

116TH CONGRESS
1ST SESSION

S. 1319

To establish an Election Security grant program.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. BLUMENTHAL, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To establish an Election Security grant program.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the Right
5 to Independent and Democratic Elections Act” or the
6 “PRIDE Voting Act”.

7 **SEC. 2. ELECTION SECURITY GRANT PROGRAM.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is hereby established
10 an Election Security grant program (in this section
11 referred to as the “program”) under which the Sec-

1 retary of Homeland Security awards grants to
2 States to carry out one or more of the following ac-
3 tivities:

4 (A) Implementing or improving the use of
5 auditable paper ballots in accordance with the
6 requirements of paragraph (2), including the
7 updating of any voting system in order to im-
8 plement or improve the use of auditable paper
9 ballots.

10 (B) Conducting post-election risk-limiting
11 audits.

12 (C) Implementing cybersecurity standards
13 and best practices developed by the National
14 Institute of Standards and Technology, includ-
15 ing frameworks, consistent with section 2(c) of
16 the National Institute of Standards and Tech-
17 nology Act (15 U.S.C. 272(c)). In implementing
18 such standards and best practices, a State
19 shall, to the extent practicable, utilize CIS Con-
20 trols from the nonprofit Center for Internet Se-
21 curity (formerly the 20 Critical Security Con-
22 trols).

23 (2) PAPER BALLOT REQUIREMENT.—

24 (A) VOTER-VERIFIED PAPER BALLOTS.—

25 The requirements described in this paragraph,

1 with respect to the use of paper ballots in a vot-
2 ing system, are the following:

3 (i) PAPER BALLOT REQUIREMENT.—

4 (I) The voting system shall require the use
5 of an individual, durable, voter-verified,
6 paper ballot of the voter's vote that shall
7 be marked and made available for inspec-
8 tion and verification by the voter before
9 the voter's vote is cast and counted, and
10 which shall be counted by hand or read by
11 a digital scanning device or other counting
12 device. For purposes of this subclause, the
13 term "individual, durable, voter-verified,
14 paper ballot" means a paper ballot marked
15 by the voter by hand or a paper ballot
16 marked through the use of a nontabulating
17 ballot marking device or system.

18 (II) The voting system shall provide
19 the voter with an opportunity to correct
20 any error on the paper ballot before the
21 permanent voter-verified paper ballot is
22 preserved in accordance with clause (ii).

23 (III) The voting system shall not pre-
24 serve the voter-verified paper ballots in any
25 manner that makes it possible, at any time

1 after the ballot has been cast, to associate
2 a voter with the record of the voter's vote.

3 (ii) PRESERVATION AS OFFICIAL
4 RECORD.—The individual, durable, voter-
5 verified, paper ballot used in accordance
6 with clause (i) shall constitute the official
7 ballot and shall be preserved and used as
8 the official ballot for purposes of any re-
9 count or audit conducted with respect to
10 any election for Federal office in which the
11 voting system is used.

12 (iii) MANUAL COUNTING REQUIRE-
13 MENTS FOR RECOUNTS AND AUDITS.—(I)
14 Each paper ballot used pursuant to clause
15 (i) shall be suitable for a manual audit,
16 and shall be counted by hand in any re-
17 count or audit conducted with respect to
18 any election for Federal office.

19 (II) In the event of any inconsist-
20 encies or irregularities between any elec-
21 tronic vote tallies and the vote tallies de-
22 termined by counting by hand the indi-
23 vidual, durable, voter-verified, paper ballots
24 used pursuant to clause (i), and subject to
25 subparagraph (B), the individual, durable,

voter-verified, paper ballots shall be the true and correct record of the votes cast.

(iv) CLARIFICATION REGARDING USE OF GRANT FUNDS.—Grant funds awarded to the State for the purposes described in paragraph (1)(A) shall not be used with respect to any form of remote ballot casting that results in an electronic transmission of a voted ballot.

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

(i) IN GENERAL.—In the event that—

(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified, paper ballots used pursuant to subparagraph (A)(i) with respect to any election for Federal office; and

(II) it is demonstrated by clear and convincing evidence (as determined in accordance with the applicable standards in the jurisdiction in-

1 volved) in any recount, audit, or con-
2 test of the result of the election that
3 the paper ballots have been com-
4 promised (by damage or mischief or
5 otherwise) and that a sufficient num-
6 ber of the ballots have been so com-
7 promised that the result of the elec-
8 tion could be changed,
9 the determination of the appropriate rem-
10 edy with respect to the election shall be
11 made in accordance with applicable State
12 law, except that the electronic tally shall
13 not be used as the exclusive basis for de-
14 termining the official certified result.

15 (ii) RULE FOR CONSIDERATION OF
16 BALLOTS ASSOCIATED WITH EACH VOTING
17 MACHINE.—For purposes of clause (i),
18 only the paper ballots deemed com-
19 promised, if any, shall be considered in the
20 calculation of whether or not the result of
21 the election could be changed due to the
22 compromised paper ballots.

23 (3) OUTSIDE EXPERT SUPPORT.—A State may
24 use grant funds provided under the program to em-
25 ploy or contract with entities or individuals with ex-

1 pertise in information technology or cybersecurity to
2 carry out activities under the program.

3 (b) DURATION.—

4 (1) INITIAL PERIOD.—Except as provided in
5 paragraph (2), the program shall be carried out for
6 a period of 5 years.

7 (2) ADDITIONAL PERIOD.—The Secretary may
8 carry out the program for an additional period of 5
9 years if the Secretary determines, based on the re-
10 port submitted under subsection (d)(2), that the
11 program is efficacious and such additional period is
12 appropriate.

13 (c) APPLICATION.—

14 (1) IN GENERAL.—A State desiring a grant
15 under this section shall submit to the Secretary of
16 Homeland Security an application at such time, in
17 such manner, and containing or accompanied by
18 such information, as the Secretary may reasonably
19 require.

20 (2) CONTENTS.—An application submitted
21 under paragraph (1) shall describe the activities for
22 which a grant under this section is sought.

23 (d) REPORTS.—

24 (1) GRANTEE REPORTING.—Not later than 1
25 year after the execution of a grant agreement pursu-

1 ant to this section, the State shall submit to the Sec-
2 retary a report on the activities conducted with the
3 funds provided, including information regarding how
4 and where such funds were spent and such addi-
5 tional information as the Secretary determines is ap-
6 propriate for oversight of the program under this
7 section.

8 (2) REPORT TO CONGRESS BY THE SEC-
9 RETARY.—Not later than 18 months after the date
10 of enactment of this Act, the Secretary shall submit
11 to the appropriate Congressional committees a re-
12 port on the program under this section, together
13 with recommendations for such legislation and ad-
14 ministrative action as the Secretary determines ap-
15 propriate.

16 (e) INDIAN TRIBE ELIGIBILITY.—An Indian Tribe is
17 eligible to apply for and receive a grant under this section
18 in the same manner as a State, except that the Secretary
19 may adjust any requirement under this section for an In-
20 dian Tribe to accomplish the purposes of this grant.

21 (f) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate Congressional com-
24 mittees” means—

1 (A) the Committee on Homeland Security
2 and Governmental Affairs, the majority leader,
3 and the minority leader of the Senate; and

4 (B) the Committee on Homeland Security,
5 the Speaker, and the minority leader of the
6 House of Representatives.

7 (2) INDIAN TRIBE.—The term “Indian Tribe”
8 has the meaning given the term “Indian tribe” in
9 section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304).

11 (3) RISK-LIMITING AUDIT.—The term “risk-
12 limiting audit” means an audit protocol that makes
13 use of statistical methods and is designed to limit to
14 acceptable levels the risk of certifying a preliminary
15 election outcome that constitutes an incorrect out-
16 come.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Homeland Security.

19 (5) STATE.—The term “State” includes the
20 District of Columbia, the Commonwealth of Puerto
21 Rico, Guam, American Samoa, and the United
22 States Virgin Islands.

23 (6) VOTING SYSTEM.—The term “voting sys-
24 tem” has the meaning given that term in section

1 301(b) of the Help America Vote Act of 2002 (52
2 U.S.C. 21081(b)).

3 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
4 out this section, there is authorized to be appropriated
5 \$2,500,000,000 for the period of fiscal years 2020
6 through 2029. Amounts appropriated under the preceding
7 sentence shall remain available until expended.

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