

108TH CONGRESS
2^D SESSION

S. 2437

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2004

Mr. ENSIGN introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voting Integrity and
5 Verification Act of 2004”.

1 **SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECU-**
2 **RITY THROUGH PRESERVATION OF A VOTER-**
3 **VERIFIED PERMANENT PAPER RECORD.**

4 (a) IN GENERAL.—Section 301(a) of the Help Amer-
5 ica Vote Act of 2002 (42 U.S.C. 15481(a)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) by striking clause (i) and inserting the
8 following new clause:

9 “(i) permit the voter to verify the ac-
10 curacy of their ballot (in a private and
11 independent manner), by allowing the voter
12 to review an individual paper version of the
13 voter’s ballot before the voter’s ballot is
14 cast and counted;”;

15 (B) in clause (ii)—

16 (i) by inserting “discovered on the in-
17 dividual paper version of the voter’s ballot”
18 after “to change the ballot or correct any
19 error”; and

20 (ii) by striking “and” after the semi-
21 colon at the end;

22 (C) by redesignating clause (iii) as clause
23 (iv); and

24 (D) by inserting after clause (ii) the fol-
25 lowing new clause:

1 “(iii)(I) preserve the individual paper
2 version of the voter’s ballot, after the voter
3 has certified that the same accurately re-
4 flects the voter’s intent, as the individual
5 permanent paper record, and

6 “(II) preserve such individual perma-
7 nent paper record at the polling place in
8 accordance with the provisions of para-
9 graph (2)(B)(i); and”;

10 (2) in paragraph (1)(B), by striking “subpara-
11 graph (A)(iii)” and inserting “subparagraph
12 (A)(iv)”; and

13 (3) by striking paragraph (2) and inserting the
14 following new paragraph:

15 “(2) MANUAL AUDIT CAPACITY.—

16 “(A) IN GENERAL.—The voting system
17 shall produce an individual permanent paper
18 record for each ballot that is cast which pro-
19 vides for voter verification of such record in ac-
20 cordance with paragraph (1)(A) and which
21 meets the requirements of subparagraph (B).

22 “(B) MANUAL AUDIT CAPACITY.—

23 “(i) The voting system shall produce
24 an individual permanent paper record for
25 each ballot cast that is either—

1 “(I) preserved within the polling
2 place in the manner in which all other
3 paper ballots are preserved within
4 such polling place; or

5 “(II) in the absence of such man-
6 ner or method, which is consistent
7 with the manner employed by the ju-
8 risdiction for preserving paper ballots
9 in general.

10 “(ii) Each paper record produced
11 under clause (i) shall be suitable for a
12 manual audit equivalent or superior to that
13 of a paper ballot voting system.

14 “(iii) All electronic records produced
15 by any voting system shall be consistent
16 with the individual permanent paper
17 records produced by such voting system. In
18 the event of any inconsistencies or irreg-
19 ularities between any electronic records
20 and the individual permanent paper
21 records, the individual permanent paper
22 records shall be the true and correct record
23 of the votes cast.

24 “(iv) The individual permanent paper
25 records produced under clause (i) shall be

1 used as the official records for purposes of
2 any recount or audit conducted with re-
3 spect to any election for Federal office in
4 which the voting system is used.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall take effect as if included in the enact-
7 ment of the Help America Vote Act of 2002.

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