

116TH CONGRESS  
1ST SESSION

# S. 2238

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 2019

Ms. KLOBUCHAR (for herself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Securing America’s Federal Elections Act” or the  
6 “SAFE Act”.

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

Sec. 1. Short title; table of contents.

## TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

## Subtitle A—Voting System Security Improvement Grants

PART 1—PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH  
VOTER-VERIFIABLE PERMANENT PAPER BALLOT

- Sec. 101. Short title.
- Sec. 102. Paper ballot and manual counting requirements.
- Sec. 103. Accessibility and ballot verification for individuals with disabilities.
- Sec. 104. Durability and readability requirements for ballots.
- Sec. 105. Paper ballot printing requirements.
- Sec. 106. Updated study and report on optimal ballot design.
- Sec. 107. Effective date for new requirements.

## PART 2—GRANTS TO CARRY OUT IMPROVEMENTS

- Sec. 111. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.
- Sec. 112. Grants for accessible ballot marking devices.
- Sec. 113. Grants for ballot design and printing.
- Sec. 114. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 115. Incorporation of definitions.

## Subtitle B—Risk-Limiting Audits

- Sec. 121. Risk-limiting audits.
- Sec. 122. Funding for conducting post-election risk-limiting audits.
- Sec. 123. GAO analysis of effects of audits.

TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS  
IN ELECTION ADMINISTRATION

- Sec. 201. Cybersecurity requirements for and testing and certification of voting systems.
- Sec. 202. Voting system cybersecurity requirements.
- Sec. 203. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 204. Requiring use of software and hardware for which information is disclosed by manufacturer.
- Sec. 205. Treatment of electronic poll books as part of voting systems.
- Sec. 206. Pre-election reports on voting system usage.
- Sec. 207. Streamlining collection of election information.

TITLE III—USE OF VOTING MACHINES MANUFACTURED IN THE  
UNITED STATES

- Sec. 301. Use of voting machines manufactured in the United States.

## TITLE IV—SEVERABILITY

- Sec. 401. Severability.

**1 TITLE I—FINANCIAL SUPPORT**  
**2 FOR ELECTION INFRASTRUC-**  
**3 TURE**

**4 Subtitle A—Voting System Security**  
**5 Improvement Grants**

**6 PART 1—PROMOTING ACCURACY, INTEGRITY,**  
**7 AND SECURITY THROUGH VOTER-VERIFI-**  
**8 BLE PERMANENT PAPER BALLOT**

**9 SEC. 101. SHORT TITLE.**

**10** This subtitle may be cited as the “Voter Confidence  
**11** and Increased Accessibility Act of 2019”.

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

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

**17** “(2) PAPER BALLOT REQUIREMENT.—

**18** “(A) VOTER-VERIFIABLE PAPER BAL-

**19** LOTS.—

**20** “(i) PAPER BALLOT REQUIREMENT.—

**21** “(I) IN GENERAL.—The voting  
**22** system shall require the use of an in-  
**23** dividual, durable, voter-verifiable  
**24** paper ballot of the voter’s vote  
**25** selections that shall be marked and

made available for inspection and verification by the voter before the voter's ballot is cast and counted. For purposes of this subclause, the term 'individual, durable, voter-verifiable paper ballot' means a paper ballot marked by the voter by hand or a paper ballot marked through the use of a nontabulating ballot marking device, so long as the voter shall have the option to mark his or her ballot by hand.

“(II) REQUIREMENTS FOR BALLOT MARKING DEVICES.—Except as required to meet the accessibility requirements under paragraph (3), in the case of a ballot marking device—

“(aa) the printed or marked paper ballot shall be presented to the voter for physical inspection and verification before the ballot is counted and preserved in accordance with clause (ii);

“(bb) the paper ballot shall be printed or marked in such a way that vote selections, includ-

1 ing all vote selections scanned by  
2 ballot tabulation devices, can be  
3 inspected and verified by the  
4 voter without training or instruc-  
5 tion or audited by election offi-  
6 cials without the aid of any ma-  
7 chine or other equipment; and

8 “(cc) the ballot marking de-  
9 vice shall be designed and built  
10 in a manner in which it is me-  
11 chanically impossible for the de-  
12 vice to add or change the vote se-  
13 lections on a printed or marked  
14 ballot at any time after the ballot  
15 has been presented to the voter  
16 for inspection and verification  
17 under item (aa).

18 “(III) CONFIDENTIALITY.—The  
19 voting system shall not preserve or  
20 mark the individual, durable, voter-  
21 verifiable paper ballots in any manner  
22 that makes it possible, at any time  
23 after the ballot has been cast, to asso-  
24 ciate a voter with the record of the

1 voter's vote selections without the vot-  
2 er's consent.

3 “(ii) PRESERVATION AS OFFICIAL  
4 RECORD.—The individual, durable, voter-  
5 verifiable 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.—

14 “(I) Each paper ballot used pur-  
15 suant to clause (i) shall be counted by  
16 hand in any recount conducted with  
17 respect to any election for Federal of-  
18 fice.

19 “(II) In the event of any incon-  
20 sistencies or irregularities between  
21 any electronic vote tallies and the vote  
22 tallies determined by counting by  
23 hand the individual, durable, voter-  
24 verifiable paper ballots used pursuant  
25 to clause (i), and subject to subpara-

1 graph (B), the individual, durable,  
 2 voter-verifiable paper ballots shall be  
 3 the true and correct record of the  
 4 votes cast.

5 “(iv) APPLICATION TO ALL BAL-  
 6 LOTS.—The requirements of this subpara-  
 7 graph shall apply to all ballots cast in elec-  
 8 tions for Federal office, including ballots  
 9 cast by absent uniformed services voters  
 10 and overseas voters under the Uniformed  
 11 and Overseas Citizens Absentee Voting Act  
 12 and other absentee voters.

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

16 “(i) IN GENERAL.—In the event  
 17 that—

18 “(I) there is any inconsistency  
 19 between any electronic vote tallies and  
 20 the vote tallies determined by count-  
 21 ing by hand the individual, durable,  
 22 voter-verifiable paper ballots used pur-  
 23 suant to subparagraph (A)(i) with re-  
 24 spect to any election for Federal of-  
 25 fice; and

1                   “(II) it is demonstrated by clear  
2                   and convincing evidence (as deter-  
3                   mined in accordance with the applica-  
4                   ble standards in the jurisdiction in-  
5                   volved) in any recount, audit, or con-  
6                   test of the result of the election that  
7                   the paper ballots have been com-  
8                   promised (by damage or mischief or  
9                   otherwise) and that a sufficient num-  
10                  ber of the ballots have been so com-  
11                  promised that the result of the elec-  
12                  tion could be changed,

13               the determination of the appropriate rem-  
14               edy with respect to the election shall be  
15               made in accordance with applicable State  
16               and Federal law, except that the electronic  
17               tally shall not be used as the exclusive  
18               basis for determining the official certified  
19               result.

20               “(ii) RULE FOR CONSIDERATION OF  
21               BALLOTS ASSOCIATED WITH EACH VOTING  
22               MACHINE.—For purposes of clause (i),  
23               only the paper ballots deemed com-  
24               promised, if any, shall be considered in the  
25               calculation of whether or not the result of



1                   the election could be changed due to the  
2                   compromised paper ballots.”.

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

9           (c) OTHER CONFORMING AMENDMENTS.—Section  
10   301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
11   ed—

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

15           (2) in subparagraph (A)(ii), by striking “count-  
16   ed” and inserting “counted, in accordance with  
17   paragraphs (2) and (3)”;

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

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

1 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
2 **INDIVIDUALS WITH DISABILITIES.**

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

6 “(B)(i) ensure that individuals with dis-  
7 abilities and others are given an equivalent op-  
8 portunity to vote, including with privacy and  
9 independence, in a manner that produces a  
10 voter-verifiable paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-  
12 graph (A) through the use of as many ballot  
13 marking devices at each polling place as nec-  
14 essary (but not less than 1) to reasonably ac-  
15 commodate the number of voters with accessi-  
16 bility needs expected to vote at the polling  
17 place) that—

18 “(I) is equipped for individuals with  
19 disabilities, including nonvisual and en-  
20 hanced visual accessibility for the blind  
21 and visually impaired and nonmanual and  
22 enhanced manual accessibility for the mo-  
23 bility and dexterity impaired;

24 “(II) in the case of any election for  
25 Federal office occurring after the date that  
26 is 6 years after the date of the enactment

1 of the Securing America’s Federal Elec-  
2 tions Act—

3 “(aa) marks ballots that are  
4 identical in size, ink, and paper stock  
5 to those ballots that would either be  
6 marked by hand or be marked by a  
7 ballot marking device made generally  
8 available to voters; and

9 “(bb) combines ballots produced  
10 by any ballot marking devices reserved  
11 for individuals with disabilities with  
12 ballots that have either been marked  
13 by voters by hand or marked by ballot  
14 marking devices made generally avail-  
15 able to voters, in a way that prevents  
16 identification of the ballots that were  
17 cast using any ballot marking device  
18 that was reserved for individuals with  
19 disabilities; and

20 “(III) is made available for use by  
21 any voter who requests to use it; and

22 “(iii) in the case of any election for Fed-  
23 eral office occurring after the date that is 6  
24 years after the date of the enactment of the Se-  
25 curing America’s Federal Elections Act, meet

1 the requirements of subparagraph (A) and  
 2 paragraph (2)(A) by using a system that—

3 “(I) allows the voter to privately and  
 4 independently verify the accuracy of the  
 5 permanent paper ballot through the pres-  
 6 entation, in accessible form, of the printed  
 7 or marked vote selections from the same  
 8 printed or marked information that would  
 9 be used for any vote tabulation or audit-  
 10 ing; and

11 “(II) allows the voter to privately and  
 12 independently verify and cast the perma-  
 13 nent paper ballot without requiring the  
 14 voter to manually handle the paper ballot;  
 15 and”.

16 (b) CLARIFICATION WITH RESPECT TO APPLICATION  
 17 OF REQUIREMENT TO BALLOTS MARKED AT HOME.—  
 18 Section 301(a)(3) of such Act (52 U.S.C. 21081(a)(3))  
 19 is amended by adding at the end the following new flush  
 20 sentence:

21 “Nothing in subparagraph (B) shall be construed to  
 22 prohibit the use of an accessible ballot that may be  
 23 printed or marked by the voter at home.”.

24 (c) REQUIREMENT FOR POLL WORKERS TO INFORM  
 25 VOTES OF ACCESSIBLE VOTING SYSTEMS.—

1           (1) IN GENERAL.—Title III of the Help Amer-  
 2           ica Vote Act of 2002 (52 U.S.C. 21081 et seq.) is  
 3           amended by inserting after section 301 the following  
 4           new section:

5   **“SEC. 301A. INFORMATION ON ACCESSIBLE VOTING SYS-**  
 6                           **TEMS.**

7           “(a) IN GENERAL.—Every individual who votes in  
 8           person in an election for Federal office shall be informed  
 9           by the individual administering such election of—

10           “(1) the availability of accessible voting systems  
 11           under section 301(a)(3)(B); and

12           “(2) the right of the individual to use such vot-  
 13           ing systems upon request.

14           “(b) EFFECTIVE DATE.—The requirements of this  
 15           section shall apply to elections for Federal office held in  
 16           2020 or any succeeding year.”.

17           (2) CLERICAL AMENDMENT.—The table of con-  
 18           tents for such Act is amended by inserting after the  
 19           item relating to section 301 the following new item:

“Sec. 301A. Information on accessible voting systems.”.

20           (3) CONFORMING AMENDMENT RELATING TO  
 21           ENFORCEMENT.—Section 401 of such Act (52  
 22           U.S.C. 21111) is amended by striking “sections 301,  
 23           302, and 303” and inserting “subtitle A of title  
 24           III”.

1 (d) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
 2 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
 3 VERIFICATION MECHANISMS.—

4 (1) STUDY AND REPORTING.—Subtitle C of  
 5 title II of such Act (52 U.S.C. 21081 et seq.) is  
 6 amended—

7 (A) by redesignating section 247 as section  
 8 248; and

9 (B) by inserting after section 246 the fol-  
 10 lowing new section:

11 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
 12 **BALLOT VERIFICATION MECHANISMS.**

13 “(a) STUDY AND REPORT.—The Director of the Na-  
 14 tional Science Foundation shall make grants to not fewer  
 15 than three eligible entities to study, test, and develop ac-  
 16 cessible paper ballot voting, verification, and casting mech-  
 17 anisms and devices and best practices to enhance the ac-  
 18 cessibility of paper ballot voting and verification mecha-  
 19 nisms for individuals with disabilities, for voters whose pri-  
 20 mary language is not English, and for voters with difficul-  
 21 ties in literacy, including best practices for the mecha-  
 22 nisms themselves and the processes through which the  
 23 mechanisms are used.

24 “(b) ELIGIBILITY.—An entity is eligible to receive a  
 25 grant under this part if it submits to the Director (at such

1 time and in such form as the Director may require) an  
2 application containing—

3 “(1) certifications that the entity shall specifi-  
4 cally investigate enhanced methods or devices, in-  
5 cluding non-electronic devices, that will assist such  
6 individuals and voters in marking voter-verifiable  
7 paper ballots and presenting or transmitting the in-  
8 formation printed or marked on such ballots back to  
9 such individuals and voters, and casting such ballots;

10 “(2) a certification that the entity shall com-  
11 plete the activities carried out with the grant not  
12 later than December 31, 2020; and

13 “(3) such other information and certifications  
14 as the Director may require.

15 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
16 nology developed with the grants made under this section  
17 shall be treated as non-proprietary and shall be made  
18 available to the public, including to manufacturers of vot-  
19 ing systems.

20 “(d) COORDINATION WITH GRANTS FOR TECH-  
21 NOLOGY IMPROVEMENTS.—The Director shall carry out  
22 this section so that the activities carried out with the  
23 grants made under subsection (a) are coordinated with the  
24 research conducted under the grant program carried out  
25 by the Commission under section 271, to the extent that

1 the Director and Commission determine necessary to pro-  
 2 vide for the advancement of accessible voting technology.

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

6 (2) CLERICAL AMENDMENT.—The table of con-  
 7 tents of such Act is amended—

8 (A) by redesignating the item relating to  
 9 section 247 as relating to section 248; and

10 (B) by inserting after the item relating to  
 11 section 246 the following new item:

“Sec. 247. Study and report on accessible paper ballot verification mecha-  
 nisms.”.

12 (e) CLARIFICATION OF ACCESSIBILITY STANDARDS  
 13 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
 14 adopting any voluntary guidance under subtitle B of title  
 15 III of the Help America Vote Act with respect to the ac-  
 16 cessibility of the paper ballot verification requirements for  
 17 individuals with disabilities, the Election Assistance Com-  
 18 mission shall include and apply the same accessibility  
 19 standards applicable under the voluntary guidance adopt-  
 20 ed for accessible voting systems under such subtitle.

21 (f) PERMITTING USE OF FUNDS FOR PROTECTION  
 22 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
 23 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
 24 tion 292(a) of the Help America Vote Act of 2002 (52



1 U.S.C. 21062(a)) is amended by striking “; except that”  
 2 and all that follows and inserting a period.

3 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**  
 4 **FOR BALLOTS.**

5 Section 301(a) of the Help America Vote Act of 2002  
 6 (52 U.S.C. 21081(a)) is amended by adding at the end  
 7 the following new paragraph:

8 “(7) DURABILITY AND READABILITY REQUIRE-  
 9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR  
 11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verifiable  
 13 paper ballots required to be used under  
 14 this Act shall be marked or printed on du-  
 15 rable paper.

16 “(ii) DEFINITION.—For purposes of  
 17 this Act, paper is ‘durable’ if it is capable  
 18 of withstanding multiple counts and re-  
 19 counts by hand without compromising the  
 20 fundamental integrity of the ballots, and  
 21 capable of retaining the information  
 22 marked or printed on them for the full du-  
 23 ration of a retention and preservation pe-  
 24 riod of 22 months.

1                   “(B) READABILITY REQUIREMENTS FOR  
 2                   PAPER BALLOTS MARKED BY BALLOT MARKING  
 3                   DEVICE.—All voter-verifiable paper ballots com-  
 4                   pleted by the voter through the use of a ballot  
 5                   marking device shall be clearly readable by the  
 6                   voter without assistance (other than eyeglasses  
 7                   or other personal vision enhancing devices) and  
 8                   by a ballot tabulation device or other device  
 9                   equipped for individuals with disabilities.”.

10 **SEC. 105. PAPER BALLOT PRINTING REQUIREMENTS.**

11           (a) REQUIRING PAPER BALLOTS TO BE PRINTED ON  
 12 RECYCLED PAPER MANUFACTURED IN UNITED  
 13 STATES.—Section 301(a) of the Help America Vote Act  
 14 of 2002 (52 U.S.C. 21081(a)), as amended by section 104,  
 15 is amended by adding at the end the following new para-  
 16 graph:

17                   “(8) PRINTING REQUIREMENTS FOR BAL-  
 18                   LOTS.—

19                   “(A) IN GENERAL.—All paper ballots used  
 20                   in an election for Federal office shall be printed  
 21                   in the United States on recycled paper manu-  
 22                   factured in the United States.

23                   “(B) EXCEPTION.—If a State or jurisdic-  
 24                   tion that certifies to the Commission that some  
 25                   or all of the ballot marking devices or ballot

1 tabulation devices used in the State or jurisdic-  
 2 tion in Federal elections cannot process or re-  
 3 tain ballots printed on recycled paper, subpara-  
 4 graph (A) shall be applied to such State or ju-  
 5 risdiction without regard to whether the ballot  
 6 is printed on recycled paper for any election for  
 7 Federal office during the period beginning on  
 8 the date that is 60 days after such certification  
 9 is made and ending on the first date on which  
 10 the State or jurisdiction replaces such ballot  
 11 marking devices or ballot tabulation devices.”.

12 (b) EFFECTIVE DATE.—The amendment made by  
 13 subsection (a) shall apply with respect to elections occur-  
 14 ring on or after January 1, 2021.

15 **SEC. 106. UPDATED STUDY AND REPORT ON OPTIMAL BAL-**  
 16 **LOT DESIGN.**

17 (a) STUDY.—The Election Assistance Commission  
 18 shall update any studies conducted on ballot designs under  
 19 section 241 of the Help America Vote Act of 2002 (52  
 20 U.S.C. 20981). The updated study shall include—

21 (1) designs for paper ballots and electronic or  
 22 digital ballots, including designs for user interfaces  
 23 the primary purpose of which is to assist in the cast-  
 24 ing of electronic or digital ballots; and

1           (2) designs to minimize confusion and user er-  
2       rors.

3       (b) REPORT.—Not later than January 1, 2020, the  
4 Commission shall submit the report required to be sub-  
5 mitted under section 241(c) of the Help America Vote Act  
6 of 2002 (52 U.S.C. 20981(c)) on the study conducted  
7 under subsection (a).

8 **SEC. 107. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

9       Section 301(d) of the Help America Vote Act of 2002  
10 (52 U.S.C. 21081(d)) is amended to read as follows:

11       “(d) EFFECTIVE DATE.—

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

16           “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
17 MENTS.—

18           “(A) IN GENERAL.—Except as provided in  
19 section 105(b) of the Securing America’s Fed-  
20 eral Elections Act, clauses (ii)(II) and (iii) of  
21 subsection (a)(3)(B), and subparagraphs (B)  
22 and (C), the requirements of this section which  
23 are first imposed on a State and jurisdiction  
24 pursuant to the amendments made by the Voter  
25 Confidence and Increased Accessibility Act of

1           2019 shall apply with respect to voting systems  
 2           used for any election for Federal office held in  
 3           2020 or any succeeding year.

4           “(B) DELAY FOR JURISDICTIONS USING  
 5           CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
 6           SYSTEMS USING OR PRODUCING VOTER-  
 7           VERIFIABLE PAPER RECORDS IN 2018.—

8           “(i) DELAY.—In the case of a juris-  
 9           diction described in clause (ii), subpara-  
 10          graph (A) shall apply to a voting system in  
 11          the jurisdiction as if the reference in such  
 12          subparagraph to ‘2020’ were a reference to  
 13          ‘2022’, but only with respect to the fol-  
 14          lowing requirements of this section:

15           “(I) Paragraph (2)(A)(i)(I) or  
 16           (II) of subsection (a) (relating to the  
 17           use of voter-verifiable paper ballots).

18           “(II) Paragraph (7) of subsection  
 19           (a) (relating to durability and read-  
 20           ability requirements for ballots).

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

24           “(I) which used voter-verifiable  
 25           paper record printers attached to di-

rect recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote selections verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (2)(A)(i)(II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and

“(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.

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

“(I) REQUIRING BALLOTS TO BE OFFERED AND PROVIDED.—The appropriate election official at each polling place that uses a printer or sys-

1           tem described in clause (ii)(I) for the  
2           administration of elections for Federal  
3           office shall offer each individual who  
4           is eligible to cast a vote in the election  
5           at the polling place the opportunity to  
6           cast the vote using a blank paper bal-  
7           lot which the individual may mark by  
8           hand. The official shall provide the in-  
9           dividual with the ballot and the sup-  
10          plies necessary to mark the ballot, and  
11          shall ensure (to the greatest extent  
12          practicable) that the waiting period  
13          for the individual to cast a vote is the  
14          lesser of 30 minutes or the average  
15          waiting period for an individual who  
16          does not agree to cast the vote using  
17          such a paper ballot under this clause.

18               “(II) TREATMENT OF BALLOT.—  
19          Any paper ballot which is cast by an  
20          individual under this clause shall be  
21          counted and otherwise treated as a  
22          regular ballot for all purposes (includ-  
23          ing by incorporating it into the final  
24          unofficial vote count (as defined by  
25          the State) for the precinct) and not as

1 a provisional ballot, unless the indi-  
 2 vidual casting the ballot would have  
 3 otherwise been required to cast a pro-  
 4 visional ballot.

5 “(III) POSTING OF NOTICE.—

6 The appropriate election official shall  
 7 ensure there is prominently displayed  
 8 at each polling place a notice that de-  
 9 scribes the obligation of the official to  
 10 offer individuals the opportunity to  
 11 cast votes using a blank paper ballot.

12 “(IV) TRAINING OF ELECTION

13 OFFICIALS.—The chief State election  
 14 official shall ensure that election offi-  
 15 cials at polling places in the State are  
 16 aware of the requirements of this  
 17 clause, including the requirement to  
 18 display a notice under subclause (III),  
 19 and are aware that it is a violation of  
 20 the requirements of this title for an  
 21 election official to fail to offer an indi-  
 22 vidual the opportunity to cast a vote  
 23 using a blank paper ballot.

24 “(V) PERIOD OF APPLICA-

25 BILITY.—The requirements of this



1 clause apply only during the period in  
 2 which the delay is in effect under  
 3 clause (i).”.

4 **PART 2—GRANTS TO CARRY OUT**  
 5 **IMPROVEMENTS**

6 **SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**  
 7 **LOT VOTING SYSTEMS AND CARRYING OUT**  
 8 **VOTING SYSTEM SECURITY IMPROVEMENTS.**

9 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
 10 II of the Help America Vote Act of 2002 (52 U.S.C.  
 11 21001 et seq.) is amended by adding at the end the fol-  
 12 lowing new part:

13 **“PART 7—GRANTS FOR OBTAINING COMPLIANT**  
 14 **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
 15 **RYING OUT VOTING SYSTEM SECURITY IM-**  
 16 **PROVEMENTS**

17 **“SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER**  
 18 **BALLOT VOTING SYSTEMS AND CARRYING**  
 19 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
 20 **MENTS.**

21 **“(a) AVAILABILITY AND USE OF GRANT.—**The Com-  
 22 mission shall make a grant to each eligible State—

23 **“(1) to replace a voting system—**

24 **“(A) which does not meet the requirements**  
 25 **which are first imposed on the State pursuant**

1 to the amendments made by the Voter Con-  
2 fidence and Increased Accessibility Act of 2019  
3 with a voting system which does meet such re-  
4 quirements, for use in the regularly scheduled  
5 general elections for Federal office held in No-  
6 vember 2020; or

7 “(B) which does meet such requirements  
8 but which is not in compliance with the most  
9 recent voluntary voting system guidelines issued  
10 by the Commission prior to the regularly sched-  
11 uled general election for Federal office held in  
12 November 2020 with another system which does  
13 meet such requirements and is in compliance  
14 with such guidelines; and

15 “(2) to carry out voting system security im-  
16 provements described in section 297A with respect  
17 to the regularly scheduled general elections for Fed-  
18 eral office held in November 2020 and each suc-  
19 ceeding election for Federal office.

20 “(b) AMOUNT OF GRANT.—The amount of a grant  
21 made to a State under this section shall be such amount  
22 as the Commission determines to be appropriate, except  
23 that such amount may not be less than the product of  
24 \$1 and the average of the number of individuals who cast

1 votes in any of the two most recent regularly scheduled  
 2 general elections for Federal office held in the State.

3 “(c) PRO RATA REDUCTIONS.—If the amount of  
 4 funds appropriated for grants under this part is insuffi-  
 5 cient to ensure that each State receives the amount of the  
 6 grant calculated under subsection (b), the Commission  
 7 shall make such pro rata reductions in such amounts as  
 8 may be necessary to ensure that the entire amount appro-  
 9 priated under this part is distributed to the States.

10 “(d) SURPLUS APPROPRIATIONS.—If the amount of  
 11 funds appropriated for grants authorized under section  
 12 297D(a)(2) exceed the amount necessary to meet the re-  
 13 quirements of subsection (b), the Commission shall con-  
 14 sider the following in making a determination to award  
 15 remaining funds to a State:

16 “(1) The record of the State in carrying out the  
 17 following with respect to the administration of elec-  
 18 tions for Federal office:

19 “(A) Providing voting machines that are  
 20 less than 10 years old.

21 “(B) Implementing strong chain of custody  
 22 procedures for the physical security of voting  
 23 equipment and paper records at all stages of  
 24 the process.

1           “(C) Conducting pre-election testing on  
2           every voting machine and ensuring that paper  
3           ballots are available wherever electronic ma-  
4           chines are used.

5           “(D) Maintaining offline backups of voter  
6           registration lists.

7           “(E) Providing a secure voter registration  
8           database that logs requests submitted to the  
9           database.

10          “(F) Publishing and enforcing a policy de-  
11          tailing use limitations and security safeguards  
12          to protect the personal information of voters in  
13          the voter registration process.

14          “(G) Providing secure processes and proce-  
15          dures for reporting vote tallies.

16          “(H) Providing a secure platform for dis-  
17          seminating vote totals.

18          “(2) Evidence of established conditions of inno-  
19          vation and reform in providing voting system secu-  
20          rity and the proposed plan of the State for imple-  
21          menting additional conditions.

22          “(3) Evidence of collaboration between relevant  
23          stakeholders, including local election officials, in de-  
24          veloping the grant implementation plan described in  
25          section 297B.

1           “(4) The plan of the State to conduct a rig-  
 2           orous evaluation of the effectiveness of the activities  
 3           carried out with the grant.

4           “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-  
 5 MINISTER RANKED CHOICE ELECTIONS.—To the greatest  
 6 extent practicable, an eligible State which receives a grant  
 7 to replace a voting system under this section shall ensure  
 8 that the replacement system is capable of administering  
 9 a system of ranked choice voting under which each voter  
 10 shall rank the candidates for the office in the order of  
 11 the voter’s preference.

12   **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
 13                           **DESCRIBED.**

14           “(a) PERMITTED USES.—A voting system security  
 15 improvement described in this section is any of the fol-  
 16 lowing:

17           “(1) The acquisition of goods and services from  
 18           qualified election infrastructure vendors by purchase,  
 19           lease, or such other arrangements as may be appro-  
 20           priate.

21           “(2) Cyber and risk mitigation training.

22           “(3) A security risk and vulnerability assess-  
 23           ment of the State’s election infrastructure which is  
 24           carried out by a provider of cybersecurity services

1 under a contract entered into between the chief  
2 State election official and the provider.

3 “(4) The maintenance of election infrastruc-  
4 ture, including addressing risks and vulnerabilities  
5 which are identified under either of the security risk  
6 and vulnerability assessments described in para-  
7 graph (3), except that none of the funds provided  
8 under this part may be used to renovate or replace  
9 a building or facility which is used primarily for pur-  
10 poses other than the administration of elections for  
11 public office.

12 “(5) Providing increased technical support for  
13 any information technology infrastructure that the  
14 chief State election official deems to be part of the  
15 State’s election infrastructure or designates as crit-  
16 ical to the operation of the State’s election infra-  
17 structure.

18 “(6) Enhancing the cybersecurity and oper-  
19 ations of the information technology infrastructure  
20 described in paragraph (4).

21 “(7) Enhancing the cybersecurity of voter reg-  
22 istration systems.

23 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
24 DORS DESCRIBED.—

1           “(1) IN GENERAL.—For purposes of this part,  
2           a ‘qualified election infrastructure vendor’ is any  
3           person who provides, supports, or maintains, or who  
4           seeks to provide, support, or maintain, election in-  
5           frastructure on behalf of a State, unit of local gov-  
6           ernment, or election agency, who meets the criteria  
7           described in paragraph (2).

8           “(2) CRITERIA.—The criteria described in this  
9           paragraph are such criteria as the Chairman, in co-  
10          ordination with the Secretary of Homeland Security,  
11          shall establish and publish, and shall include each of  
12          the following requirements:

13               “(A) The vendor must be owned and con-  
14               trolled by a citizen or permanent resident of the  
15               United States.

16               “(B) The vendor must disclose to the  
17               Chairman and the Secretary, and to the chief  
18               State election official of any State to which the  
19               vendor provides any goods and services with  
20               funds provided under this part, of any sourcing  
21               outside the United States for parts of the elec-  
22               tion infrastructure.

23               “(C) The vendor agrees to ensure that the  
24               election infrastructure will be developed and  
25               maintained in a manner that is consistent with

1 the cybersecurity best practices issued by the  
2 Technical Guidelines Development Committee.

3 “(D) The vendor agrees to maintain its in-  
4 formation technology infrastructure in a man-  
5 ner that is consistent with the cybersecurity  
6 best practices issued by the Technical Guide-  
7 lines Development Committee.

8 “(E) The vendor agrees to meet the re-  
9 quirements of paragraph (3) with respect to  
10 any known or suspected cybersecurity incidents  
11 involving any of the goods and services provided  
12 by the vendor pursuant to a grant under this  
13 part.

14 “(F) The vendor agrees to permit inde-  
15 pendent security testing by the Commission (in  
16 accordance with section 231(a)) and by the Sec-  
17 retary of the goods and services provided by the  
18 vendor pursuant to a grant under this part.

19 “(3) CYBERSECURITY INCIDENT REPORTING  
20 REQUIREMENTS.—

21 “(A) IN GENERAL.—A vendor meets the  
22 requirements of this paragraph if, upon becom-  
23 ing aware of the possibility that an election cy-  
24 bersecurity incident has occurred involving any



1 of the goods and services provided by the ven-  
2 dor pursuant to a grant under this part—

3 “(i) the vendor promptly assesses  
4 whether or not such an incident occurred,  
5 and submits a notification meeting the re-  
6 quirements of subparagraph (B) to the  
7 Secretary and the Chairman of the assess-  
8 ment as soon as practicable (but in no case  
9 later than 3 days after the vendor first be-  
10 comes aware of the possibility that the in-  
11 cident occurred);

12 “(ii) if the incident involves goods or  
13 services provided to an election agency, the  
14 vendor submits a notification meeting the  
15 requirements of subparagraph (B) to the  
16 agency as soon as practicable (but in no  
17 case later than 3 days after the vendor  
18 first becomes aware of the possibility that  
19 the incident occurred), and cooperates with  
20 the agency in providing any other nec-  
21 essary notifications relating to the inci-  
22 dent; and

23 “(iii) the vendor provides all necessary  
24 updates to any notification submitted  
25 under clause (i) or clause (ii).

1           “(B) CONTENTS OF NOTIFICATIONS.—

2           Each notification submitted under clause (i) or  
3           clause (ii) of subparagraph (A) shall contain  
4           the following information with respect to any  
5           election cybersecurity incident covered by the  
6           notification:

7                   “(i) The date, time, and time zone  
8                   when the election cybersecurity incident  
9                   began, if known.

10                   “(ii) The date, time, and time zone  
11                   when the election cybersecurity incident  
12                   was detected.

13                   “(iii) The date, time, and duration of  
14                   the election cybersecurity incident.

15                   “(iv) The circumstances of the elec-  
16                   tion cybersecurity incident, including the  
17                   specific election infrastructure systems be-  
18                   lieved to have been accessed and informa-  
19                   tion acquired, if any.

20                   “(v) Any planned and implemented  
21                   technical measures to respond to and re-  
22                   cover from the incident.

23                   “(vi) In the case of any notification  
24                   which is an update to a prior notification,  
25                   any additional material information relat-

1                   ing to the incident, including technical  
2                   data, as it becomes available.

3   **“SEC. 297B. ELIGIBILITY OF STATES.**

4           “A State is eligible to receive a grant under this part  
5 if the State submits to the Commission, at such time and  
6 in such form as the Commission may require, an applica-  
7 tion containing—

8                   “(1) a description of how the State will use the  
9           grant to carry out the activities authorized under  
10          this part;

11                   “(2) a certification and assurance that, not  
12          later than 5 years after receiving the grant, the  
13          State will carry out voting system security improve-  
14          ments, as described in section 297A; and

15                   “(3) such other information and assurances as  
16          the Commission may require.

17   **“SEC. 297C. REPORTS TO CONGRESS.**

18          “Not later than 90 days after the end of each fiscal  
19 year, the Commission shall submit a report to the appro-  
20 priate congressional committees, including the Committees  
21 on Homeland Security, House Administration, and the Ju-  
22 diciary of the House of Representatives and the Commit-  
23 tees on Homeland Security and Governmental Affairs, the  
24 Judiciary, and Rules and Administration of the Senate,

1 on the activities carried out with the funds provided under  
2 this part.

3 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) AUTHORIZATION.—There are authorized to be  
5 appropriated for grants under this part—

6 “(1) \$600,000,000 for fiscal year 2019; and

7 “(2) \$175,000,000 for each of the fiscal years  
8 2020, 2022, 2024, and 2026.

9 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any  
10 amounts appropriated pursuant to the authorization of  
11 this section shall remain available until expended.”.

12 (b) CLERICAL AMENDMENT.—The table of contents  
13 of such Act is amended by adding at the end of the items  
14 relating to subtitle D of title II the following:

“PART 7—GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING  
SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS

“Sec. 297. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

“Sec. 297A. Voting system security improvements described.

“Sec. 297B. Eligibility of States.

“Sec. 297C. Reports to Congress.

“Sec. 297D. Authorization of appropriations.”.

15 **SEC. 112. GRANTS FOR ACCESSIBLE BALLOT MARKING DE-**  
16 **VICES.**

17 (a) IN GENERAL.—Subtitle D of title II of the Help  
18 America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as  
19 amended by section 111(a), is amended by adding at the  
20 end the following new part:

1     **“PART 8—FUNDING FOR ACCESSIBLE BALLOT**

2                     **MARKING DEVICES**

3     **“SEC. 298. ACQUISITION OF ACCESSIBLE BALLOT MARKING**

4                     **DEVICES FOR VOTERS WITH DISABILITIES.**

5             “(a) IN GENERAL.—The Commission shall pay to  
6 States the amount of eligible accessible ballot marking de-  
7 vice costs.

8             “(b) ELIGIBLE ACCESSIBLE BALLOT MARKING DE-  
9 VICE COSTS.—

10             “(1) IN GENERAL.—For purposes of this sec-  
11 tion, the term ‘eligible accessible ballot marking de-  
12 vice costs’ means costs paid or incurred by a State  
13 or local government to acquire an accessible ballot  
14 marking device.

15             “(2) ACCESSIBLE BALLOT MARKING DEVICE  
16 DEFINED.—For purposes of this section, the term  
17 ‘accessible ballot marking device’ means a ballot  
18 marking device that is used by the State or local  
19 government exclusively to comply with the require-  
20 ments of section 301(a)(3) (as applied to elections  
21 for Federal office occurring after the date that is 6  
22 years after the date of the enactment of the Secur-  
23 ing America’s Federal Elections Act).

24             “(c) PAYMENTS.—

25             “(1) LIMITATIONS.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), the Commission shall not  
3           pay eligible accessible ballot marking device  
4           costs with respect to more than 1 accessible bal-  
5           lot marking device in any precinct.

6           “(B) EXCEPTION.—The Commission may  
7           pay for more than 1 accessible ballot marking  
8           device in any precinct if the State demonstrates  
9           the need for more accessible ballot marking de-  
10          vices in such precinct due to the number of vot-  
11          ers with disabilities voting in such precinct com-  
12          pared to other precincts.

13          “(2) RULES AND PROCEDURES.—The Commis-  
14          sion shall establish rules and procedures for submis-  
15          sion of eligible accessible ballot marking device costs  
16          for payments under this section.

17          “(3) INSUFFICIENT FUNDS.—In any case in  
18          which the amounts appropriated under subsection  
19          (d) are insufficient to pay all eligible accessible bal-  
20          lot marking device costs submitted by States with  
21          respect to any Federal election, the amount of such  
22          costs paid under subsection (a) to any State shall be  
23          equal to the amount that bears the same ratio to the  
24          amount which would be paid to such State (deter-  
25          mined without regard to this paragraph) as—

1           “(A) the number of individuals who voted  
2           in such Federal election in such State; bears to

3           “(B) the total number of individuals who  
4           voted in such Federal election in all States sub-  
5           mitting a claim for eligible accessible ballot  
6           marking device costs.

7           “(d) AUTHORIZATION OF APPROPRIATIONS.—

8           “(1) IN GENERAL.—There is hereby authorized  
9           to be appropriated to the Commission to carry out  
10          this section \$250,000,000 for fiscal years 2019  
11          through 2025.

12          “(2) AVAILABILITY.—Any amounts appro-  
13          priated pursuant to paragraph (1) shall remain  
14          available without fiscal year limitation until ex-  
15          pended.”.

16          (b) CLERICAL AMENDMENT.—The table of contents  
17          for the Help America Vote Act of 2002 (52 U.S.C. 30101  
18          et seq.), as amended by section 111(b), is amended by  
19          adding at the end of the items relating to subtitle D of  
20          title II the following:

          “PART 8—FUNDING FOR ACCESSIBLE BALLOT MARKING DEVICES

          “Sec. 298. Acquisition of accessible ballot marking devices for voters with dis-  
          abilities.”.

21   **SEC. 113. GRANTS FOR BALLOT DESIGN AND PRINTING.**

22          (a) IN GENERAL.—Subtitle D of title II of the Help  
23          America Vote Act of 2002 (52 U.S.C. 21001 et seq.), as

1 amended by sections 111(a) and 112(a), is amended by  
 2 adding at the end the following new part:

3     **“PART 9—FUNDING FOR BALLOT DESIGN AND**  
 4                                   **PRINTING**

5     **“SEC. 299. PAYMENTS FOR BALLOT DESIGN AND PRINTING.**

6             “(a) IN GENERAL.—The Commission shall pay to  
 7 States the amount of eligible ballot design and printing  
 8 costs.

9             “(b) ELIGIBLE DESIGN AND PRINTING COSTS.—For  
 10 purposes of this section, the term ‘eligible ballot design  
 11 and printing costs’ means, with respect to any State, costs  
 12 paid or incurred by the State or any local government  
 13 within the State for the design and printing of any ballot  
 14 that—

15                 “(1) is used in an election for Federal office oc-  
 16 ccurring after the date of the enactment of this part;  
 17 and

18                 “(2) meets such minimum standards for  
 19 usability and accessibility as established by the Com-  
 20 mission, in consultation with the Director of the Na-  
 21 tional Institute of Standards and Technology, for  
 22 purposes of this section.

23             “(c) SPECIAL RULES.—

24                 “(1) RULES AND PROCEDURES.—The Commis-  
 25 sion shall establish rules and procedures for submis-



sion of eligible ballot design and printing costs for payments under this section.

“(2) INSUFFICIENT FUNDS.—In any case in which the amounts appropriated under subsection (d) are insufficient to pay all eligible ballot design and printing costs submitted by States with respect to any Federal election, the amount of such costs paid under subsection (a) to any State shall be equal to the amount that bears the same ratio to the amount which would be paid to such State (determined without regard to this paragraph) as—

“(A) the number of individuals who voted in such Federal election in such State; bears to

“(B) the total number of individuals who voted in such Federal election in all States submitting a claim for eligible ballot design and printing costs.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is hereby authorized to be appropriated to the Commission such sums as are necessary to carry out this part.

“(2) AVAILABILITY.—Any amounts appropriated pursuant to paragraph (1) shall remain available without fiscal year limitation until expended.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Help America Vote Act of 2002 (52 U.S.C. 30101 et seq.), as amended by sections 111(b) and 112(b), is amended by adding at the end of the items relating to subtitle D of title II the following:

“PART 9—FUNDING FOR BALLOT DESIGN AND PRINTING

“Sec. 299. Payments for ballot design and printing.”.

**SEC. 114. COORDINATION OF VOTING SYSTEM SECURITY  
ACTIVITIES WITH USE OF REQUIREMENTS  
PAYMENTS AND ELECTION ADMINISTRATION  
REQUIREMENTS UNDER HELP AMERICA  
VOTE ACT OF 2002.**

(a) DUTIES OF ELECTION ASSISTANCE COMMISSION.—Section 202 of the Help America Vote Act of 2002 (52 U.S.C. 20922) is amended in the matter preceding paragraph (1) by striking “by” and inserting “and the security of election infrastructure by”.

(b) MEMBERSHIP OF SECRETARY OF HOMELAND SECURITY ON BOARD OF ADVISORS OF ELECTION ASSISTANCE COMMISSION.—Section 214(a) of such Act (52 U.S.C. 20944(a)) is amended—

- (1) by striking “37 members” and inserting “38 members”; and
- (2) by adding at the end the following new paragraph:

1           “(17) The Secretary of Homeland Security or  
2           the Secretary’s designee.”.

3           (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
4 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-  
5 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
6 U.S.C. 20961(c)(1)) is amended—

7           (1) by redesignating subparagraph (E) as sub-  
8           paragraph (F); and

9           (2) by inserting after subparagraph (D) the fol-  
10          lowing new subparagraph:

11                   “(E) A representative of the Department  
12                   of Homeland Security.”.

13          (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
14 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
15 OF HOMELAND SECURITY.—Section 241(a) of such Act  
16 (52 U.S.C. 20981(a)) is amended—

17           (1) in the matter preceding paragraph (1), by  
18           striking “the Commission shall” and inserting “the  
19           Commission, in consultation with the Secretary of  
20           Homeland Security (as appropriate), shall”;

21           (2) by striking “and” at the end of paragraph  
22           (3);

23           (3) by redesignating paragraph (4) as para-  
24           graph (5); and

1           (4) by inserting after paragraph (3) the fol-  
 2           lowing new paragraph:

3           “(4) will be secure against attempts to under-  
 4           mine the integrity of election systems by cyber or  
 5           other means; and”.

6           (e) REQUIREMENTS PAYMENTS.—

7           (1) USE OF PAYMENTS FOR VOTING SYSTEM  
 8           SECURITY IMPROVEMENTS.—Section 251(b) of such  
 9           Act (52 U.S.C. 21001(b)) is amended by adding at  
 10          the end the following new paragraph:

11          “(4) PERMITTING USE OF PAYMENTS FOR VOT-  
 12          ING SYSTEM SECURITY IMPROVEMENTS.—A State  
 13          may use a requirements payment to carry out any  
 14          of the following activities:

15                 “(A) Cyber and risk mitigation training.

16                 “(B) Providing increased technical support  
 17                 for any information technology infrastructure  
 18                 that the chief State election official deems to be  
 19                 part of the State’s election infrastructure or  
 20                 designates as critical to the operation of the  
 21                 State’s election infrastructure.

22                 “(C) Enhancing the cybersecurity and op-  
 23                 erations of the information technology infra-  
 24                 structure described in subparagraph (B).

1                   “(D) Enhancing the security of voter reg-  
2                   istration databases.”.

3                   (2) INCORPORATION OF ELECTION INFRA-  
4                   STRUCTURE PROTECTION IN STATE PLANS FOR USE  
5                   OF PAYMENTS.—Section 254(a)(1) of such Act (52  
6                   U.S.C. 21004(a)(1)) is amended by striking the pe-  
7                   riod at the end and inserting “, including the protec-  
8                   tion of election infrastructure.”.

9                   (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
10                  FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
11                  MENTS.—Section 255 of such Act (52 U.S.C.  
12                  21005) is amended—

13                         (A) by redesignating subsection (b) as sub-  
14                         section (c); and

15                         (B) by inserting after subsection (a) the  
16                         following new subsection:

17                   “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
18                   bers of the committee shall be a representative group of  
19                   individuals from the State’s counties, cities, towns, and  
20                   Indian tribes, and shall represent the needs of rural as  
21                   well as urban areas of the State, as the case may be.”.

22                   (f) ENSURING PROTECTION OF COMPUTERIZED  
23                   STATEWIDE VOTER REGISTRATION LIST.—Section  
24                   303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
25                   ed by striking the period at the end and inserting “, as

1 well as other measures to prevent and deter cybersecurity  
 2 incidents, as identified by the Commission, the Secretary  
 3 of Homeland Security, and the Technical Guidelines De-  
 4 velopment Committee.”.

5 **SEC. 115. INCORPORATION OF DEFINITIONS.**

6 (a) IN GENERAL.—Section 901 of the Help America  
 7 Vote Act of 2002 (52 U.S.C. 21141) is amended to read  
 8 as follows:

9 **“SEC. 901. DEFINITIONS.**

10 “In this Act, the following definitions apply:

11 “(1) The term ‘cybersecurity incident’ has the  
 12 meaning given the term ‘incident’ in section 227 of  
 13 the Homeland Security Act of 2002 (6 U.S.C. 659).

14 “(2) The term ‘election agency’ means any com-  
 15 ponent of a State, or any component of a unit of  
 16 local government in a State, which is responsible for  
 17 the administration of elections for Federal office in  
 18 the State.

19 “(3) The term ‘election infrastructure’ means  
 20 storage facilities, polling places, and centralized vote  
 21 tabulation locations used to support the administra-  
 22 tion of elections for public office, as well as related  
 23 information and communications technology (includ-  
 24 ing the technology used by or on behalf of election  
 25 officials to produce and distribute voter guides to

1 elections), including voter registration databases,  
 2 voting machines, electronic mail and other commu-  
 3 nications systems (including electronic mail and  
 4 other systems of vendors who have entered into con-  
 5 tracts with election agencies to support the adminis-  
 6 tration of elections, manage the election process, and  
 7 report and display election results), and other sys-  
 8 tems used to manage the election process and to re-  
 9 port and display election results on behalf of an elec-  
 10 tion agency.

11 “(4) The term ‘State’ means each of the several  
 12 States, the District of Columbia, the Commonwealth  
 13 of Puerto Rico, Guam, American Samoa, the United  
 14 States Virgin Islands, and the Commonwealth of the  
 15 Northern Mariana Islands.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
 17 of such Act is amended by amending the item relating to  
 18 section 901 to read as follows:

“Sec. 901. Definitions.”.

## 19 **Subtitle B—Risk-Limiting Audits**

### 20 **SEC. 121. RISK-LIMITING AUDITS.**

21 (a) IN GENERAL.—Title III of the Help America  
 22 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
 23 by inserting after section 303 the following new section:

#### 24 **“SEC. 303A. RISK-LIMITING AUDITS.**

25 “(a) DEFINITIONS.—In this section:

1           “(1) RISK-LIMITING AUDIT.—The term ‘risk-  
2           limiting audit’ means, with respect to any election  
3           contest, a post-election process that—

4                   “(A) has a probability of at least 95 per-  
5                   cent of correcting the reported outcome if the  
6                   reported outcome is not the correct outcome;

7                   “(B) will not change the outcome if the re-  
8                   ported outcome is the correct outcome; and

9                   “(C) involves a manual adjudication of  
10                  voter intent from some or all of the ballots val-  
11                  idly cast in the election contest.

12           “(2) REPORTED OUTCOME; CORRECT OUTCOME;  
13           OUTCOME.—

14                   “(A) REPORTED OUTCOME.—The term ‘re-  
15                   ported outcome’ means the outcome of an elec-  
16                   tion contest which is determined according to  
17                   the canvass and which will become the official,  
18                   certified outcome unless it is revised by an  
19                   audit, recount, or other legal process.

20                   “(B) CORRECT OUTCOME.—The term ‘cor-  
21                   rect outcome’ means the outcome that would be  
22                   determined by a manual adjudication of voter  
23                   intent for all votes validly cast in the election  
24                   contest.



1                   “(C) OUTCOME.—The term ‘outcome’  
 2                   means the winner or set of winners of an elec-  
 3                   tion contest.

4                   “(3) MANUAL ADJUDICATION OF VOTER IN-  
 5                   TENT.—The term ‘manual adjudication of voter in-  
 6                   tent’ means direct inspection and determination by  
 7                   humans, without assistance from electronic or me-  
 8                   chanical tabulation devices, of the ballot choices  
 9                   marked by voters on each voter-verifiable paper  
 10                  record.

11                  “(4) BALLOT MANIFEST.—The term ‘ballot  
 12                  manifest’ means a record maintained by each juris-  
 13                  diction that—

14                   “(A) is created without reliance on any  
 15                   part of the voting system used to tabulate  
 16                   votes;

17                   “(B) functions as a sampling frame for  
 18                   conducting a risk-limiting audit; and

19                   “(C) accounts for all ballots validly cast re-  
 20                   gardless of how they were tabulated and in-  
 21                   cludes a precise description of the manner in  
 22                   which the ballots are physically stored, includ-  
 23                   ing the total number of physical groups of bal-  
 24                   lots, the numbering system for each group, a

1           unique label for each group, and the number of  
2           ballots in each such group.

3           “(b) REQUIREMENTS.—

4           “(1) IN GENERAL.—

5           “(A) AUDITS.—

6           “(i) IN GENERAL.—Each State and  
7           jurisdiction shall administer risk-limiting  
8           audits of the results of all election contests  
9           for Federal office held in the State in ac-  
10          cordance with the requirements of para-  
11          graph (2).

12          “(ii) EXCEPTION.—Clause (i) shall  
13          not apply to any election contest for which  
14          the State or jurisdiction conducts a full re-  
15          count through a manual adjudication of  
16          voter intent.

17          “(B) FULL MANUAL TABULATION.—If a  
18          risk-limiting audit conducted under subpara-  
19          graph (A) corrects the reported outcome of an  
20          election contest, the State or jurisdiction shall  
21          use the results of the manual adjudication of  
22          voter intent conducted as part of the risk-lim-  
23          iting audit as the official results of the election  
24          contest.

25          “(2) AUDIT REQUIREMENTS.—

1 “(A) RULES AND PROCEDURES.—

2 “(i) IN GENERAL.—Not later than 1  
3 year after the date of the enactment of this  
4 section, the chief State election official of  
5 the State shall establish rules and proce-  
6 dures for conducting risk-limiting audits.

7 “(ii) MATTERS INCLUDED.—The rules  
8 and procedures established under clause (i)  
9 shall include the following:

10 “(I) Rules and procedures for en-  
11 suring the security of ballots and doc-  
12 umenting that prescribed procedures  
13 were followed.

14 “(II) Rules and procedures for  
15 ensuring the accuracy of ballot mani-  
16 fests produced by jurisdictions.

17 “(III) Rules and procedures for  
18 governing the format of ballot mani-  
19 fests and other data involved in risk-  
20 limiting audits.

21 “(IV) Methods to ensure that  
22 any cast vote records used in a risk-  
23 limiting audit are those used by the  
24 voting system to tally the results of  
25 the election contest sent to the chief

1 State election official of the State and  
2 made public.

3 “(V) Rules and procedures for  
4 the random selection of ballots to be  
5 inspected manually during each audit.

6 “(VI) Rules and procedures for  
7 the calculations and other methods to  
8 be used in the audit and to determine  
9 whether and when the audit of each  
10 election contest is complete.

11 “(VII) Rules and procedures for  
12 testing any software used to conduct  
13 risk-limiting audits.

14 “(B) PUBLIC REPORT.—

15 “(i) IN GENERAL.—After the comple-  
16 tion of the risk-limiting audit and at least  
17 5 days before the election contest is cer-  
18 tified by the State, the State shall make  
19 public and submit to the Commission a re-  
20 port on the results of the audit, together  
21 with such information as necessary to con-  
22 firm that the audit was conducted prop-  
23 erly.

24 “(ii) FORMAT OF DATA.—All data  
25 published with the report under clause (i)

1           shall be published in machine-readable,  
2           open data formats.

3           “(iii) PROTECTION OF ANONYMITY OF  
4           VOTES.—Information and data published  
5           by the State under this subparagraph shall  
6           not compromise the anonymity of votes.

7           “(iv) REPORT MADE AVAILABLE BY  
8           COMMISSION.—After receiving any report  
9           submitted under clause (i), the Commis-  
10          sion shall make such report available on its  
11          website.

12       “(c) EFFECTIVE DATE.—

13           “(1) IN GENERAL.—Each State and jurisdiction  
14          shall be required to comply with the requirements of  
15          this section for the first regularly scheduled election  
16          for Federal office held more than 1 year after the  
17          date of the enactment of the Securing America’s  
18          Federal Elections Act and for each subsequent elec-  
19          tion for Federal office.

20           “(2) WAIVER.—If a State or jurisdiction cer-  
21          tifies to Commission not later than 1 year after the  
22          date of the enactment of the Securing America’s  
23          Federal Elections Act that the State or jurisdiction  
24          will not meet the deadline described in paragraph  
25          (1) for good cause and includes in the certification

1 a reason for the inability to meet such deadline,  
 2 paragraph (1) shall be applied by as if the reference  
 3 in such paragraph to ‘1 year’ were a reference to ‘3  
 4 years’.”.

5 (b) CLERICAL AMENDMENT.—The table of contents  
 6 for such Act is amended by inserting after the item relat-  
 7 ing to section 303 the following new item:

“Sec. 303A. Risk-limiting audits.”.

8 **SEC. 122. FUNDING FOR CONDUCTING POST-ELECTION**  
 9 **RISK-LIMITING AUDITS.**

10 (a) PAYMENTS TO STATES.—Subtitle D of title II of  
 11 the Help America Vote Act of 2002 (52 U.S.C. 21001 et  
 12 seq.), as amended by sections 111(a), 112(a), and 113(a),  
 13 is amended by adding at the end the following new part:

14 **“PART 10—FUNDING FOR POST-ELECTION RISK-**  
 15 **LIMITING AUDITS**

16 **“SEC. 299A. PAYMENTS FOR POST-ELECTION RISK-LIM-**  
 17 **ITING AUDITS.**

18 “(a) IN GENERAL.—The Commission shall pay to  
 19 States the amount of eligible post-election audit costs.

20 “(b) ELIGIBLE POST-ELECTION AUDIT COSTS.—For  
 21 purposes of this section, the term ‘eligible post-election  
 22 audit costs’ means, with respect to any State, costs paid  
 23 or incurred by the State or local government within the  
 24 State for—

1           “(1) the conduct of any risk-limiting audit (as  
 2       defined in section 303A) with respect to an election  
 3       for Federal office occurring after the date of the en-  
 4       actment of this part; and

5           “(2) any equipment, software, personnel, or  
 6       services necessary for the conduct of any such risk-  
 7       limiting audit.

8       “(c) SPECIAL RULES.—

9           “(1) RULES AND PROCEDURES.—The Commis-  
 10      sion shall establish rules and procedures for submis-  
 11      sion of eligible post-election audit costs for payments  
 12      under this section.

13          “(2) INSUFFICIENT FUNDS.—In any case in  
 14      which the amounts appropriated under subsection  
 15      (d) are insufficient to pay all eligible post-election  
 16      audit costs submitted by States with respect to any  
 17      Federal election, the amount of such costs paid  
 18      under subsection (a) to any State shall be equal to  
 19      the amount that bears the same ratio to the amount  
 20      which would be paid to such State (determined with-  
 21      out regard to this paragraph) as—

22           “(A) the number of individuals who voted  
 23           in such Federal election in such State; bears to

24           “(B) the total number of individuals who  
 25           voted in such Federal election in all States sub-

1           mitting a claim for eligible post-election audit  
2           costs.

3           “(d) AUTHORIZATION OF APPROPRIATIONS.—

4           “(1) IN GENERAL.—There is hereby authorized  
5           to be appropriated to the Commission such sums as  
6           are necessary to carry out this part.

7           “(2) AVAILABILITY.—Any amounts appro-  
8           priated pursuant to paragraph (1) shall remain  
9           available without fiscal year limitation until ex-  
10          pended.”.

11          (b) CLERICAL AMENDMENT.—The table of contents  
12          of such Act, as amended by sections 111(b), 112(b), and  
13          113(b), is further amended by adding at the end of the  
14          items relating to subtitle D of title II the following:

“PART 10—FUNDING FOR POST-ELECTION RISK-LIMITING AUDITS

“Sec. 299A. Payments for post-election risk-limiting audits.”.

15       **SEC. 123. GAO ANALYSIS OF EFFECTS OF AUDITS.**

16          (a) ANALYSIS.—Not later than 6 months after the  
17          first elections for Federal office is held for which States  
18          must conduct risk-limiting audits under section 303A of  
19          the Help America Vote Act of 2002 (as added by section  
20          121), the Comptroller General of the United States shall  
21          conduct an analysis of the extent to which such audits  
22          have improved the administration of such elections and the  
23          security of election infrastructure in the States receiving  
24          such grants.



1 (b) REPORT.—The Comptroller General of the  
 2 United States shall submit a report on the analysis con-  
 3 ducted under subsection (a) to the Committee on House  
 4 Administration of the House of Representatives and the  
 5 Committee on Rules and Administration of the Senate.

6 **TITLE II—PROMOTING CYBERSE-**  
 7 **CURITY THROUGH IMPROVE-**  
 8 **MENTS IN ELECTION ADMIN-**  
 9 **ISTRATION**

10 **SEC. 201. CYBERSECURITY REQUIREMENTS FOR AND TEST-**  
 11 **ING AND CERTIFICATION OF VOTING SYS-**  
 12 **TEMS.**

13 (a) IN GENERAL.—Subtitle A of title XXII of the  
 14 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)  
 15 is amended by adding at the end the following:

16 **“SEC. 2215. MANDATORY CYBERSECURITY REQUIREMENTS**  
 17 **FOR SYSTEMS USED IN FEDERAL ELECTIONS.**

18 “Not later than 180 days after the date of enactment  
 19 of Securing America’s Federal Elections Act, the Sec-  
 20 retary, acting through the Director and in consultation  
 21 with the Director of the National Institute of Standards  
 22 and Technology and the Technical Guidelines Develop-  
 23 ment Committee established under section 221 of the Help  
 24 America Vote Act of 2002 (52 U.S.C. 20961), shall estab-

lish mandatory cybersecurity standards for the use in Federal elections of the following:

“(1) Ballot tabulation devices (within the meaning of section 301(a)(9) of the Help America Vote Act of 2002).

“(2) Ballot marking devices (within the meaning of section 301(a)(12) of such Act).

“(3) Election management systems, including those systems used—

“(A) to configure ballot tabulation devices and ballot marking devices;

“(B) to aggregate election results; and

“(C) to design paper ballots.

“(4) Electronic poll books;

“(5) Any government database, website, or associated information system used by voters or government agencies for voter registration (including the management of voter registration status).

“(6) Systems used to deliver or publish election results.

“(7) Such other components of voting systems (as defined in section 301(b) of such Act) as is determined appropriate by the Director.

1 **“SEC. 2216. TESTING AND CERTIFICATION OF BALLOT**  
 2 **MARKING AND BALLOT TABULATION DEVICE**  
 3 **CYBERSECURITY.**

4 “(a) IN GENERAL.—Any State or jurisdiction which  
 5 intends to use a ballot marking device or a ballot tabula-  
 6 tion device in an election for Federal office may submit  
 7 an application to the Director for cybersecurity testing  
 8 and certification of the hardware and software of such de-  
 9 vice under this section.

10 “(b) APPLICATION, ASSIGNMENT, AND TESTING.—

11 “(1) ASSIGNMENT.—

12 “(A) IN GENERAL.—Upon receipt of an  
 13 application for testing under this section, the  
 14 Director, in consultation with the Director of  
 15 the National Institute of Standards and Tech-  
 16 nology, shall contract with a qualified labora-  
 17 tory for the testing of whether—

18 “(i) in the case of a ballot tabulation  
 19 device intended to be used by the State or  
 20 jurisdiction, the device meets the require-  
 21 ments of section 301(a)(9)(B) of the Help  
 22 America Vote Act of 2002; and

23 “(ii) in the case of a ballot marking  
 24 device intended to be used by the State or  
 25 jurisdiction, the device meets the require-

1           ments of section 301(a)(12)(A) of such  
2           Act.

3           “(B) OPTIONAL TESTING OF STATE RE-  
4           QUIREMENTS.—In the case of a ballot marking  
5           device or ballot tabulation device for which the  
6           source code has been published under an open  
7           source license, the contract under subparagraph  
8           (A) shall also include, at the request of any  
9           State or jurisdiction, testing of whether such  
10          device meets any applicable requirements of the  
11          State or jurisdiction.

12          “(2) REQUIREMENTS FOR TESTING.—Any con-  
13          tract described in paragraph (1) shall require the  
14          qualified research laboratory to—

15                 “(A) not later than 30 days before testing  
16                 begins, submit to the Director for approval the  
17                 protocol for the simulated election scenario used  
18                 for testing the security of the ballot marking  
19                 device or ballot tabulation device, as the case  
20                 may be;

21                 “(B) use only protocols approved by the  
22                 Director in conducting such security testing;  
23                 and

24                 “(C) submit to the Director a report on  
25                 the results of the security testing.

1           “(3) QUALIFIED RESEARCH LABORATORY.—For  
2           purposes of this section, the term ‘qualified research  
3           laboratory’ means a laboratory accredited under this  
4           subsection by the Director, in consultation with the  
5           Director of the National Institute of Standards and  
6           Technology.

7           “(c) REPORTING AND CERTIFICATION.—The Direc-  
8           tor shall—

9           “(1) publish on the website of the Cybersecurity  
10          and Infrastructure Security Agency the results of  
11          the testing conducted under subsection (b); and

12          “(2) certify—

13               “(A) a ballot tabulation device if the ballot  
14               tabulation device is determined by the qualified  
15               research laboratory to meet the requirements of  
16               section 301(a)(9)(B) of the Help America Vote  
17               Act of 2002; and

18               “(B) a ballot marking device if the ballot  
19               marking device is determined by the qualified  
20               research laboratory to meet the requirements of  
21               section 301(a)(12)(A) of such Act.

22          “(d) PROHIBITION ON FEES.—The Director may not  
23          charge any fee to a State or jurisdiction, a developer or  
24          manufacturer of a ballot marking device or ballot tabula-  
25          tion device, or any other person in connection with testing

1 and certification under this section (including any testing  
2 conducted under subsection (b)(1)(B)).”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents in section 1(b) of the Homeland Security Act of  
5 2002 (Public Law 107–296; 116 Stat. 2135) is amended  
6 by inserting after the item relating to section 2214 the  
7 following:

“Sec. 2215. Mandatory cybersecurity requirements for systems used in Federal  
elections.

“Sec. 2216. Testing and certification of ballot marking and ballot tabulation  
device cybersecurity.”.

8 **SEC. 202. VOTING SYSTEM CYBERSECURITY REQUIRE-**  
9 **MENTS.**

10 (a) BALLOT TABULATION DEVICES.—Section 301(a)  
11 of the Help America Vote Act of 2002 (52 U.S.C.  
12 21081(a)), as amended by section 104 and section 105,  
13 is further amended by adding at the end the following new  
14 paragraph:

15 “(9) BALLOT TABULATION METHODS.—

16 “(A) IN GENERAL.—The voting system  
17 tabulates ballots by hand or through the use of  
18 a ballot tabulation device that meets the re-  
19 quirements of subparagraph (B).

20 “(B) REQUIREMENTS FOR BALLOT TAB-  
21 ULATION DEVICES.—Except as provided in sub-  
22 paragraph (C), the requirements of this sub-  
23 paragraph are as follows:

1 “(i) The device is designed and built  
2 in a manner in which it is mechanically im-  
3 possible for the device to add or change the  
4 vote selections on a printed or marked bal-  
5 lot.

6 “(ii) The device is capable of export-  
7 ing its data (including vote tally data sets  
8 and cast vote records) in a machine-read-  
9 able, open data standard format required  
10 by the Commission, in consultation with  
11 the Director of the National Institute of  
12 Standards and Technology.

13 “(iii) The device consists of hardware  
14 that—

15 “(I) is certified under section  
16 2216 of the Homeland Security Act;  
17 and

18 “(II) demonstrably conforms to a  
19 hardware component manifest describ-  
20 ing point-of-origin information (in-  
21 cluding upstream hardware supply  
22 chain information for each compo-  
23 nent) that—

24 “(aa) has been provided to  
25 the Commission, the Director of

1 Cybersecurity and Infrastructure  
2 Security, and the chief State  
3 election official for each State in  
4 which the device is used; and

5 “(bb) may be shared by any  
6 entity to whom it has been pro-  
7 vided under item (aa) with inde-  
8 pendent experts for cybersecurity  
9 analysis.

10 “(iv) The device utilizes technology  
11 that prevents the operation of the device if  
12 any hardware components do not meet the  
13 requirements of clause (iii).

14 “(v) The device operates using soft-  
15 ware—

16 “(I) that is certified under sec-  
17 tion 2216 of the Homeland Security  
18 Act; and

19 “(II) for which the source code,  
20 system build tools, and compilation  
21 parameters—

22 “(aa) have been provided to  
23 the Commission, the Director of  
24 Cybersecurity and Infrastructure  
25 Security, and the chief State



1 election official for each State in  
2 which the device is used; and

3 “(bb) may be shared by any  
4 entity to whom it has been pro-  
5 vided under item (aa) with inde-  
6 pendent experts for cybersecurity  
7 analysis.

8 “(vi) The device utilizes technology  
9 that prevents the running of software on  
10 the device that does not meet the require-  
11 ments of clause (v).

12 “(vii) The device utilizes technology  
13 that enables election officials, cybersecurity  
14 researchers, and voters to verify that the  
15 software running on the device—

16 “(I) was built from a specific,  
17 untampered version of the code that is  
18 described in clause (v); and

19 “(II) uses the system build tools  
20 and compilation parameters that are  
21 described in clause (v).

22 “(viii) The device contains such other  
23 security requirements as established by the  
24 Director of Cybersecurity and Infrastruc-  
25 ture Security, in consultation with the Di-

1           rector of the National Institute of Stand-  
 2           ards and Technology and the Technical  
 3           Guidelines Development Committee.

4           “(C) WAIVER.—

5                 “(i) IN GENERAL.—The Director of  
 6           Cybersecurity and Infrastructure Security,  
 7           in consultation with the Director of the  
 8           National Institute of Standards and Tech-  
 9           nology, may waive one or more of the re-  
 10          quirements of subparagraph (B) (other  
 11          than the requirement of clause (i) thereof)  
 12          with respect to any device for a period of  
 13          not to exceed 2 years.

14                “(ii) PUBLICATION.—Information re-  
 15          lating to any waiver granted under clause  
 16          (i) shall be made publicly available on the  
 17          internet.

18                “(D) EFFECTIVE DATE.—Each State and  
 19          jurisdiction shall be required to comply with the  
 20          requirements of this paragraph for the regularly  
 21          scheduled election for Federal office in Novem-  
 22          ber 2024, and for each subsequent election for  
 23          Federal office.”.

24           (b) OTHER CYBERSECURITY REQUIREMENTS.—Sec-  
 25          tion 301(a) of such Act (52 U.S.C. 21081(a)), as amended

1 by section 104, section 105, and subsection (a), is further  
 2 amended by adding at the end the following new para-  
 3 graphs:

4 “(10) PROHIBITION OF USE OF WIRELESS COM-  
 5 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—

6 “(A) IN GENERAL.—No system or device  
 7 upon which ballot marking devices or ballot tab-  
 8 ulation devices are configured, upon which bal-  
 9 lots are marked by voters (except as necessary  
 10 for individuals with disabilities to use ballot  
 11 marking devices that meet the accessibility re-  
 12 quirements of paragraph (3)), or upon which  
 13 votes are cast, tabulated, or aggregated shall  
 14 contain, use, or be accessible by any wireless,  
 15 power-line, or concealed communication device.

16 “(B) EFFECTIVE DATE.—Each State and  
 17 jurisdiction shall be required to comply with the  
 18 requirements of this paragraph for the regularly  
 19 scheduled election for Federal office in Novem-  
 20 ber 2020, and for each subsequent election for  
 21 Federal office.

22 “(11) PROHIBITING CONNECTION OF SYSTEM  
 23 TO THE INTERNET.—

24 “(A) IN GENERAL.—No system or device  
 25 upon which ballot marking devices or ballot tab-

1           ulation devices are configured, upon which bal-  
 2           lots are marked by voters, or upon which votes  
 3           are cast, tabulated, or aggregated shall be con-  
 4           nected to the internet or any non-local com-  
 5           puter system via telephone or other communica-  
 6           tion network at any time.

7           “(B) EFFECTIVE DATE.—Each State and  
 8           jurisdiction shall be required to comply with the  
 9           requirements of this paragraph for the regularly  
 10          scheduled election for Federal office in Novem-  
 11          ber 2020, and for each subsequent election for  
 12          Federal office.”.

13          (c) BALLOT MARKING DEVICES.—Section 301(a) of  
 14          such Act (52 U.S.C. 21081(a)), as amended by section  
 15          104, section 105, and subsections (a) and (b), is further  
 16          amended by adding at the end the following new para-  
 17          graph:

18           “(12) BALLOT MARKING DEVICES.—

19           “(A) IN GENERAL.—In the case of a voting  
 20           system that uses a ballot marking device, the  
 21           ballot marking device shall be a device that—

22                   “(i) is not capable of tabulating votes;

23                   and

24                   “(ii) is certified under section 2216 of  
 25           the Homeland Security Act as meeting the

1 requirements of clauses (iii) through (viii)  
 2 of section 301(a)(9)(B).

3 “(B) EFFECTIVE DATE.—Each State and  
 4 jurisdiction shall be required to comply with the  
 5 requirements of this paragraph for the regularly  
 6 scheduled election for Federal office in Novem-  
 7 ber 2022, and for each subsequent election for  
 8 Federal office.”.

9 **SEC. 203. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
 10 **SURE COMPLIANCE WITH ELECTION CYBER-**  
 11 **SECURITY GUIDELINES AND OTHER GUIDE-**  
 12 **LINES.**

13 (a) REQUIRING TESTING OF EXISTING VOTING SYS-  
 14 TEMS.—

15 (1) IN GENERAL.—Section 231(a) of the Help  
 16 America Vote Act of 2002 (52 U.S.C. 20971(a)) is  
 17 amended by adding at the end the following new  
 18 paragraph:

19 “(3) TESTING TO ENSURE COMPLIANCE WITH  
 20 GUIDELINES.—

21 “(A) TESTING.—Not later than 9 months  
 22 before the date of each regularly scheduled gen-  
 23 eral election for Federal office, the Commission  
 24 shall provide for the testing by accredited lab-  
 25 oratories under this section of the voting system

hardware and software which was certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act.

“(B) DECERTIFICATION OF HARDWARE OR SOFTWARE FAILING TO MEET GUIDELINES.—If, on the basis of the testing described in subparagraph (A), the Commission determines that any voting system hardware or software does not meet the most recent guidelines applicable to such hardware or software issued under this Act, the Commission shall decertify such hardware or software.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.

(b) ISSUANCE OF CYBERSECURITY GUIDELINES BY TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—Section 221(b) of the Help America Vote Act of 2002 (52 U.S.C. 20961(b)) is amended by adding at the end the following new paragraph:

1           “(3) ELECTION CYBERSECURITY GUIDE-  
 2           LINES.—Not later than 6 months after the date of  
 3           the enactment of the Securing America’s Federal  
 4           Elections Act, the Development Committee shall  
 5           issue election cybersecurity guidelines, including  
 6           standards and best practices for procuring, main-  
 7           taining, testing, operating, and updating election  
 8           systems to prevent and deter cybersecurity inci-  
 9           dents.”.

10 **SEC. 204. REQUIRING USE OF SOFTWARE AND HARDWARE**  
 11 **FOR WHICH INFORMATION IS DISCLOSED BY**  
 12 **MANUFACTURER.**

13           (a) REQUIREMENT.—Section 301(a) of the Help  
 14           America Vote Act of 2002 (52 U.S.C. 21081(a)), as  
 15           amended by sections 104, 105, 202(a), 202(b), and  
 16           202(c), is amended by adding at the end the following new  
 17           paragraph:

18           “(13) REQUIRING USE OF SOFTWARE AND  
 19           HARDWARE FOR WHICH INFORMATION IS DISCLOSED  
 20           BY MANUFACTURER.—

21           “(A) REQUIRING USE OF SOFTWARE FOR  
 22           WHICH SOURCE CODE IS DISCLOSED BY MANU-  
 23           FACTURER.—

24           “(i) IN GENERAL.—In the operation  
 25           of voting systems in an election for Federal

1 office, a State may only use software for  
2 which the manufacturer makes the source  
3 code (in the form in which will be used at  
4 the time of the election) publicly available  
5 online under a license that grants a world-  
6 wide, royalty-free, non-exclusive, perpetual,  
7 sub-licensable license to all intellectual  
8 property rights in such source code, except  
9 that the manufacturer may prohibit a per-  
10 son who obtains the software from using  
11 the software in a manner that is primarily  
12 intended for or directed toward commercial  
13 advantage or private monetary compensa-  
14 tion that is unrelated to carrying out legiti-  
15 mate research or cybersecurity activity.

16 “(ii) EXCEPTIONS.—Clause (i) does  
17 not apply with respect to—

18 “(I) widely used operating system  
19 software which is not specific to vot-  
20 ing systems and for which the source  
21 code or baseline functionality is not  
22 altered; or

23 “(II) widely used cybersecurity  
24 software which is not specific to vot-  
25 ing systems and for which the source



1 code or baseline functionality is not  
2 altered.

3 “(B) REQUIRING USE OF HARDWARE FOR  
4 WHICH INFORMATION IS DISCLOSED BY MANU-  
5 FACTURER.—

6 “(i) REQUIRING DISCLOSURE OF  
7 HARDWARE.—A State may not use a vot-  
8 ing system in an election for Federal office  
9 unless the manufacturer of the system  
10 publicly discloses online the identification  
11 of the hardware used to operate the sys-  
12 tem.

13 “(ii) ADDITIONAL DISCLOSURE RE-  
14 QUIREMENTS FOR CUSTOM OR ALTERED  
15 HARDWARE.—To the extent that the hard-  
16 ware used to operate a voting system or  
17 any component thereof is not widely used,  
18 or is widely used but is altered, the State  
19 may not use the system in an election for  
20 Federal office unless—

21 “(I) the manufacturer of the sys-  
22 tem publicly discloses online the com-  
23 ponents of the hardware, the design of  
24 such components, and how such com-

ponents are connected in the operation of the system; and

“(II) the manufacturer makes the design (in the form which will be used at the time of the election) publicly available online under a license that grants a worldwide, royalty-free, non-exclusive, perpetual, sub-licensable license to all intellectual property rights in the design of the hardware or the component, except that the manufacturer may prohibit a person who obtains the design from using the design in a manner that is primarily intended for or directed toward commercial advantage or private monetary compensation that is unrelated to carrying out legitimate research or cybersecurity activity.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office held in 2020 or any succeeding year.

1 **SEC. 205. TREATMENT OF ELECTRONIC POLL BOOKS AS**  
 2 **PART OF VOTING SYSTEMS.**

3 (a) INCLUSION IN DEFINITION OF VOTING SYS-  
 4 TEM.—Section 301(b) of the Help America Vote Act of  
 5 2002 (52 U.S.C. 21081(b)) is amended—

6 (1) in the matter preceding paragraph (1), by  
 7 striking “this section” and inserting “this Act”;

8 (2) by striking “and” at the end of paragraph  
 9 (1);

10 (3) by redesignating paragraph (2) as para-  
 11 graph (3); and

12 (4) by inserting after paragraph (1) the fol-  
 13 lowing new paragraph:

14 “(2) any electronic poll book used with respect  
 15 to the election; and”.

16 (b) DEFINITION.—Section 301 of such Act (52  
 17 U.S.C. 21081) is amended—

18 (1) by redesignating subsections (c) and (d) as  
 19 subsections (d) and (e); and

20 (2) by inserting after subsection (b) the fol-  
 21 lowing new subsection:

22 “(c) ELECTRONIC POLL BOOK DEFINED.—In this  
 23 Act, the term ‘electronic poll book’ means the total com-  
 24 bination of mechanical, electromechanical, or electronic  
 25 equipment (including the software, firmware, and docu-

1 mentation required to program, control, and support the  
 2 equipment) that is used—

3 “(1) to retain the list of registered voters at a  
 4 polling location, or vote center, or other location at  
 5 which voters cast votes in an election for Federal of-  
 6 fice; and

7 “(2) to identify registered voters who are eligi-  
 8 ble to vote in an election.”.

9 (c) EFFECTIVE DATE.—Section 301(e) of such Act  
 10 (52 U.S.C. 21081(e)), as amended by section 107 and as  
 11 redesignated by subsection (b), is amended—

12 (1) in paragraph (1), by striking “paragraph  
 13 (2)” and inserting “paragraphs (2) and (3)”; and

14 (2) by adding at the end the following new  
 15 paragraph:

16 “(3) SPECIAL RULE FOR ELECTRONIC POLL  
 17 BOOKS.—In the case of the requirements of sub-  
 18 section (c) (relating to electronic poll books), each  
 19 State and jurisdiction shall be required to comply  
 20 with such requirements on or after January 1,  
 21 2020.”.

22 **SEC. 206. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
 23 **USAGE.**

24 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
 25 III of the Help America Vote Act of 2002 (52 U.S.C.

1 21081 et seq.), as amended by section 103(c), is amended  
 2 by inserting after section 301A the following new section:

3 **“SEC. 301B. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
 4 **USAGE.**

5 “(a) **REQUIRING STATES TO SUBMIT REPORTS.—**  
 6 Not later than 120 days before the date of each regularly  
 7 scheduled general election for Federal office, the chief  
 8 State election official of a State shall submit a report to  
 9 the Commission containing a detailed voting system usage  
 10 plan for each jurisdiction in the State which will admin-  
 11 ister the election, including a detailed plan for the usage  
 12 of electronic poll books and other equipment and compo-  
 13 nents of such system.

14 “(b) **EFFECTIVE DATE.—**Subsection (a) shall apply  
 15 with respect to the regularly scheduled general election for  
 16 Federal office held in November 2020 and each succeeding  
 17 regularly scheduled general election for Federal office.”.

18 (b) **CLERICAL AMENDMENT.—**The table of contents  
 19 of such Act, as amended by section 103(c), is amended  
 20 by inserting after the item relating to section 301A the  
 21 following new item:

“Sec. 301B. Pre-election reports on voting system usage.”.

22 **SEC. 207. STREAMLINING COLLECTION OF ELECTION IN-**  
 23 **FORMATION.**

24 Section 202 of the Help America Vote Act of 2002  
 25 (52 U.S.C. 20922) is amended—

1 (1) by striking “The Commission” and insert-  
 2 ing “(a) IN GENERAL.—The Commission”; and

3 (2) by adding at the end the following new sub-  
 4 section:

5 “(b) WAIVER OF CERTAIN REQUIREMENTS.—Sub-  
 6 chapter I of chapter 35 of title 44, United States Code,  
 7 shall not apply to the collection of information for pur-  
 8 poses of maintaining the clearinghouse described in para-  
 9 graph (1) of subsection (a).”.

10 **TITLE III—USE OF VOTING MA-**  
 11 **CHINES MANUFACTURED IN**  
 12 **THE UNITED STATES**

13 **SEC. 301. USE OF VOTING MACHINES MANUFACTURED IN**  
 14 **THE UNITED STATES.**

15 Section 301(a) of the Help America Vote Act of 2002  
 16 (52 U.S.C. 21081(a)), as amended by sections 104, 105,  
 17 202(a), 202(b), 202(c), and 204(a), is further amended  
 18 by adding at the end the following new paragraph:

19 “(14) VOTING MACHINE REQUIREMENTS.—By  
 20 not later than the date of the regularly scheduled  
 21 general election for Federal office occurring in No-  
 22 vember 2022, each State shall seek to ensure that  
 23 any voting machine used in such election and in any  
 24 subsequent election for Federal office is manufac-  
 25 tured in the United States.”.

1       **TITLE IV—SEVERABILITY**

2   **SEC. 401. SEVERABILITY.**

3       If any provision of this Act or amendment made by  
4 this Act, or the application of a provision or amendment  
5 to any person or circumstance, is held to be unconstitu-  
6 tional, the remainder of this Act and amendments made  
7 by this Act, and the application of the provisions and  
8 amendment to any person or circumstance, shall not be  
9 affected by the holding.

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