, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Mr. HONDA, Mr. CONYERS, and Mr. BISHOP of Georgia) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Science, Space, and Technology, and the Judiciary, 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

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## A BILL

To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of 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; TABLE OF CONTENTS.**
- 4        (a) SHORT TITLE.—This Act may be cited as the
- 5        “Election Integrity Act of 2016”.

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

See. 1. Short title; table of contents.

**TITLE I—INTEGRITY OF VOTING SYSTEMS AND BALLOTS**

**Subtitle A—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot**

Sec. 101. Moratorium on acquisition of certain direct recording electronic voting systems and certain other voting systems.

Sec. 102. Paper ballot and manual counting requirements.

Sec. 103. Accessibility and ballot verification for individuals with disabilities.

**Subtitle B—Additional Voting System Requirements**

See. 111. Additional voting system requirements.

**Subtitle C—Funding**

Sec. 121. Availability of additional funding to enable States to meet costs of revised requirements.

Sec. 122. Grants for development of compliant systems.

**Subtitle D—Effective Date**

Sec. 131. Effective date for new requirements.

**TITLE II—REQUIREMENT FOR MANDATORY MANUAL AUDITS BY HAND COUNT**

Sec. 201. Mandatory manual audits.

**“Subtitle C—Mandatory Manual Audits**

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to certification.

“Sec. 328. Effective date.

Sec. 202. Availability of enforcement under Help America Vote Act of 2002.

Sec. 203. Guidance on best practices for alternative audit mechanisms.

Sec. 204. Clerical amendment.

**TITLE III—OTHER REFORMS TO PROMOTE INTEGRITY OF ELECTIONS**

**Subtitle A—Integrity of Election Administration**

Sec. 301. Prohibition on campaign activities by chief State election administration officials.

Sec. 302. Mandatory training for poll workers.

Sec. 303. Due process requirements for individuals proposed to be removed from list of eligible voters.

Sec. 304. Mandatory response by Attorney General to allegations of voter intimidation or suppression by law enforcement officers and other government officials.

## Subtitle B—Removing Barriers to Voting

Sec. 311. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.

Sec. 312. Prohibiting imposition of conditions on voting by mail.

Sec. 313. Mandatory availability of early voting.

Sec. 314. Requirements for availability of sufficient polling places, equipment, and resources.

## TITLE IV—RULEMAKING AUTHORITY OF ELECTION ASSISTANCE COMMISSION

Sec. 401. Permitting Election Assistance Commission to exercise rulemaking authority.

1 **TITLE I—INTEGRITY OF VOTING**  
2 **SYSTEMS AND BALLOTS**  
3 **Subtitle A—Promoting Accuracy,**  
4 **Integrity, and Security Through**  
5 **Voter-Verified Permanent Paper**  
6 **Ballot**

7 SEC. 101. MORATORIUM ON ACQUISITION OF CERTAIN DI-  
8  
9  
10  
RECT RECORDING ELECTRONIC VOTING SYS-  
TEMS AND CERTAIN OTHER VOTING SYS-  
TEMS.

11 Section 301 of the Help America Vote Act of 2002  
12 (52 U.S.C. 21081) is amended—

1       “(c) MORATORIUM ON ACQUISITION OF CERTAIN DI-  
2 RECT RECORDING ELECTRONIC VOTING SYSTEMS AND  
3 CERTAIN OTHER VOTING SYSTEMS.—Beginning on the  
4 date of the enactment of the Election Integrity Act of  
5 2016, no State or jurisdiction may purchase or otherwise  
6 acquire for use in an election for Federal office a direct  
7 recording electronic voting system or other electronic vot-  
8 ing system that does not produce a voter-verified paper  
9 record as required by section 301(a)(2) (as amended by  
10 such Act).”.

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

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

16       “(2) PAPER BALLOT REQUIREMENT.—

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

18              “(i) PAPER BALLOT REQUIREMENT.—  
19                  (I) The voting system shall require the use  
20                  of an individual, durable, voter-verified,  
21                  paper ballot of the voter’s vote that shall  
22                  be marked and made available for inspec-  
23                  tion and verification by the voter before  
24                  the voter’s vote is cast and counted, and  
25                  which shall be counted by hand or read by

1 an optical character recognition device or  
2 other counting device. For purposes of this  
3 subclause, the term ‘individual, durable,  
4 voter-verified, paper ballot’ means a paper  
5 ballot marked by the voter by hand or a  
6 paper ballot marked through the use of a  
7 nontabulating ballot marking device or sys-  
8 tem, so long as the voter shall have the op-  
9 tion to mark his or her ballot by hand.

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

1 the official ballot for purposes of any re-  
2 count or audit conducted with respect to  
3 any election for Federal office in which the  
4 voting system is used.

1 and overseas voters under the Uniformed  
2 and Overseas Citizens Absentee Voting Act  
3 and other absentee voters.

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

7 “(i) IN GENERAL.—In the event  
8 that—

9 “(I) there is any inconsistency  
10 between any electronic vote tallies and  
11 the vote tallies determined by count-  
12 ing by hand the individual, durable,  
13 voter-verified, paper ballots used pur-  
14 suant to subparagraph (A)(i) with re-  
15 spect to any election for Federal of-  
16 fice; and

17 “(II) it is demonstrated by clear  
18 and convincing evidence (as deter-  
19 mined in accordance with the applica-  
20 ble standards in the jurisdiction in-  
21 volved) in any recount, audit, or con-  
22 test of the result of the election that  
23 the paper ballots have been com-  
24 promised (by damage or mischief or  
25 otherwise) and that a sufficient num-

4 the determination of the appropriate rem-  
5 edy with respect to the election shall be  
6 made in accordance with applicable State  
7 law, except that the electronic tally shall  
8 not be used as the exclusive basis for de-  
9 termining the official certified result.

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

1       (c) OTHER CONFORMING AMENDMENTS.—Section  
2 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
3 ed—

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

7               (2) in subparagraph (A)(ii), by striking “count-  
8 ed” and inserting “counted, in accordance with  
9 paragraphs (2) and (3)”;

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

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

16 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
17 **INDIVIDUALS WITH DISABILITIES.**

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

21               “(B)(i) satisfy the requirement of subpara-  
22 graph (A) through the use of at least one voting  
23 system equipped for individuals with disabil-  
24 ities, including nonvisual and enhanced visual  
25 accessibility for the blind and visually impaired,

1           and nonmanual and enhanced manual accessibility  
2           for the mobility and dexterity impaired, at  
3           each polling place; and

4           “(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

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

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

19           (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
20 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
21 VERIFICATION MECHANISMS.—

22           (1) STUDY AND REPORTING.—Subtitle C of  
23 title II of such Act (52 U.S.C. 21081 et seq.) is  
24 amended—

1 (A) by redesignating section 247 as section  
2 248; and

3 (B) by inserting after section 246 the fol-  
4 lowing new section:

5 "SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER  
6 BALLOT VERIFICATION MECHANISMS.

7       “(a) STUDY AND REPORT.—The Director of the Na-  
8 tional Science Foundation shall make grants to not fewer  
9 than 3 eligible entities to study, test, and develop acces-  
10 sible paper ballot voting, verification, and casting mecha-  
11 nisms and devices and best practices to enhance the acces-  
12 sibility of paper ballot voting and verification mechanisms  
13 for individuals with disabilities, for voters whose primary  
14 language is not English, and for voters with difficulties  
15 in literacy, including best practices for the mechanisms  
16 themselves and the processes through which the mecha-  
17 nisms are used.

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

22               “(1) certifications that the entity shall specifi-  
23               cally investigate enhanced methods or devices, in-  
24               cluding nonelectronic devices, that will assist such  
25               individuals and voters in marking voter-verified

1 paper ballots and presenting or transmitting the in-  
2 formation printed or marked on such ballots back to  
3 such individuals and voters, and casting such ballots;

4 “(2) a certification that the entity shall com-  
5 plete the activities carried out with the grant not  
6 later than December 31, 2018; and

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

9 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
10 nology developed with the grants made under this section  
11 shall be treated as nonproprietary and shall be made avail-  
12 able to the public, including to manufacturers of voting  
13 systems.

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

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

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

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

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

7 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
8 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
9 adopting any voluntary guidance under subtitle B of title  
10 III of the Help America Vote Act of 2002 with respect  
11 to the accessibility of the paper ballot verification require-  
12 ments for individuals with disabilities, the Election Assist-  
13 ance Commission shall include and apply the same accessi-  
14 bility standards applicable under the voluntary guidance  
15 adopted for accessible voting systems under such subtitle.

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

## 1       **Subtitle B—Additional Voting 2                   System Requirements**

### 3       **SEC. 111. ADDITIONAL VOTING SYSTEM REQUIREMENTS.**

4           (a) REQUIREMENTS DESCRIBED.—Section 301(a) of  
5   the Help America Vote Act of 2002 (52 U.S.C. 21081(a))  
6   is amended by adding at the end the following new para-  
7   graphs:

8           “(7) REQUIRING AVAILABILITY OF PAPER BAL-  
9   LOTS IN CASE OF EMERGENCY.—

10           “(A) IN GENERAL.—In the event of a fail-  
11   ure of voting equipment or other circumstance  
12   at a polling place in an election for Federal of-  
13   fice that causes an unreasonable delay, the ap-  
14   propriate election official at the polling place  
15   shall—

16           “(i) immediately advise any individual  
17   who is waiting at the polling place to cast  
18   a ballot in the election at the time of the  
19   failure that the individual has the right to  
20   use an emergency paper ballot; and

21           “(ii) upon the individual’s request,  
22   provide the individual with an emergency  
23   paper ballot for the election and the sup-  
24   plies necessary to mark the ballot.

1                     “(B) TREATMENT OF BALLOTS.—Any  
2                     paper ballot which is cast by an individual  
3                     under this clause shall be counted and other-  
4                     wise treated as a regular ballot for all purposes  
5                     (including by incorporating it into the final un-  
6                     official vote count (as defined by the State) for  
7                     the precinct) and not as a provisional ballot,  
8                     unless the individual casting the ballot would  
9                     have otherwise been required to cast a provi-  
10                     sional ballot.

11                     “(8) PROHIBITING USE OF UNCERTIFIED ELEC-  
12                     TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;  
13                     DISCLOSURE REQUIREMENTS.—

14                     “(A) IN GENERAL.—A voting system used  
15                     in an election for Federal office in a State may  
16                     not at any time during the election contain or  
17                     use any election-dedicated voting system tech-  
18                     nology—

19                         “(i) which has not been certified by  
20                     the State for use in the election; and

21                         “(ii) which has not been deposited  
22                     with an accredited laboratory described in  
23                     section 231 to be held in escrow and dis-  
24                     closed in accordance with this section.

1                   **“(B) REQUIREMENT FOR DISCLOSURE AND**  
2                   **LIMITATION ON RESTRICTING DISCLOSURE.—**

3                   An accredited laboratory under section 231  
4                   with whom an election-dedicated voting system  
5                   technology has been deposited shall—

6                   “(i) hold the technology in escrow;  
7                   and

8                   “(ii) disclose technology and informa-  
9                   tion regarding the technology to another  
10                  person if—

11                  “(I) the person is a qualified per-  
12                  son described in subparagraph (C)  
13                  who has entered into a nondisclosure  
14                  agreement with respect to the tech-  
15                  nology which meets the requirements  
16                  of subparagraph (D); or

17                  “(II) the laboratory is permitted  
18                  or required to disclose the technology  
19                  to the person under State law, in ac-  
20                  cordance with the terms and condi-  
21                  tions applicable under such law.

22                  “(C) QUALIFIED PERSONS DESCRIBED.—  
23                  With respect to the disclosure of election-dedi-  
24                  cated voting system technology by a laboratory

1                   under subparagraph (B)(ii)(I), a ‘qualified per-  
2                   son’ is any of the following:

3                   “(i) A governmental entity with re-  
4                   sponsibility for the administration of vot-  
5                   ing and election-related matters for pur-  
6                   poses of reviewing, analyzing, or reporting  
7                   on the technology.

8                   “(ii) A party to pre- or postelection  
9                   litigation challenging the result of an elec-  
10                   tion or the administration or use of the  
11                   technology used in an election, including  
12                   but not limited to election contests or chal-  
13                   lenges to the certification of the tech-  
14                   nology, or an expert for a party to such  
15                   litigation, for purposes of reviewing or ana-  
16                   lyzing the technology to support or oppose  
17                   the litigation, and all parties to the litiga-  
18                   tion shall have access to the technology for  
19                   such purposes.

20                   “(iii) A person not described in clause  
21                   (i) or (ii) who reviews, analyzes, or reports  
22                   on the technology solely for an academic,  
23                   scientific, technological, or other investiga-  
24                   tion or inquiry concerning the accuracy or  
25                   integrity of the technology.

1                     “(D) REQUIREMENTS FOR NONDISCLO-  
2                     SURE AGREEMENTS.—A nondisclosure agree-  
3                     ment entered into with respect to an election-  
4                     dedicated voting system technology meets the  
5                     requirements of this subparagraph if the agree-  
6                     ment—

7                         “(i) is limited in scope to coverage of  
8                     the technology disclosed under subparagraph (B) and any trade secrets and intel-  
9                     lectual property rights related thereto;

10                         “(ii) does not prohibit a signatory  
11                     from entering into other nondisclosure  
12                     agreements to review other technologies  
13                     under this paragraph;

14                         “(iii) exempts from coverage any in-  
15                     formation the signatory lawfully obtained  
16                     from another source or any information in  
17                     the public domain;

18                         “(iv) remains in effect for not longer  
19                     than the life of any trade secret or other  
20                     intellectual property right related thereto;

21                         “(v) prohibits the use of injunctions  
22                     barring a signatory from carrying out any  
23                     activity authorized under subparagraph  
24                     (C), including injunctions limited to the

1                   period prior to a trial involving the tech-  
2                   nology;

3                   “(vi) is silent as to damages awarded  
4                   for breach of the agreement, other than a  
5                   reference to damages available under appli-  
6                   cable law;

7                   “(vii) allows disclosure of evidence of  
8                   crime, including in response to a subpoena  
9                   or warrant;

10                   “(viii) allows the signatory to perform  
11                   analyses on the technology (including by  
12                   executing the technology), disclose reports  
13                   and analyses that describe operational  
14                   issues pertaining to the technology (includ-  
15                   ing vulnerabilities to tampering, errors,  
16                   risks associated with use, failures as a re-  
17                   sult of use, and other problems), and de-  
18                   scribe or explain why or how a voting sys-  
19                   tem failed or otherwise did not perform as  
20                   intended; and

21                   “(ix) provides that the agreement  
22                   shall be governed by the trade secret laws  
23                   of the applicable State.

1                   “(E) ELECTION-DEDICATED VOTING SYS-  
2                   TEM TECHNOLOGY DEFINED.—For purposes of  
3                   this paragraph:

4                   “(i) IN GENERAL.—The term ‘elec-  
5                   tion-dedicated voting system technology’  
6                   means the following:

7                   “(I) The source code used for the  
8                   trusted build and its file signatures.

9                   “(II) A complete disk image of  
10                   the prebuild, build environment, and  
11                   any file signatures to validate that it  
12                   is unmodified.

13                   “(III) A complete disk image of  
14                   the postbuild, build environment, and  
15                   any file signatures to validate that it  
16                   is unmodified.

17                   “(IV) All executable code pro-  
18                   duced by the trusted build and any  
19                   file signatures to validate that it is  
20                   unmodified.

21                   “(V) Installation devices and  
22                   software file signatures.

23                   “(ii) EXCLUSION.—Such term does  
24                   not include ‘commercial-off-the-shelf’ soft-  
25                   ware and hardware defined under the 2015

1 voluntary voting system guidelines adopted  
2 by the Commission under section 222.

3                     “(9) PROHIBITION OF USE OF WIRELESS COM-  
4                     MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—  
5                     No system or device upon which ballots are marked  
6                     or votes are cast or tabulated shall contain, use, or  
7                     be accessible by any wireless, powerline, or concealed  
8                     communication device, except that enclosed infrared  
9                     communications devices which are certified for use  
10                    in such device by the State and which cannot be  
11                    used for any remote or wide area communications or  
12                    used without the knowledge of poll workers shall be  
13                    permitted.

14                   “(10) PROHIBITING CONNECTION OF SYSTEM  
15                   TO THE INTERNET.—

16                   “(A) IN GENERAL.—No system or device  
17                   upon which ballots are programmed or votes are  
18                   cast or tabulated shall be connected to the  
19                   Internet at any time.

20                   “(B) PROHIBITING ACCEPTANCE OF BAL-  
21                   LOTS TRANSMITTED ONLINE.—The voting sys-  
22                   tem may not accept any voted ballot which is  
23                   transmitted to an election official online.

1 prohibit the Commission from conducting the  
2 studies under section 242 or to conduct other  
3 similar studies under any other provision of law  
4 in a manner consistent with this paragraph.

5                   “(11) SECURITY STANDARDS FOR VOTING SYS-  
6                   TEMS USED IN FEDERAL ELECTIONS.—

7                     “(A) IN GENERAL.—No voting system may  
8                     be used in an election for Federal office unless  
9                     the manufacturer of such system and the elec-  
10                    tion officials using such system meet the appli-  
11                    cable requirements described in subparagraph  
12                    (B).

1                   231 and to the appropriate election official  
2                   any information required to be disclosed  
3                   under paragraph (8).

4                   “(iii) After the appropriate election  
5                   official has certified the election-dedicated  
6                   and other voting system software for use in  
7                   an election, the manufacturer may not—

8                   “(I) alter such software; or

9                   “(II) insert or use in the voting  
10                  system any software, software patch,  
11                  or other software modification not cer-  
12                  tified by the State for use in the elec-  
13                  tion.

14                  “(iv) At the request of the Commis-  
15                  sion—

16                  “(I) the appropriate election offi-  
17                  cial shall submit information to the  
18                  Commission regarding the State’s  
19                  compliance with this subparagraph;  
20                  and

21                  “(II) the manufacturer shall sub-  
22                  mit information to the Commission re-  
23                  garding the manufacturer’s compli-  
24                  ance with this subparagraph.

1                             “(C) DEVELOPMENT AND PUBLICATION OF  
2                             BEST PRACTICES OF SECURE CHAIN OF CUS-  
3                             TODY.—Not later than August 1, 2018, the  
4                             Commission shall develop and make publicly  
5                             available best practices regarding the require-  
6                             ment of subparagraph (B)(i) and (B)(iii), and  
7                             in the case of subparagraph (B)(iii), shall in-  
8                             clude best practices for certifying software  
9                             patches and minor software modifications under  
10                             short deadlines.

11                             “(D) DISCLOSURE OF SECURE CHAIN OF  
12                             CUSTODY.—The Commission shall make infor-  
13                             mation provided to the Commission under sub-  
14                             paragraph (B)(i) available to any person upon  
15                             request.

16                             “(12) 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                   “(13) REQUIREMENTS FOR PUBLICATION OF  
19                   POLL TAPES.—

1 polling place under subparagraph (E) (if  
2 any), shall announce the vote orally, post a  
3 copy of the poll tape reflecting the totals  
4 from each voting machine upon which  
5 votes were cast in the election at the poll-  
6 ing place, and prepare and post a state-  
7 ment of the total number of individuals  
8 who appeared at the polling place to cast  
9 ballots, determined by reference to the  
10 number of signatures in a sign-in book or  
11 other similar independent count. Such offi-  
12 cials shall ensure that each of the certified  
13 tabulation observers admitted to the poll-  
14 ing place has full access to observe the  
15 process by which the poll tapes and state-  
16 ment are produced and a reasonable period  
17 of time to review the poll tapes and state-  
18 ment before the polling place is closed, and  
19 (if feasible) shall provide such observers  
20 with identical duplicate copies of the poll  
21 tapes and statement.



1 on the discrepancy and its resolution (if  
2 applicable) on such Web site during the  
3 entire period for which results of the elec-  
4 tion are typically maintained on such Web  
5 site.

19                   “(B) TREATMENT OF BALLOTS CAST AT  
20                   EARLY VOTING SITES.—

“(i) APPLICATION.—The requirements of this subparagraph shall apply with respect to poll tapes and statements of the number of voters who voted in person at



19                   “(C) TREATMENT OF ABSENTEE BAL-  
20                   LOTS.—



1 of the statement prepared under sub-  
2 clause (I).

1 post a statement of the number of such  
2 ballots for which a determination was  
3 made, the number of ballots counted, and  
4 the number of ballots rejected (separated  
5 into categories of the reason for the rejec-  
6 tion), and ensure that each of the certified  
7 tabulation observers admitted to the site  
8 has full access to observe the process by  
9 which the statement is produced and a rea-  
10 sonable period of time to review the state-  
11 ment before the site is closed; and

12 “(ii) display at the site during regular  
13 business hours for the duration of the pe-  
14 riod during which provisional ballots are  
15 processed a paper copy of the statement  
16 prepared under clause (i).

17 “(E) ADMISSION OF CERTIFIED TABULA-  
18 TION OBSERVERS.—

19 “(i) CERTIFIED TABULATION OB-  
20 SERVER DEFINED.—In this paragraph, a  
21 ‘certified tabulation observer’ is an indi-  
22 vidual who is certified by an appropriate  
23 election official as authorized to carry out  
24 the responsibilities of a certified tabulation  
25 observer under this paragraph.

1                             “(ii) SELECTION.—In determining  
2                             which individuals to certify as tabulation  
3                             observers and admit to a polling place or  
4                             other location to serve as certified tabula-  
5                             tion observers with respect to an election  
6                             for Federal office, the election official shall  
7                             give preference to individuals who are af-  
8                             filiated with a candidate in the election, ex-  
9                             cept that—

10                            “(I) the number of individuals  
11                             admitted who are affiliated with the  
12                             same candidate for Federal office may  
13                             not exceed one; and

14                            “(II) the maximum number of in-  
15                             dividuals who may be admitted shall  
16                             equal the number of candidates in the  
17                             election plus 3, or such greater num-  
18                             ber as may be authorized under State  
19                             law.

20                            “(iii) NO EFFECT ON ADMISSION OF  
21                             OTHER OBSERVERS.—Nothing in this sub-  
22                             paragraph may be construed to limit or  
23                             otherwise affect the authority of other indi-  
24                             viduals to enter and observe polling place  
25                             operations under any other law, including

1                   international observers authorized under  
2                   any treaty or observers of the Federal Gov-  
3                   ernment authorized under the Voting  
4                   Rights Act of 1965.

5                   “(F) NO EFFECT ON OTHER TABULATION  
6                   REQUIREMENTS.—Nothing in this Act may be  
7                   construed to supersede any requirement that an  
8                   election official at a polling place report vote to-  
9                   tals to a central tabulation facility and address  
10                  discrepancies the official finds in the aggrega-  
11                  tion of those totals with other vote totals.”.

12                  (b) REQUIRING LABORATORIES TO MEET STAND-  
13                  ARDS PROHIBITING CONFLICTS OF INTEREST AS CONDI-  
14                  TION OF ACCREDITATION FOR TESTING OF VOTING SYS-  
15                  TEM HARDWARE AND SOFTWARE.—

16                  (1) IN GENERAL.—Section 231(b) of such Act  
17                  (52 U.S.C. 20971(b)) is amended by adding at the  
18                  end the following new paragraphs:

19                  “(3) PROHIBITING CONFLICTS OF INTEREST;  
20                  ENSURING AVAILABILITY OF RESULTS.—

21                  “(A) IN GENERAL.—A laboratory may not  
22                  be accredited by the Commission for purposes  
23                  of this section unless—

24                  “(i) the laboratory certifies that the  
25                  only compensation it receives for the test-

1 ing carried out in connection with the cer-  
2 tification, decertification, and recertifi-  
3 cation of the manufacturer's voting system  
4 hardware and software is the payment  
5 made from the Testing Escrow Account  
6 under paragraph (4);

1                             “(iv) the laboratory, upon completion  
2                             of any testing carried out under this sec-  
3                             tion, discloses the test protocols, results,  
4                             and all communication between the labora-  
5                             tory and the manufacturer to the Commis-  
6                             sion.

7                             “(B) AVAILABILITY OF RESULTS.—Upon  
8                             receipt of information under subparagraph (A),  
9                             the Commission shall make the information  
10                             available promptly to election officials and the  
11                             public.

12                             “(4) PROCEDURES FOR CONDUCTING TESTING;  
13                             PAYMENT OF USER FEES FOR COMPENSATION OF  
14                             ACCREDITED LABORATORIES.—

15                             “(A) ESTABLISHMENT OF ESCROW AC-  
16                             COUNT.—The Commission shall establish an es-  
17                             crow account (to be known as the Testing Es-  
18                             crow Account) for making payments to accred-  
19                             ited laboratories for the costs of the testing car-  
20                             ried out in connection with the certification, de-  
21                             certification, and recertification of voting sys-  
22                             tem hardware and software.

23                             “(B) SCHEDULE OF FEES.—In consulta-  
24                             tion with the accredited laboratories, the Com-  
25                             mission shall establish and regularly update a

1           schedule of fees for the testing carried out in  
2           connection with the certification, decertification,  
3           and recertification of voting system hardware  
4           and software, based on the reasonable costs ex-  
5           pected to be incurred by the accredited labora-  
6           tories in carrying out the testing for various  
7           types of hardware and software.

8           “(C) REQUESTS AND PAYMENTS BY MANU-  
9           FACTURERS.—A manufacturer of voting system  
10          hardware and software may not have the hard-  
11          ware or software tested by an accredited labora-  
12          tory under this section unless—

13           “(i) the manufacturer submits a de-  
14          tailed request for the testing to the Com-  
15          mission; and

16           “(ii) the manufacturer pays to the  
17          Commission, for deposit into the Testing  
18          Escrow Account established under sub-  
19          paragraph (A), the applicable fee under the  
20          schedule established and in effect under  
21          subparagraph (B).

22           “(D) SELECTION OF LABORATORY.—Upon  
23          receiving a request for testing and the payment  
24          from a manufacturer required under subpara-  
25          graph (C), the Commission shall select, from all

1 laboratories which are accredited under this  
2 section to carry out the specific testing re-  
3 quested by the manufacturer, an accredited lab-  
4 oratory to carry out the testing.

5 “(E) PAYMENTS TO LABORATORIES.—  
6 Upon receiving a certification from a laboratory  
7 selected to carry out testing pursuant to sub-  
8 paragraph (D) that the testing is completed,  
9 along with a copy of the results of the test as  
10 required under paragraph (3)(A)(iv), the Com-  
11 mission shall make a payment to the laboratory  
12 from the Testing Escrow Account established  
13 under subparagraph (A) in an amount equal to  
14 the applicable fee paid by the manufacturer  
15 under subparagraph (C)(ii).

16 “(5) DISSEMINATION OF ADDITIONAL INFORMA-  
17 TION ON ACCREDITED LABORATORIES.—

18 “(A) INFORMATION ON TESTING.—Upon  
19 completion of the testing of a voting system  
20 under this section, the Commission shall  
21 promptly disseminate to the public the identi-  
22 fication of the laboratory which carried out the  
23 testing.

24 “(B) INFORMATION ON STATUS OF LAB-  
25 ORATORIES.—The Commission shall promptly

1                   notify Congress, the chief State election official  
2                   of each State, and the public whenever—

3                         “(i) the Commission revokes, terminates, or suspends the accreditation of a  
4                         laboratory under this section;

5                         “(ii) the Commission restores the accreditation of a laboratory under this section which has been revoked, terminated, or suspended; or

6                         “(iii) the Commission has credible evidence of significant security failure at an  
7                         accredited laboratory.”.

8                         (2) CONFORMING AMENDMENTS.—Section 231  
9                         of such Act (52 U.S.C. 20971) is further amended—

10                         (A) in subsection (a)(1), by striking “testing, certification,” and all that follows and inserting the following: “testing of voting system hardware and software by accredited laboratories in connection with the certification, decertification, and recertification of the hardware and software for purposes of this Act.”;

11                         (B) in subsection (a)(2), by striking “testing, certification,” and all that follows and inserting the following: “testing of its voting system hardware and software by the laboratories

1                   accredited by the Commission under this section  
2                   in connection with certifying, decertifying, and  
3                   recertifying the hardware and software.”;

4                   (C) in subsection (b)(1), by striking “test-  
5                   ing, certification, decertification, and recertifi-  
6                   cation” and inserting “testing”; and

7                   (D) in subsection (d), by striking “testing,  
8                   certification, decertification, and recertification”  
9                   each place it appears and inserting “testing”.

10                  (3) DEADLINE FOR ESTABLISHMENT OF  
11                  STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF  
12                  FEES.—The Election Assistance Commission shall  
13                  establish the standards described in section  
14                  231(b)(3) of the Help America Vote Act of 2002  
15                  and the Testing Escrow Account and schedule of  
16                  fees described in section 231(b)(4) of such Act (as  
17                  added by paragraph (1)) not later than January 1,  
18                  2018.

19                  (4) AUTHORIZATION OF APPROPRIATIONS.—  
20                  There are authorized to be appropriated to the Elec-  
21                  tion Assistance Commission such sums as may be  
22                  necessary to carry out the Commission’s duties  
23                  under paragraphs (3) and (4) of section 231 of the  
24                  Help America Vote Act of 2002 (as added by para-  
25                  graph (1)).

1       (c) GRANTS FOR RESEARCH ON DEVELOPMENT OF  
2 ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

3               (1) IN GENERAL.—Subtitle D of title II of the  
4 Help America Vote Act of 2002 (52 U.S.C. 21001  
5 et seq.) is amended by adding at the end the fol-  
6 lowing new part:

7 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-  
8 MENT OF ELECTION-DEDICATED VOTING  
9 SYSTEM SOFTWARE**

10 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF  
11 ELECTION-DEDICATED VOTING SYSTEM  
12 SOFTWARE.**

13       “(a) IN GENERAL.—The Director of the National  
14 Science Foundation (hereafter in this part referred to as  
15 the ‘Director’) shall make grants to not fewer than 3 eligi-  
16 ble entities to conduct research on the development of elec-  
17 tion-dedicated voting system software.

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

22               “(1) certifications regarding the benefits of op-  
23 erating voting systems on election-dedicated software  
24 which is easily understandable and which is written  
25 exclusively for the purpose of conducting elections;

1           “(2) certifications that the entity will use the  
2       funds provided under the grant to carry out research  
3       on how to develop voting systems that run on elec-  
4       tion-dedicated software and that will meet the appli-  
5       cable requirements for voting systems under title III;  
6       and

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

9           “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
10       nology developed with the grants made under this section  
11       shall be treated as nonproprietary and shall be made avail-  
12       able to the public, including to manufacturers of voting  
13       systems.

14           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
15       is authorized to be appropriated for grants under this sec-  
16       tion \$1,500,000 for each of fiscal years 2017 and 2018,  
17       to remain available until expended.”.

18           (2) CLERICAL AMENDMENT.—The table of con-  
19       tents of such Act is amended by adding at the end  
20       of the items relating to subtitle D of title II the fol-  
21       lowing:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-  
DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting sys-  
tem software.”.

## 1                   **Subtitle C—Funding**

### 2   **SEC. 121. AVAILABILITY OF ADDITIONAL FUNDING TO EN-** 3                   **ABLE STATES TO MEET COSTS OF REVISED** 4                   **REQUIREMENTS.**

5                   (a) EXTENSION OF REQUIREMENTS PAYMENTS FOR  
6    MEETING REVISED REQUIREMENTS.—Section 257(a) of  
7    the Help America Vote Act of 2002 (52 U.S.C. 21007(a))  
8    is amended by adding at the end the following new para-  
9    graph:

10                  “(5) For each of the fiscal years 2017 and  
11                  2018, \$600,000,000, except that any funds provided  
12                  under the authorization made by this paragraph  
13                  shall be used by a State only to meet the require-  
14                  ments of title III which are first imposed on the  
15                  State pursuant to the amendments made by title I  
16                  of the Election Integrity Act of 2016, or to other-  
17                  wise modify or replace its voting systems in response  
18                  to such amendments.”.

19                  (b) USE OF REVISED FORMULA FOR ALLOCATION OF  
20    FUNDS.—Section 252(b) of such Act (52 U.S.C.  
21    21002(b)) is amended to read as follows:

22                  “(b) STATE ALLOCATION PERCENTAGE DEFINED.—  
23                  “(1) IN GENERAL.—Except as provided in para-  
24                  graph (2), the ‘State allocation percentage’ for a

1 State is the amount (expressed as a percentage)  
2 equal to the quotient of—

3 “(A) the voting age population of the State  
4 (as reported in the most recent decennial cen-  
5 sus); and

6 “(B) the total voting age population of all  
7 States (as reported in the most recent decennial  
8 census).

9 “(2) SPECIAL RULE FOR PAYMENTS USED TO  
10 MEET REQUIREMENTS IMPOSED UNDER ELECTION  
11 INTEGRITY ACT OF 2016.—

12 “(A) IN GENERAL.—In the case of the re-  
13 quirements payment made to a State under the  
14 authorization made by section 257(a)(5) for fis-  
15 cal years 2017 or 2018, the ‘State allocation  
16 percentage’ for a State is the amount (ex-  
17 pressed as a percentage) equal to the quotient  
18 of—

19 “(i) the sum of the number of non-  
20 compliant precincts in the State and 50  
21 percent of the number of partially non-  
22 compliant precincts in the State; and

23 “(ii) the sum of the number of non-  
24 compliant precincts in all States and 50

1 percent of the number of partially non-  
2 compliant precincts in all States.

3 “(B) NONCOMPLIANT PRECINCT DE-  
4 FINED.—In this paragraph, a ‘noncompliant  
5 precinct’ means any precinct (or equivalent lo-  
6 cation) within a State for which the voting sys-  
7 tem used to administer the regularly scheduled  
8 general election for Federal office held in No-  
9 vember 2016 did not meet either of the require-  
10 ments described in subparagraph (D).

11 “(C) PARTIALLY NONCOMPLIANT PRE-  
12 CINCT DEFINED.—In this paragraph, a ‘par-  
13 tially noncompliant precinct’ means any pre-  
14 cinct (or equivalent location) within a State for  
15 which the voting system used to administer the  
16 regularly scheduled general election for Federal  
17 office held in November 2016 met only one of  
18 the requirements described in subparagraph  
19 (D).

20 “(D) REQUIREMENTS DESCRIBED.—The  
21 requirements described in this subparagraph  
22 with respect to a voting system are as follows:

23 “(i) The primary voting system re-  
24 quired the use of durable paper ballots (as  
25 described in section 301(a)(2)(A)(i)(I) and

12 (c) REVISED CONDITIONS FOR RECEIPT OF  
13 FUNDS.—Section 253 of such Act (52 U.S.C. 21003) is  
14 amended—

15 (1) in subsection (a), by striking “A State is el-  
16 igible” and inserting “Except as provided in sub-  
17 section (f), a State is eligible”; and

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

20       “(f) SPECIAL RULE FOR PAYMENTS USED TO MEET  
21 REQUIREMENTS IMPOSED UNDER ELECTION INTEGRITY  
22 ACT OF 2016.—

23       “(1) IN GENERAL.—Notwithstanding any other  
24       provision of this part, a State is eligible to receive  
25       a requirements payment under the authorization

1 made by section 257(a)(5) for fiscal years 2017 or  
2 2018 if, not later than 90 days after the date of the  
3 enactment of the Election Integrity Act of 2016, the  
4 chief executive officer of the State, or designee, in  
5 consultation and coordination with the chief State  
6 election official—

7                 “(A) certifies to the Commission the num-  
8 ber of noncompliant and partially noncompliant  
9 precincts in the State (as defined in section  
10 252(b)(2));

11                 “(B) certifies to the Commission that the  
12 State will reimburse each unit of local govern-  
13 ment in the State for any costs the unit incurs  
14 in carrying out the activities for which the pay-  
15 ment may be used; and

16                 “(C) files a statement with the Commis-  
17 sion describing the State’s need for the pay-  
18 ment and how the State will use the payment  
19 to meet the requirements of title III (in accord-  
20 ance with the limitations applicable to the use  
21 of the payment under section 257(a)(5)).

22                 “(2) CERTIFICATIONS BY STATES THAT RE-  
23 QUIRE CHANGES TO STATE LAW.—In the case of a  
24 State that requires State legislation to carry out any  
25 activity covered by any certification submitted under

1       this subsection, the State shall be permitted to make  
2       the certification notwithstanding that the legislation  
3       has not been enacted at the time the certification is  
4       submitted and such State shall submit an additional  
5       certification once such legislation is enacted.”.

6       (d) PERMITTING USE OF FUNDS FOR REIMBURSE-  
7       MENT FOR COSTS PREVIOUSLY INCURRED.—Section  
8       251(c)(1) of such Act (52 U.S.C. 21001(c)(1)) is amended  
9       by striking the period at the end and inserting the fol-  
10      lowing: “, or as a reimbursement for any costs incurred  
11      after November 2016 in meeting the requirements of title  
12      III which are imposed pursuant to the amendments made  
13      by title I of the Election Integrity Act of 2016 or in other-  
14      wise upgrading or replacing voting systems in a manner  
15      consistent with such amendments (so long as the voting  
16      systems meet any of the requirements that apply with re-  
17      spect to elections for Federal office held in 2018 and each  
18      succeeding year).”.

19       (e) RULE OF CONSTRUCTION REGARDING STATES  
20      RECEIVING OTHER FUNDS FOR REPLACING PUNCH  
21      CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing  
22      in the amendments made by this section or in any other  
23      provision of the Help America Vote Act of 2002 may be  
24      construed to prohibit a State which received or was au-  
25      thorized to receive a payment under title I or II of such

1 Act for replacing punch card, lever, or other voting ma-  
2 chines from receiving or using any funds which are made  
3 available under the amendments made by this section.

4 (f) RULE OF CONSTRUCTION REGARDING USE OF  
5 FUNDS RECEIVED IN PRIOR YEARS.—

6 (1) IN GENERAL.—Nothing contained in this  
7 Act or the Help America Vote Act of 2002 may be  
8 construed to prohibit a State from using funds re-  
9 ceived under title I or II of the Help America Vote  
10 Act of 2002 to purchase or acquire by other means  
11 a voting system that meets the requirements of sec-  
12 tion 301 of the Help America Vote Act of 2002 (as  
13 amended by this Act) in order to replace voting sys-  
14 tems purchased with funds received under the Help  
15 America Vote Act of 2002 that do not meet such re-  
16 quirements.

17 (2) WAIVER OF NOTICE AND COMMENT RE-  
18 QUIREMENTS.—The requirements of subparagraphs  
19 (A), (B), and (C) of section 254(a)(11) of the Help  
20 America Vote Act of 2002 shall not apply to any  
21 State using funds received under such Act for the  
22 purposes described in paragraph (1).

23 **SEC. 122. GRANTS FOR DEVELOPMENT OF COMPLIANT SYS-  
24 TEMS.**

25 (a) ESTABLISHMENT OF GRANT PROGRAM.—

1 (1) GRANTS TO DEVELOP VOTING SYSTEMS.—

2 The Election Assistance Commission (hereafter re-  
3 ferred to as the “Commission”) shall establish and  
4 operate a program under which the Commission  
5 shall award grants to eligible entities for the devel-  
6 opment of voting systems that meet the require-  
7 ments of paragraph (2) and that may be used by  
8 States and units of local government to administer  
9 elections for Federal office.

10 (2) REQUIREMENTS FOR VOTING SYSTEMS.—

11 The requirements of this paragraph with respect to  
12 voting systems are as follows:

13 (A) The system produces a voter-verified  
14 paper record of each vote cast on the system.

15 (B) The system is demonstrably compat-  
16 ible with commodity accessibility devices.

17 (C) The system is fully accessible for the  
18 use of individuals with disabilities.

19 (b) ELIGIBILITY REQUIREMENTS FOR RECIPI-

20 ENTS.—An entity is eligible to receive a grant under the  
21 program under this section if the entity submits to the  
22 Commission, at such time and in such form as the Com-  
23 mission may require, an application containing—

24 (1) a certification that any voting system devel-  
25 oped with the funds provided under this section shall

1       meet the requirements of paragraph (2) of sub-  
2       section (a); and

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

5       (c) APPLICABILITY OF REGULATIONS GOVERNING  
6       PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL  
7       ASSISTANCE.—Any invention made by the recipient of a  
8       grant under this section using funds provided under this  
9       section shall be subject to chapter 18 of title 35, United  
10      States Code (relating to patent rights in inventions made  
11      with Federal assistance).

12       (d) REPORT.—

13               (1) IN GENERAL.—Each entity which receives a  
14       grant under this section shall submit to the Commis-  
15       sion a report describing the activities carried out  
16       with the funds provided under the grant.

17               (2) DEADLINE.—An entity shall submit a re-  
18       port required under paragraph (1) not later than 60  
19       days after the end of the fiscal year for which the  
20       entity received the grant which is the subject of the  
21       report.

22       (e) AUTHORIZATION OF APPROPRIATIONS.—

23               (1) IN GENERAL.—There is authorized to be  
24       appropriated for grants under this section  
25       \$60,000,000 for fiscal year 2017.

## 5 Subtitle D—Effective Date

## 6 SEC. 131. EFFECTIVE DATE FOR NEW REQUIREMENTS.

7       Section 301(d) of the Help America Vote Act of 2002  
8   (52 U.S.C. 21081(d)) is amended to read as follows:

9           “(d) EFFECTIVE DATE.—

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

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

16                     “(A) IN GENERAL.—Except as provided in  
17                     subparagraphs (B) and (C), the requirements of  
18                     this section which are first imposed on a State  
19                     and jurisdiction pursuant to the amendments  
20                     made by title I of the Election Integrity Act of  
21                     2016 shall apply with respect to voting systems  
22                     used for the regularly scheduled general election  
23                     for Federal office held in 2018 and each suc-  
24                     ceeding election for Federal office.

1                   “(B) 2-YEAR DELAY FOR JURISDICTIONS  
2                   USING CERTAIN PAPER RECORD PRINTERS OR  
3                   CERTAIN SYSTEMS USING OR PRODUCING  
4                   VOTER-VERIFIABLE PAPER RECORDS IN 2016.—

5                   “(i) DELAY.—In the case of a juris-  
6                   diction described in clause (ii), subparagraph (A) shall apply to a voting system in  
7                   the jurisdiction as if the reference in such  
8                   subparagraph to ‘2018’ were a reference to  
9                   ‘2020’, but only with respect to the fol-  
10                  lowing requirements of this section:

12                  “(I) Paragraph (2)(A)(i)(I) of  
13                  subsection (a) (relating to the use of  
14                  voter-marked paper ballots).

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

19                  “(III) Paragraph (12) of sub-  
20                  section (a) (relating to durability and  
21                  readability requirements for ballots).

22                  “(ii) JURISDICTIONS DESCRIBED.—A  
23                  jurisdiction described in this clause is a ju-  
24                  risdiction—

1                             “(I) which used voter verifiable  
2                             paper record printers attached to di-  
3                             rect recording electronic voting ma-  
4                             chines, or which used other voting  
5                             systems that used or produced paper  
6                             records of the vote verifiable by voters  
7                             but that are not in compliance with  
8                             paragraphs (2)(A)(i)(I), (3)(B)(ii) (I)  
9                             and (II), and (12) of subsection (a)  
10                             (as amended or added by the Election  
11                             Integrity Act of 2016), for the admin-  
12                             istration of the regularly scheduled  
13                             general election for Federal office held  
14                             in November 2016; and

15                             “(II) which will continue to use  
16                             such printers or systems for the ad-  
17                             ministration of elections for Federal  
18                             office held prior to the regularly  
19                             scheduled general election for Federal  
20                             office held in 2018.

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

1                             “(I) REQUIRING BALLOTS TO BE  
2                             OFFERED AND PROVIDED.—The ap-  
3                             propriate election official at each poll-  
4                             ing place that uses a printer or sys-  
5                             tem described in clause (ii)(I) for the  
6                             administration of elections for Federal  
7                             office shall offer each individual who  
8                             is eligible to cast a vote in the election  
9                             at the polling place the opportunity to  
10                            cast the vote using a blank preprinted  
11                            paper ballot which the individual may  
12                            mark by hand and which is not pro-  
13                            duced by the direct recording elec-  
14                            tronic voting machine or other such  
15                            system. The official shall provide the  
16                            individual with the ballot and the sup-  
17                            plies necessary to mark the ballot, and  
18                            shall ensure (to the greatest extent  
19                            practicable) that the waiting period  
20                            for the individual to cast a vote is the  
21                            lesser of 30 minutes or the average  
22                            waiting period for an individual who  
23                            does not agree to cast the vote using  
24                            such a paper ballot under this clause.

## 1                             “(II) TREATMENT OF BALLOT.—

2                             Any paper ballot which is cast by an  
3                             individual under this clause shall be  
4                             counted and otherwise treated as a  
5                             regular ballot for all purposes (includ-  
6                             ing by incorporating it into the final  
7                             unofficial vote count (as defined by  
8                             the State) for the precinct) and not as  
9                             a provisional ballot, unless the indi-  
10                            vidual casting the ballot would have  
11                            otherwise been required to cast a pro-  
12                            visional ballot.

## 13                            “(III) POSTING OF NOTICE.—

14                            The appropriate election official shall  
15                            ensure there is prominently displayed  
16                            at each polling place a notice that de-  
17                            scribes the obligation of the official to  
18                            offer individuals the opportunity to  
19                            cast votes using a preprinted blank  
20                            paper ballot.

## 21                            “(IV) TRAINING OF ELECTION

22                            OFFICIALS.—The chief State election  
23                            official shall ensure that election offi-  
24                            cials at polling places in the State are  
25                            aware of the requirements of this

1 clause, including the requirement to  
2 display a notice under subclause (III),  
3 and are aware that it is a violation of  
4 the requirements of this title for an  
5 election official to fail to offer an indi-  
6 vidual the opportunity to cast a vote  
7 using a blank preprinted paper ballot.

1 **TITLE II—REQUIREMENT FOR**  
2 **MANDATORY MANUAL AUDITS**  
3 **BY HAND COUNT**

4 **SEC. 201. MANDATORY MANUAL AUDITS.**

5 Title III of the Help America Vote Act of 2002 (52  
6 U.S.C. 21081 et seq.) is amended by adding at the end  
7 the following new subtitle:

8 **“Subtitle C—Mandatory Manual**  
9 **Audits**

10 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

11 “(a) REQUIRING AUDITS.—

12 “(1) IN GENERAL.—In accordance with this  
13 subtitle, each State shall administer, without ad-  
14 vance notice to the precincts or alternative audit  
15 units selected, audits of the results of all elections  
16 for Federal office held in the State (and, at the op-  
17 tion of the State or jurisdiction involved, of elections  
18 for State and local office held at the same time as  
19 such election) consisting of random hand counts of  
20 the voter-verified paper ballots required to be used  
21 and preserved pursuant to section 301(a)(2).

22 “(2) EXCEPTION FOR CERTAIN ELECTIONS.—A  
23 State shall not be required to administer an audit of  
24 the results of an election for Federal office under

1       this subtitle if the winning candidate in the elec-  
2       tion—

3               “(A) had no opposition on the ballot; or  
4               “(B) received 80 percent or more of the  
5               total number of votes cast in the election, as de-  
6               termined on the basis of the final unofficial vote  
7               count.

8       “(b) DETERMINATION OF ENTITY CONDUCTING AU-  
9       DITS; APPLICATION OF GAO INDEPENDENCE STAND-  
10     ARDS.—The State shall administer audits under this sub-  
11     title through an entity selected for such purpose by the  
12     State in accordance with such criteria as the State con-  
13     siders appropriate consistent with the requirements of this  
14     subtitle, except that the entity must meet the general  
15     standards established by the Comptroller General and as  
16     set forth in the Comptroller General’s Government Audit-  
17     ing Standards to ensure the independence (including, ex-  
18     cept as provided under section 323(b), the organizational  
19     independence) of entities performing financial audits, at-  
20     testation engagements, and performance audits.

21       “(c) REFERENCES TO ELECTION AUDITOR.—In this  
22     subtitle, the term ‘Election Auditor’ means, with respect  
23     to a State, the entity selected by the State under sub-  
24     section (b).

1   **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

2       “(a) IN GENERAL.—Except as provided in subsection  
3 (b), the number of voter-verified paper ballots which will  
4 be subject to a hand count administered by the Election  
5 Auditor of a State under this subtitle with respect to an  
6 election shall be determined as follows:

7           “(1) In the event that the unofficial count as  
8 described in section 323(a)(1) reveals that the mar-  
9 gin of victory between the two candidates receiving  
10 the largest number of votes in the election is less  
11 than 1 percent of the total votes cast in that elec-  
12 tion, the hand counts of the voter-verified paper bal-  
13 lots shall occur in at least 10 percent of all precincts  
14 or equivalent locations (or alternative audit units  
15 used in accordance with the method provided for  
16 under subsection (b)) in the congressional district  
17 involved (in the case of an election for the House of  
18 Representatives) or the State (in the case of any  
19 other election for Federal office).

20           “(2) In the event that the unofficial count as  
21 described in section 323(a)(1) reveals that the mar-  
22 gin of victory between the two candidates receiving  
23 the largest number of votes in the election is greater  
24 than or equal to 1 percent but less than 2 percent  
25 of the total votes cast in that election, the hand  
26 counts of the voter-verified paper ballots shall occur

1       in at least 5 percent of all precincts or equivalent lo-  
2       cations (or alternative audit units used in accord-  
3       ance with the method provided for under subsection  
4       (b)) in the congressional district involved (in the  
5       case of an election for the House of Representatives)  
6       or the State (in the case of any other election for  
7       Federal office).

8           “(3) In the event that the unofficial count as  
9       described in section 323(a)(1) reveals that the mar-  
10       gin of victory between the two candidates receiving  
11       the largest number of votes in the election is equal  
12       to or greater than 2 percent of the total votes cast  
13       in that election, the hand counts of the voter-verified  
14       paper ballots shall occur in at least 3 percent of all  
15       precincts or equivalent locations (or alternative audit  
16       units used in accordance with the method provided  
17       for under subsection (b)) in the congressional dis-  
18       trict involved (in the case of an election for the  
19       House of Representatives) or the State (in the case  
20       of any other election for Federal office).

21           “(b) USE OF ALTERNATIVE MECHANISM.—

22           “(1) PERMITTING USE OF ALTERNATIVE MECH-  
23       ANISM.—Notwithstanding subsection (a), a State  
24       may adopt and apply an alternative mechanism to  
25       determine the number of voter-verified paper ballots

1 which will be subject to the hand counts required  
2 under this subtitle with respect to an election, so  
3 long as the alternative mechanism uses the voter-  
4 verified paper ballots to conduct the audit and the  
5 National Institute of Standards and Technology de-  
6 termines that the alternative mechanism is in ac-  
7 cordance with the principles set forth in paragraph  
8 (2).

9       “(2) PRINCIPLES FOR APPROVAL.—In approv-  
10 ing an alternative mechanism under paragraph (1),  
11 the National Institute of Standards and Technology  
12 shall ensure that the audit procedure will have the  
13 property that for each election—

14           “(A) the alternative mechanism will be at  
15 least as statistically effective in ensuring the ac-  
16 curacy of the election results as the procedures  
17 under this subtitle; or

18           “(B) the alternative mechanism will  
19 achieve at least a 95 percent confidence interval  
20 (as determined in accordance with criteria set  
21 forth by the National Institute of Standards  
22 and Technology) with respect to the outcome of  
23 the election.

24       “(3) DEADLINE FOR RESPONSE.—The Director  
25 of the National Institute of Standards and Tech-

1 nology shall make a determination regarding a  
2 State's request to approve an alternative mechanism  
3 under paragraph (1) not later than 30 days after re-  
4 ceiving the State's request.

5 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

6 “(a) IN GENERAL.—The Election Auditor of a State  
7 shall administer an audit under this section of the results  
8 of an election in accordance with the following procedures:

9 “(1) Within 24 hours after the State announces  
10 the final unofficial vote count (as defined by the  
11 State) in each precinct in the State, the Election  
12 Auditor shall—

13 “(A) determine and then announce the  
14 precincts or equivalent locations (or alternative  
15 audit units used in accordance with the method  
16 provided under section 322(b)) in the State in  
17 which it will administer the audits; and

18 “(B) with respect to votes cast at the pre-  
19 cinct or equivalent location on or before the  
20 date of the election (other than provisional bal-  
21 lots described in paragraph (2)), begin to ad-  
22 minister the hand count of the votes on the  
23 voter-verified paper ballots required to be used  
24 and preserved under section 301(a)(2)(A) and  
25 the comparison of the count of the votes on

1           those ballots with the final unofficial count of  
2           such votes as announced by the State.

3           “(2) With respect to votes cast other than at  
4           the precinct on the date of the election (other than  
5           votes cast by provisional ballot on the date of the  
6           election which are certified and counted by the State  
7           on or after the date of the election), including votes  
8           cast by absent uniformed services voters and over-  
9           seas voters under the Uniformed and Overseas Citi-  
10           zans Absentee Voting Act, the Election Auditor shall  
11           administer the hand count of the votes on the appli-  
12           cable voter-verified paper ballots required to be pro-  
13           duced and preserved under section 301(a)(2)(A) and  
14           the comparison of the count of the votes on those  
15           ballots with the final unofficial count of such votes  
16           as announced by the State.

17           “(b) USE OF PERSONNEL.—In administering the au-  
18           dits, the Election Auditor may utilize the services of the  
19           personnel of the State or jurisdiction, including election  
20           administration personnel and poll workers, without regard  
21           to whether or not the personnel have professional auditing  
22           experience.

23           “(c) LOCATION.—The Election Auditor shall admin-  
24           ister an audit of an election—

1           “(1) at the location where the ballots cast in  
2           the election are stored and counted after the date of  
3           the election or such other appropriate and secure lo-  
4           cation agreed upon by the Election Auditor and the  
5           individual that is responsible under State law for the  
6           custody of the ballots; and

7           “(2) in the presence of the personnel who under  
8           State law are responsible for the custody of the bal-  
9           lots.

10          “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-  
11         ING ABSENTEE VOTE COUNT.—In the case of a State in  
12         which the final count of absentee and provisional votes is  
13         not announced until after the date of the election, the  
14         Election Auditor shall initiate the process described in  
15         subsection (a) for administering the audit not later than  
16         24 hours after the State announces the final unofficial  
17         vote count for the votes cast at the precinct or equivalent  
18         location on or before the date of the election, and shall  
19         initiate the administration of the audit of the absentee and  
20         provisional votes pursuant to subsection (a)(2) not later  
21         than 24 hours after the State announces the final unoffi-  
22         cial count of such votes.

23          “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

24          “(1) IN GENERAL.—If the Election Auditor  
25         finds that any of the hand counts administered

1       under this section do not match the final unofficial  
2       tally of the results of an election, the Election Audi-  
3       tor shall administer hand counts under this section  
4       of such additional precincts (or alternative audit  
5       units) as the Election Auditor considers appropriate  
6       to resolve any concerns resulting from the audit and  
7       ensure the accuracy of the election results.

8               “(2) ESTABLISHMENT AND PUBLICATION OF  
9       PROCEDURES GOVERNING ADDITIONAL AUDITS.—  
10       Not later than August 1, 2019, each State shall es-  
11       tablish and publish procedures for carrying out the  
12       additional audits under this subsection, including the  
13       means by which the State shall resolve any concerns  
14       resulting from the audit with finality and ensure the  
15       accuracy of the election results.

16               “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit  
17       conducted under this section shall be conducted in a man-  
18       ner that allows public observation of the entire process.

19       **“SEC. 324. SELECTION OF PRECINCTS.**

20               “(a) IN GENERAL.—Except as provided in subsection  
21       (c), the selection of the precincts or alternative audit units  
22       in the State in which the Election Auditor of the State  
23       shall administer the hand counts under this subtitle shall  
24       be made by the Election Auditor on a random basis, in  
25       accordance with procedures adopted by the National Insti-

1 tute of Standards and Technology, except that at least one  
2 precinct shall be selected at random in each county, with  
3 additional precincts selected by the Election Auditor at the  
4 Auditor's discretion.

5       “(b) PUBLIC SELECTION.—The random selection of  
6 precincts under subsection (a) shall be conducted in pub-  
7 lic, at a time and place announced in advance.

8       “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-  
9 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a  
10 State does not sort absentee ballots by precinct and in-  
11 clude those ballots in the hand count with respect to that  
12 precinct, the State shall create absentee ballot precincts  
13 or audit units which are of similar size to the average pre-  
14 cinct or audit unit in the jurisdiction being audited, and  
15 shall include those absentee precincts or audit units  
16 among the precincts in the State in which the Election  
17 Auditor shall administer the hand counts under this sub-  
18 title.

19       “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY  
20 COMMISSION.—The National Institute of Standards and  
21 Technology shall adopt the procedures described in sub-  
22 section (a) not later than March 31, 2019, and shall pub-  
23 lish them in the Federal Register upon adoption.

1   **“SEC. 325. PUBLICATION OF RESULTS.**

2       “(a) SUBMISSION TO COMMISSION.—As soon as prac-  
3   ticable after the completion of an audit under this subtitle,  
4   the Election Auditor of a State shall submit to the Com-  
5   mission the results of the audit, and shall include in the  
6   submission a comparison of the results of the election in  
7   the precinct as determined by the Election Auditor under  
8   the audit and the final unofficial vote count in the precinct  
9   as announced by the State and all undervotes, overvotes,  
10   blank ballots, and spoiled, voided, or cancelled ballots, as  
11   well as a list of any discrepancies discovered between the  
12   initial, subsequent, and final hand counts administered by  
13   the Election Auditor and such final unofficial vote count  
14   and any explanation for such discrepancies, broken down  
15   by the categories of votes described in paragraphs (1)(B)  
16   and (2) of section 323(a).

17       “(b) PUBLICATION BY COMMISSION.—Immediately  
18   after receiving the submission of the results of an audit  
19   from the Election Auditor of a State under subsection (a),  
20   the Commission shall publicly announce and publish the  
21   information contained in the submission.

22       “(c) DELAY IN CERTIFICATION OF RESULTS BY  
23   STATE.—

24       “(1) PROHIBITING CERTIFICATION UNTIL COM-  
25   PLETION OF AUDITS.—No State may certify the re-

1       sults of any election which is subject to an audit  
2       under this subtitle prior to—

3               “(A) the completion of the audit (and, if  
4               required, any additional audit conducted under  
5               section 323(e)(1)) and the announcement and  
6               submission of the results of each such audit to  
7               the Commission for publication of the informa-  
8               tion required under this section; and

9               “(B) the completion of any procedure es-  
10               tablished by the State pursuant to section  
11               323(e)(2) to resolve discrepancies and ensure  
12               the accuracy of results.

13               “(2) DEADLINE FOR COMPLETION OF AUDITS  
14               OF PRESIDENTIAL ELECTIONS.—In the case of an  
15               election for electors for President and Vice President  
16               which is subject to an audit under this subtitle, the  
17               State shall complete the audits and announce and  
18               submit the results to the Commission for publication  
19               of the information required under this section in  
20               time for the State to certify the results of the elec-  
21               tion and provide for the final determination of any  
22               controversy or contest concerning the appointment  
23               of such electors prior to the deadline described in  
24               section 6 of title 3, United States Code.

1   **“SEC. 326. PAYMENTS TO STATES.**

2       “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-  
3   DITS.—In accordance with the requirements and proce-  
4   dures of this section, the Commission shall make a pay-  
5   ment to a State to cover the costs incurred by the State  
6   in carrying out this subtitle with respect to the elections  
7   that are the subject of the audits conducted under this  
8   subtitle.

9       “(b) CERTIFICATION OF COMPLIANCE AND ANTI-  
10   PATED COSTS.—

11       “(1) CERTIFICATION REQUIRED.—In order to  
12   receive a payment under this section, a State shall  
13   submit to the Commission, in such form as the Com-  
14   mission may require, a statement containing—

15       “(A) a certification that the State will con-  
16   duct the audits required under this subtitle in  
17   accordance with all of the requirements of this  
18   subtitle;

19       “(B) a notice of the reasonable costs in-  
20   curred or the reasonable costs anticipated to be  
21   incurred by the State in carrying out this sub-  
22   title with respect to the elections involved; and

23       “(C) such other information and assur-  
24   ances as the Commission may require.

25       “(2) AMOUNT OF PAYMENT.—The amount of a  
26   payment made to a State under this section shall be

1       equal to the reasonable costs incurred or the reasonable  
2       costs anticipated to be incurred by the State in  
3       carrying out this subtitle with respect to the elections  
4       involved, as set forth in the statement submitted  
5       under paragraph (1).

6       “(3) TIMING OF NOTICE.—The State may not  
7       submit a notice under paragraph (1) until candidates  
8       have been selected to appear on the ballot for all of the elections for Federal office which will  
9       be the subject of the audits involved.

10      “(c) TIMING OF PAYMENTS.—The Commission shall  
11     make the payment required under this section to a State  
12     not later than 30 days after receiving the notice submitted  
13     by the State under subsection (b).

14      “(d) RECOUPMENT OF OVERPAYMENTS.—No payment may be made to a State under this section unless the State agrees to repay to the Commission the excess  
15     (if any) of—

16       “(1) the amount of the payment received by the State under this section with respect to the elections  
17       involved; over

18       “(2) the actual costs incurred by the State in carrying out this subtitle with respect to the elections involved.

1       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to the Commission for  
3 fiscal year 2020 and each succeeding fiscal year  
4 \$100,000,000 for payments under this section.

5       **SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**  
6                   **COUNT UNDER STATE LAW PRIOR TO CER-**  
7                   **TIFICATION.**

8       “(a) EXCEPTION.—This subtitle does not apply to  
9 any election for which a recount under State law will com-  
10 mence prior to the certification of the results of the elec-  
11 tion, including but not limited to a recount required auto-  
12 matically because of the margin of victory between the 2  
13 candidates receiving the largest number of votes in the  
14 election, but only if each of the following applies to the  
15 recount:

16           “(1) The recount commences prior to the deter-  
17 mination and announcement by the Election Auditor  
18 under section 323(a)(1) of the precincts in the State  
19 in which it will administer the audits under this sub-  
20 title.

21           “(2) If the recount would apply to fewer than  
22 100 percent of the ballots cast in the election—

23               “(A) the number of ballots counted will be  
24 at least as many as would be counted if an

1 audit were conducted with respect to the elec-  
2 tion in accordance with this subtitle; and

3 “(B) the selection of the precincts in which  
4 the recount will be conducted will be made in  
5 accordance with the random selection proce-  
6 dures applicable under section 324.

7 “(3) The recount for the election meets the re-  
8 quirements of section 323(f) (relating to public ob-  
9 servation).

10 “(4) The State meets the requirements of sec-  
11 tion 325 (relating to the publication of results and  
12 the delay in the certification of results) with respect  
13 to the recount.

14 “(b) CLARIFICATION OF EFFECT ON OTHER RE-  
15 QUIREMENTS.—Nothing in this section may be construed  
16 to waive the application of any other provision of this Act  
17 to any election (including the requirement set forth in sec-  
18 tion 301(a)(2) that the voter-verified paper ballots serve  
19 as the vote of record and shall be counted by hand in all  
20 audits and recounts, including audits and recounts de-  
21 scribed in this subtitle).

22 **“SEC. 328. EFFECTIVE DATE.**

23 “This subtitle shall apply with respect to elections for  
24 Federal office held in 2020 or any succeeding year.”.

1 **SEC. 202. AVAILABILITY OF ENFORCEMENT UNDER HELP**2 **AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002  
4 (52 U.S.C. 21111) is amended by striking “sections 301,  
5 302, and 303” and inserting “title III”.

6 **SEC. 203. GUIDANCE ON BEST PRACTICES FOR ALTER-**7 **NATIVE AUDIT MECHANISMS.**

8 (a) IN GENERAL.—Not later than May 1, 2019, the  
9 Director of the National Institute for Standards and Tech-  
10 nology shall establish guidance for States that wish to es-  
11 tablish alternative audit mechanisms under section 322(b)  
12 of the Help America Vote Act of 2002 (as added by section  
13 201). Such guidance shall be based upon scientifically and  
14 statistically reasonable assumptions for the purpose of cre-  
15 ating an alternative audit mechanism that will be con-  
16 sistent with the principles for approval described in section  
17 322(b)(2) of such Act (as so added).

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out subsection (a)  
20 \$100,000, to remain available until expended.

21 **SEC. 204. CLERICAL AMENDMENT.**

22 The table of contents of the Help America Vote Act  
23 of 2002 is amended by adding at the end of the items  
24 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“See. 323. Process for administering audits.  
“Sec. 324. Selection of precincts.  
“Sec. 325. Publication of results.  
“Sec. 326. Payments to States.  
“Sec. 327. Exception for elections subject to recount under State law prior to certification.  
“Sec. 328. Effective date.”.

1 **TITLE III—OTHER REFORMS TO  
2 PROMOTE INTEGRITY OF  
3 ELECTIONS**

4 **Subtitle A—Integrity of Election  
5 Administration**

6 **SEC. 301. PROHIBITION ON CAMPAIGN ACTIVITIES BY  
7 CHIEF STATE ELECTION ADMINISTRATION  
8 OFFICIALS.**

9 (a) IN GENERAL.—Title III of the Federal Election  
10 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
11 amended by inserting after section 319 the following new  
12 section:

13 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION  
14 ADMINISTRATION OFFICIALS

15 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful  
16 for a chief State election administration official to take  
17 an active part in political management or in a political  
18 campaign with respect to any election for Federal office  
19 over which such official has supervisory authority.

20 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-  
21 FICIAL.—The term ‘chief State election administration of-  
22 ficial’ means the highest State official with responsibility

1 for the administration of Federal elections under State  
2 law.

3       “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR  
4 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-  
5 litical management or in a political campaign’ means—

6           “(1) serving as a member of an authorized com-  
7 mittee of a candidate for Federal office;

8           “(2) the use of official authority or influence  
9 for the purpose of interfering with or affecting the  
10 result of an election for Federal office;

11           “(3) the solicitation, acceptance, or receipt of a  
12 contribution from any person on behalf of a can-  
13 didate for Federal office; and

14           “(4) any other act which would be prohibited  
15 under paragraph (2) or (3) of section 7323(b) of  
16 title 5, United States Code, if taken by an individual  
17 to whom such paragraph applies (other than any  
18 prohibition on running for public office).

19       “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR  
20 IMMEDIATE FAMILY MEMBERS.—

21           “(1) IN GENERAL.—This section does not apply  
22 to a chief State election administration official with  
23 respect to an election for Federal office in which the  
24 official or an immediate family member of the offi-  
25 cial is a candidate.

1                   “(2) IMMEDIATE FAMILY MEMBER DEFINED.—

2                   In paragraph (1), the term ‘immediate family mem-  
3                   ber’ means, with respect to a candidate, a father,  
4                   mother, son, daughter, brother, sister, husband,  
5                   wife, father-in-law, or mother-in-law.”.

6                   (b) EFFECTIVE DATE.—The amendments made by  
7                   subsection (a) shall apply with respect to elections for  
8                   Federal office held after December 2016.

9                   **SEC. 302. MANDATORY TRAINING FOR POLL WORKERS.**

10                   (a) IN GENERAL.—Title III of the Help America  
11                   Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

12                   (1) by redesignating sections 304 and 305 as  
13                   sections 305 and 306; and

14                   (2) by inserting after section 303 the following  
15                   new section:

16                   **SEC. 304. MANDATORY TRAINING FOR POLL WORKERS.**

17                   “(a) TRAINING IN APPLICABLE ELECTION LAWS AND  
18                   PROCEDURES REQUIRED FOR ALL POLL WORKERS.—A

19                   State may not assign an individual to serve as an election  
20                   official at a polling place for an election for Federal office,  
21                   including a location serving as a polling place on a day  
22                   other than the date of the election, unless the State cer-  
23                   tifies to the Commission that the individual has received  
24                   training in the election administration laws and proce-

1 dures applicable in the jurisdiction in which the polling  
2 place is located.

3       “(b) EFFECTIVE DATE.—Each State shall be re-  
4 quired to comply with the requirements of subsection (a)  
5 for the regularly scheduled general election for Federal of-  
6 fice occurring in November 2016 and for any subsequent  
7 election for Federal office.”.

8       (b) CLERICAL AMENDMENT.—The table of contents  
9 of such Act is amended—

10           (1) by redesignating the items relating to sec-  
11       tions 304 and 305 as relating to sections 305 and  
12       306; and

13           (2) by inserting after the item relating to sec-  
14       tion 303 the following new item:

“See. 304. Mandatory training for poll workers.”.

15 **SEC. 303. DUE PROCESS REQUIREMENTS FOR INDIVIDUALS**  
16           **PROPOSED TO BE REMOVED FROM LIST OF**  
17           **ELIGIBLE VOTERS.**

18       (a) INTERNET POSTING OF LIST OF INDIVIDUALS  
19 PROPOSED TO BE REMOVED FROM LIST.—Section 8 of  
20 the National Voter Registration Act of 1993 (52 U.S.C.  
21 20507) is amended—

22           (1) by redesignating subsection (j) as sub-  
23       section (k); and

24           (2) by inserting after subsection (i) the fol-  
25       lowing new subsection:

1       “(j) ADDITIONAL DUE PROCESS REQUIREMENTS  
2 FOR INDIVIDUALS PROPOSED TO BE REMOVED FROM  
3 LIST OF ELIGIBLE VOTERS.—

4           “(1) INTERNET POSTING OF NAMES.—On an  
5 ongoing basis, the chief State election official shall  
6 post on the Internet a list showing the name and ad-  
7 dress of each individual whom the State intends to  
8 remove from the official list of eligible voters in elec-  
9 tions for Federal office in the State, together with  
10 instructions on how an individual may challenge the  
11 proposed removal of the individual’s name from the  
12 list.

13           “(2) REQUIRING OPPORTUNITY TO CORRECT  
14 RECORD.—The State may not remove any individual  
15 from the official list of eligible voters in elections for  
16 Federal office in the State until the expiration of the  
17 60-day period which begins on the date the chief  
18 State election official posts the individual’s name  
19 and address on the Internet under paragraph (1).

20           “(3) PUBLICIZING INFORMATION ON DUE PROC-  
21 ESS REQUIREMENTS.—The chief State election offi-  
22 cial shall disseminate information to the general  
23 public regarding the Internet posting of names and  
24 addresses under paragraph (1) and the opportunity  
25 for individuals to correct records under paragraph

1       (2), including by sending information to media out-  
2       lets in the State and by preparing information for  
3       distribution and display by offices of the State motor  
4       vehicle authority.”.

5       (b) EFFECTIVE DATE.—The amendment made by  
6       subsection (a) shall apply with respect to elections for  
7       Federal office held during 2018 or any succeeding year.

8       **SEC. 304. MANDATORY RESPONSE BY ATTORNEY GENERAL**

9                   **TO ALLEGATIONS OF VOTER INTIMIDATION**  
10                   **OR SUPPRESSION BY LAW ENFORCEMENT OF-**  
11                   **FICERS AND OTHER GOVERNMENT OFFI-**  
12                   **CIALS.**

13       (a) MANDATORY RESPONSE TO ALLEGATIONS.—

14                   (1) IN GENERAL.—Not later than 30 days after  
15       receiving an allegation described in subsection (b)  
16       from any person, the Attorney General shall—

17                   (A) initiate an investigation of the allega-  
18       tion; or

19                   (B) provide the person with a written  
20       statement that the Attorney General will not in-  
21       vestigate the allegation, and include in the  
22       statement the Attorney General’s reasons for  
23       not investigating the allegation.

24                   (2) SPECIAL RULE FOR ALLEGATIONS RE-  
25       CEIVED WITHIN 30 DAYS OF ELECTION.—If the At-

1       torney General receives an allegation described in  
2       subsection (b) during the 30-day period which ends  
3       on the date of an election for Federal office, the At-  
4       torney General shall meet the requirements of para-  
5       graph (1) not later than 48 hours after receiving the  
6       allegation.

7       (b) ALLEGATIONS DESCRIBED.—An allegation de-  
8 scribed in this subsection is—

15 (2) an allegation that an election official of a  
16 State or local government has engaged or has at-  
17 tempted to engage in voter suppression activity.

## 18 **Subtitle B—Removing Barriers to** 19 **Voting**

20 SEC. 311. REQUIREMENTS FOR COUNTING PROVISIONAL  
21                   BALLOTS; ESTABLISHMENT OF UNIFORM AND  
22                   NONDISCRIMINATORY STANDARDS.

23 (a) IN GENERAL.—Section 302 of the Help America  
24 Vote Act of 2002 (52 U.S.C. 21082) is amended—

1 (1) by redesignating subsection (d) as sub-  
2 section (f); and

3 (2) by inserting after subsection (c) the fol-  
4 lowing new subsections:

5       “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-  
6   LOTS.—

7                   “(1) IN GENERAL.—For purposes of subsection  
8 (a)(4), notwithstanding the precinct or polling place  
9 at which a provisional ballot is cast within the State,  
10 the appropriate election official shall count each vote  
11 on such ballot for each election in which the indi-  
12 vidual who cast such ballot is eligible to vote.

13               “(2) EFFECTIVE DATE.—This subsection shall  
14        apply with respect to elections held on or after Janu-  
15        ary 1, 2017.

16        "(e) UNIFORM AND NONDISCRIMINATORY STAND-  
17 ABDS.—

18                   “(1) ESTABLISHMENT OF STANDARDS BY COM-  
19                   MISSION.—The Commission shall establish uniform  
20                   and nondiscriminatory standards for the issuance,  
21                   handling, and counting of provisional ballots, con-  
22                   sistent with the requirements of this section.

23           “(2) COMPLIANCE WITH STANDARDS.—Each  
24        State shall comply with the standards established by  
25        the Commission under this subsection.

1                 “(3) EFFECTIVE DATE.—This subsection shall  
2                 apply with respect to elections held on or after January  
3                 1, 2017.”.

4                 (b) CONFORMING AMENDMENT RELATING TO EF-  
5                 FECTIVE DATE.—Section 302(f) of such Act (52 U.S.C.  
6                 21082(f)), as redesignated by subsection (a), is amended  
7                 by striking “Each State” and inserting “Except as pro-  
8                 vided in subsections (d)(2) and (e)(3), each State”.

9                 **SEC. 312. PROHIBITING IMPOSITION OF CONDITIONS ON**

10                 **VOTING BY MAIL.**

11                 (a) PROHIBITION.—Title III of the Help America  
12                 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended  
13                 by section 201, is amended by adding at the end the fol-  
14                 lowing new subtitle:

15                 **“Subtitle D—Other Requirements  
16                 To Remove Barriers to Voting**

17                 **“SEC. 331. PROHIBITING IMPOSITION OF CONDITIONS ON  
18                 VOTING BY MAIL.**

19                 “(a) IN GENERAL.—If an individual in a State is eli-  
20                 gible to cast a vote in an election for Federal office, the  
21                 State may not impose any additional conditions or require-  
22                 ments on the eligibility of the individual to cast the vote  
23                 in such election by mail (including by absentee ballot), ex-  
24                 cept as required under subsection (b) and except to the  
25                 extent that the State imposes a deadline for requesting

1 the ballot and related voting materials from the appro-  
2 priate State or local election official and for returning the  
3 ballot to the appropriate State or local election official.

4       “(b) REQUIRING SIGNATURE VERIFICATION.—A  
5 State may not accept and process an absentee ballot sub-  
6 mitted by any individual with respect to an election for  
7 Federal office unless the State verifies the identification  
8 of the individual by comparing the individual’s signature  
9 on the absentee ballot with the individual’s signature on  
10 the official list of registered voters in the State, in accord-  
11 ance with such procedures as the State may adopt.

12       “(c) EFFECTIVE DATE.—This section shall apply  
13 with respect to elections held on or after January 1,  
14 2018.”.

15       (b) CONFORMING AMENDMENTS RELATING TO  
16 ADOPTION OF VOLUNTARY GUIDANCE BY ELECTION AS-  
17 SISTANCE COMMISSION.—

18           (1) APPLICABILITY OF VOLUNTARY GUID-  
19 ANCE.—Section 311(a) of such Act (52 U.S.C.  
20 21101(a)) is amended by striking “subtitle A” and  
21 inserting “subtitle A and subtitle D”.

22           (2) DEADLINE FOR ADOPTION.—Section 311(b)  
23 of such Act (52 U.S.C. 21101(b)) is amended—  
24               (A) by striking “and” at the end of para-  
25 graph (2);

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

3 (C) by adding at the end the following new  
4 paragraph:

5                   “(4) in the case of the recommendations with  
6 respect to subtitle D, June 30, 2017.”.

7 (c) CLERICAL AMENDMENT.—The table of contents  
8 of such Act is amended by adding at the end of the items  
9 relating to title III the following:

## “Subtitle D—Other Requirements To Remove Barriers to Voting

“Sec. 331. Prohibiting imposition of conditions on voting by mail.”.

## 10 SEC. 313. MANDATORY AVAILABILITY OF EARLY VOTING.

11 (a) MANDATORY AVAILABILITY.—Subtitle D of title  
12 III of the Help America Vote Act of 2002, as added by  
13 section 312(a), is amended by adding at the end the fol-  
14 lowing new section:

## 15 “SEC. 332. MANDATORY AVAILABILITY OF EARLY VOTING.

16        "(a) REQUIRING AVAILABILITY OF VOTING PRIOR TO  
17 DATE OF ELECTION.—

18       “(1) IN GENERAL.—Each State shall allow indi-  
19       viduals to vote in an election for Federal office dur-  
20       ing an early voting period which occurs prior to the  
21       date of the election.

22       “(2) LENGTH OF PERIOD.—The early voting  
23       period required under this subsection with respect to  
24       an election shall consist of a period of not fewer

1 than 14 consecutive days (including weekends) which  
2 begins on the 17th day before the date of the elec-  
3 tion (or, at the option of the State, on a day prior  
4 to the 17th day before the date of the election) and  
5 ends on the date of the election.

6       “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

7    Each polling place which allows voting during an early vot-  
8 ing period under subsection (a) shall—

9           “(1) allow such voting for no less than 12 hours  
10       on each day, except that the polling place may allow  
11       such voting for fewer than 12 hours on Sundays;  
12       and

13           “(2) have uniform hours each day for which  
14       such voting occurs.

15       “(c) LOCATION OF POLLING PLACES NEAR PUBLIC  
16 TRANSPORTATION.—To the greatest extent practicable, a  
17 State shall ensure that each polling place which allows vot-  
18 ing during an early voting period under subsection (a) is  
19 located within walking distance of a stop on a public trans-  
20 portation route.

21       “(d) STANDARDS.—

22           “(1) IN GENERAL.—The Commission shall issue  
23       standards for the administration of voting prior to  
24       the day scheduled for a Federal election. Such  
25       standards shall include the nondiscriminatory geo-

graphic placement of polling places at which such voting occurs.

3                   “(2) DEVIATION.—The standards described in  
4                   paragraph (1) shall permit States, upon providing  
5                   adequate public notice, to deviate from any require-  
6                   ment in the case of unforeseen circumstances such  
7                   as a natural disaster, terrorist attack, or a change  
8                   in voter turnout.

9        "(e) EFFECTIVE DATE.—This section shall apply  
10 with respect to elections held on or after January 1,  
11 2018.".

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 of such Act, as amended by section 312(c), is amended  
14 by adding at the end of the items relating to subtitle D  
15 of title III the following:

“Sec. 332. Mandatory availability of early voting.”.

16 SEC. 314. REQUIREMENTS FOR AVAILABILITY OF SUFFI-  
17 CIENT POLLING PLACES, EQUIPMENT, AND  
18 RESOURCES.

19 (a) REQUIRING STATES TO MEET REQUIRE-  
20 MENTS.—Subtitle D of title III of the Help America Vote  
21 Act of 2002, as added by section 312(a) and as amended  
22 by section 313(a), is amended by adding at the end the  
23 following new section:

1   **“SEC. 333. AVAILABILITY OF SUFFICIENT POLLING PLACES,**2                   **EQUIPMENT, AND RESOURCES.**3        “(a) IN GENERAL.—In accordance with the stand-  
4       ards established under subsection (b), each State shall  
5       provide for—6               “(1) an appropriate number and geographic  
7       distribution of voting sites on the day of any election  
8       for Federal office and on any days during which  
9       such State allows early voting in such elections; and10              “(2) the minimum required number of voting  
11       systems and other election resources (including all  
12       other voting equipment and supplies) for each such  
13       voting site.

14       “(b) STANDARDS.—

15              “(1) IN GENERAL.—Not later than June 30,  
16       2017, the Commission shall conduct a study and, on  
17       the basis of the findings of the study, issue stand-  
18       ards for States to follow in establishing an appro-  
19       priate number and geographic distribution of voting  
20       sites in elections for Federal office on the day of any  
21       Federal election and on any days during which the  
22       State allows early voting in such elections, and in  
23       providing for the minimum number of voting sys-  
24       tems and other election resources (including all  
25       other voting equipment and supplies) for each such  
26       voting site.

## 1       “(2) DISTRIBUTION.—

2               “(A) IN GENERAL.—The standards de-  
3               scribed in paragraph (1) shall provide for a uni-  
4               form and nondiscriminatory distribution of such  
5               sites, systems, and other resources, and, to the  
6               extent possible, shall take into account, among  
7               other factors, the following:

8               “(i) The voting age population.

9               “(ii) Voter turnout in past elections.

10               “(iii) The number of voters registered.

11               “(iv) The number of voters who have  
12               registered since the most recent Federal  
13               election.

14               “(v) Census data for the population  
15               served by each voting site.

16               “(vi) The educational levels and socio-  
17               economic factors of the population served  
18               by each voting site.

19               “(vii) The needs and numbers of vot-  
20               ers with disabilities and voters with limited  
21               English proficiency.

22               “(viii) The type of voting systems  
23               used.

24               “(B) NO FACTOR DISPOSITIVE.—The  
25               standards shall provide that the distribution of

1           voting sites, systems, and resources should take  
2           into account the totality of all relevant factors,  
3           and no single factor shall be dispositive under  
4           the standards.

5           “(C) PURPOSE.—To the extent possible,  
6           the standards shall provide for a distribution of  
7           voting sites, systems, and resources with the  
8           goals of—

9               “(i) ensuring a fair and equitable  
10           waiting time for all voters in the State;  
11           and

12               “(ii) preventing a waiting time of over  
13           1 hour at any voting site.

14           “(3) DEVIATION.—The standards described in  
15           paragraph (1) shall permit States, upon giving rea-  
16           sonable public notice, to deviate from any allocation  
17           requirements in the case of unforeseen cir-  
18           cumstances such as a natural disaster or terrorist  
19           attack.

20           “(c) EFFECTIVE DATE.—This section shall apply  
21           with respect to elections held on or after January 1,  
22           2018.”.

23           (b) CLERICAL AMENDMENT.—The table of contents  
24           of such Act, as amended by section 312(c) and section

1 313(b), is amended by adding at the end of the items re-  
2 lating to subtitle D of title III the following:

“See. 333. Availability of sufficient polling places, equipment, and resources.”.

3 **TITLE IV—RULEMAKING AU-**  
4 **THORITY OF ELECTION AS-**  
5 **SISTANCE COMMISSION**

6 **SEC. 401. PERMITTING ELECTION ASSISTANCE COMMIS-**  
7 **SION TO EXERCISE RULEMAKING AUTHOR-**  
8 **ITY.**

9 (a) RULEMAKING AUTHORITY.—The Help America  
10 Vote Act of 2002 is amended by striking section 209 (52  
11 U.S.C. 20929).

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 of such Act is amended by striking the item relating to  
14 section 209.

