

115TH CONGRESS
2D SESSION

H. R. 6449

To amend the Help America Vote Act of 2002 to require States to take steps to ensure that there is no foreign ownership or influence on the voting systems used in elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2018

Mr. DELANEY (for himself, Mr. HARRIS, Ms. SINEMA, Mr. HASTINGS, Mr. COHEN, Mr. DESAULNIER, Ms. DELBENE, and Mr. KEATING) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require States to take steps to ensure that there is no foreign ownership or influence on the voting systems used in elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Election Sys-
5 tems from Foreign Control Act”.

1 **SEC. 2. ENSURING NO FOREIGN OWNERSHIP OR INFLU-**
2 **ENCE ON VOTING SYSTEMS.**

3 (a) IN GENERAL.—Title III of the Help America
4 Vote Act of 2002 (52 U.S.C. 21083 et seq.) is amended—

5 (1) by redesignating sections 304 and 305 as
6 sections 305 and 306; and

7 (2) by inserting after section 303 the following
8 new section:

9 **“SEC. 304. ENSURING NO FOREIGN OWNERSHIP OR CON-**
10 **TROL OVER VOTING SYSTEMS.**

11 “(a) REQUIRING VENDORS TO BE QUALIFIED.—
12 Each State, unit of local government, or component of a
13 State or unit of local government which is responsible for
14 the administration of an election for Federal office shall
15 ensure that each vendor who provides, supports, or main-
16 tains any component of a voting system used in the admin-
17 istration of the election is a qualified voting systems ven-
18 dor.

19 “(b) ANNUAL EVALUATION TO ENSURE COMPLI-
20 ANCE.—Each State, unit of local government, or compo-
21 nent of a State or unit of local government which is re-
22 sponsible for the administration of an election for Federal
23 office shall, not less frequently than once each calendar
24 year, evaluate each of the vendors who provide, support,
25 or maintain any component of a voting system used in

1 the administration of the election to ensure that the ven-
2 dor is a qualified voting system vendor.

3 “(c) CYBERSECURITY BEST PRACTICES.—Not later
4 than 90 days after the date of the enactment of this sec-
5 tion, the Chair of the Commission and the Secretary of
6 Homeland Security shall establish and publish cybersecu-
7 rity best practices for vendors who provide, support, or
8 maintain voting systems, and shall establish and publish
9 updates to such best practices at such times as the Chair
10 and the Secretary consider appropriate.

11 “(d) GUIDANCE AND TECHNICAL ASSISTANCE.—

12 “(1) IN GENERAL.—The Chair of the Commis-
13 sion and the Secretary of Homeland Security may
14 provide such guidance and technical assistance as
15 may be appropriate to assist each State, unit of local
16 government, or component of a State or unit of local
17 government which is responsible for the administra-
18 tion of an election for Federal office with its obliga-
19 tions under this section.

20 “(2) DATABASE OF QUALIFIED VENDORS.—As
21 part of providing guidance and technical assistance
22 under this subsection, the Commission shall estab-
23 lish and maintain a database in which each State,
24 unit of local government, or component of a State or
25 unit of local government which is responsible for the

1 administration of an election for Federal office can
2 verify whether a vendor is a qualified voting systems
3 vendor.

4 “(e) QUALIFIED VOTING SYSTEMS VENDOR DE-
5 FINED.—

6 “(1) IN GENERAL.—In this section, the term
7 ‘qualified voting system vendor’ means a person who
8 provides, supports, or maintains, or seeks to provide,
9 support, or maintain, a voting system used in the
10 administration of an election for Federal office who
11 meets each of the following criteria, as established
12 and published by the Chair of the Commission in co-
13 ordination with the Secretary of Homeland Security:

14 “(A) Except as provided in paragraph (2),
15 the person is solely owned and controlled by a
16 citizen or citizens of the United States.

17 “(B) The person discloses any sourcing
18 outside the United States for any parts of the
19 voting system to the Chair of the Commission,
20 the Secretary of Homeland Security, and the
21 chief State election official of any State in
22 which the vendor provides or seeks to provide
23 goods or services with respect to the voting sys-
24 tem.

1 “(C) The person discloses any material
2 change in its ownership or control to the Chair
3 of the Commission, the Secretary of Homeland
4 Security, and the chief State election official of
5 any State in which the vendor provides goods or
6 services with respect to the voting system.

7 “(D) The person agrees to ensure that the
8 voting systems will be developed and maintained
9 in a manner that is consistent with the cyberse-
10 curity best practices established under sub-
11 section (c).

12 “(E) The person agrees to maintain its in-
13 formation technology infrastructure in a man-
14 ner that is consistent with the cybersecurity
15 best practices established under subsection (c).

16 “(F) The vendor shall report any known or
17 suspected security incidents involving voting
18 systems to the chief State election official of the
19 State involved or the official’s designee, the
20 Chair, and the Secretary.

21 “(2) PERMITTING WAIVER OF DOMESTIC OWN-
22 ERSHIP REQUIREMENT FOR CERTAIN SUBSIDI-
23 ARIES.—The Secretary of Homeland Security may
24 waive the requirement of subparagraph (A) of para-
25 graph (1) with respect to a person who is a United

1 States subsidiary of a parent company which has im-
2 plemented a foreign ownership, control, or influence
3 mitigation plan that has been approved by the Sec-
4 retary. Such plan shall ensure that the parent com-
5 pany cannot control, influence, or direct the sub-
6 sidiary in any manner that would compromise or in-
7 fluence, or give the appearance of compromising or
8 influencing, the independence and integrity of an
9 election.

10 “(f) VOTING SYSTEM DEFINED.—In this section, the
11 term ‘voting system’ has the meaning given such term in
12 section 301(b).”.

13 (b) CONFORMING AMENDMENT RELATING TO EN-
14 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
15 is amended by striking “and 303” and inserting “303, and
16 304”.

17 (c) CLERICAL AMENDMENTS.—The table of contents
18 of such Act is amended—

19 (1) by redesignating the items relating to sec-
20 tions 304 and 305 as relating to sections 305 and
21 306; and

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

“Sec. 304. Ensuring no foreign ownership or control over voting systems.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to elections for Fed-
3 eral office held in 2020 or any succeeding year.

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