

115TH CONGRESS
2D SESSION

H. R. 6435

To amend the Help America Vote Act of 2002 to prohibit States from entering into agreements with vendors for the provision, support, or maintenance of election systems if the vendors are owned or controlled by persons who are not citizens, nationals, or permanent residents of the United States or do not meet cybersecurity best practices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2018

Mr. RASKIN (for himself, Mr. HOYER, Mr. SARBANES, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. CUMMINGS, Mr. RUPPERSBERGER, Mr. BROWN of Maryland, and Ms. MENG) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to prohibit States from entering into agreements with vendors for the provision, support, or maintenance of election systems if the vendors are owned or controlled by persons who are not citizens, nationals, or permanent residents of the United States or do not meet cybersecurity best practices, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Election Vendor Secu-
3 rity Act”.

4 **SEC. 2. PROHIBITING AGREEMENTS WITH VENDORS FOR**
5 **OPERATION OF ELECTION SYSTEMS WHO**
6 **ARE FOREIGN NATIONALS OR WHO FAIL TO**
7 **MEET CYBERSECURITY BEST PRACTICES.**

8 (a) PROHIBITION.—Title III of the Help America
9 Vote Act of 2002 (52 U.S.C. 21083 et seq.) is amended—

10 (1) by redesignating sections 304 and 305 as
11 sections 305 and 306; and

12 (2) by inserting after section 303 the following
13 new section:

14 **“SEC. 304. REQUIREMENTS FOR VENDORS OF ELECTION**
15 **SYSTEMS.**

16 “(a) PROHIBITING AGREEMENTS WITH VENDORS
17 FAILING TO MEET REQUIREMENTS.—A State, unit of
18 local government, or any component of a State or unit of
19 local government which is responsible for the administra-
20 tion of an election for Federal office may not enter into
21 an agreement with a vendor to provide, support, or main-
22 tain any component of the election system unless the ven-
23 dor meets the criteria described in subsection (b).

24 “(b) CRITERIA FOR VENDORS.—The criteria de-
25 scribed in this subsection with respect to a vendor are as
26 follows, as established and published by the Chair of the

1 Commission in coordination with the Secretary of Home-
2 land Security:

3 “(1) The vendor shall certify that it is owned
4 and controlled by a citizen, national, or permanent
5 resident of the United States, and that none of its
6 activities are directed, supervised, controlled, sub-
7 sidized, or financed, and none of its policies are de-
8 termined by, any foreign principal (as defined in sec-
9 tion 1(b) of the Foreign Agents Registration Act of
10 1938 (22 U.S.C. 611(b)), or by any agent of a for-
11 eign principal required to register under such Act.

12 “(2) The vendor shall disclose to the Chair and
13 the Secretary, and to the chief State election official
14 of any State in which the vendor provides, supports,
15 or maintains any component of an election system,
16 any sourcing outside the United States for parts of
17 the system.

18 “(3) The vendor shall ensure that the election
19 system will be developed and maintained in a man-
20 ner that is consistent with the cybersecurity best
21 practices established under subsection (c).

22 “(4) The vendor shall maintain its information
23 technology infrastructure in a manner that is con-
24 sistent with the cybersecurity best practices estab-
25 lished under subsection (c).

1 “(5) The vendor shall report any known or sus-
2 pected security incidents involving election systems
3 to the chief State election official of the State in-
4 volved or the official’s designee, the Chair, and the
5 Secretary not later than 10 days after the vendor
6 first knows or suspects that the incident occurred.

7 “(c) CYBERSECURITY BEST PRACTICES.—Not later
8 than 90 days after the date of the enactment of this sec-
9 tion, the Chair and the Secretary of Homeland Security
10 shall establish and publish cybersecurity best practices for
11 vendors who provide, support, or maintain election sys-
12 tems, and shall establish and publish updates to such best
13 practices at such times as the Chair and the Secretary
14 consider appropriate.

15 “(d) AVAILABILITY OF LIST OF PARTICIPATING VEN-
16 DORS.—

17 “(1) SUBMISSION OF LIST TO COMMISSION.—
18 Not later than 90 days before the date of each regu-
19 larly scheduled general election for Federal office
20 (beginning with the election held in November
21 2018), each State shall submit to the Commission a
22 list of all vendors who will be providing, supporting,
23 or maintaining any component of any election sys-
24 tem which will be used to carry out such election in
25 the State.

1 “(2) POSTING BY COMMISSION.—Upon receiv-
2 ing a list from a State under paragraph (1), the
3 Commission shall post the list on the official public
4 website of the Commission.

5 “(e) ELECTION SYSTEM DEFINED.—In this section,
6 the term ‘election system’ means any system used in the
7 administration of elections for Federal office, as well as
8 related information and communications technology, in-
9 cluding voter registration databases, voting machines,
10 electronic mail and other communications systems (includ-
11 ing electronic mail and other systems of vendors who have
12 entered into contracts with election agencies to support
13 the administration of elections, manage the election proc-
14 ess, and report and display election results), and other sys-
15 tems used to manage the election process and to report
16 and display election results on behalf of a State or unit
17 of local government.”.

18 (b) CONFORMING AMENDMENT RELATING TO EN-
19 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
20 is amended by striking “and 303” and inserting “303, and
21 304”.

22 (c) CLERICAL AMENDMENTS.—The table of contents
23 of such Act is amended—

1 (1) by redesignating the items relating to sec-
2 tions 304 and 305 as relating to sections 305 and
3 306; and

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

“Sec. 304. Requirements for vendors of election systems.”.

6 (d) **EFFECTIVE DATE.**—The amendments made by
7 this section shall apply with respect to the regularly sched-
8 uled general election for Federal office held in November
9 2018 and each succeeding election for Federal office.

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