

115TH CONGRESS  
1ST SESSION

# H. R. 794

To amend the Help America Vote Act of 2002 to reauthorize and improve the operation of the Election Assistance Commission, to provide funds to States to make security upgrades to voter registration lists and processes, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2017

Mr. BRADY of Pennsylvania (for himself, Mr. HOYER, Ms. LOFGREN, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Help America Vote Act of 2002 to reauthorize and improve the operation of the Election Assistance Commission, to provide funds to States to make security upgrades to voter registration lists and processes, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “EAC Reauthorization Act of 2017”.

1 (b) FINDINGS.—Congress finds the following:

2 (1) The elections for Federal office which were  
3 held in November 2016 were plagued with a number  
4 of problems, including—

5 (A) foreign interference, as confirmed by  
6 the United States intelligence community;

7 (B) a worsening voting machine infrastruc-  
8 ture that will continue to deteriorate without  
9 congressional action; and

10 (C) a lack of resources at the State and  
11 local level that will make election administration  
12 more challenging.

13 (2) The Election Assistance Commission is the  
14 only Federal agency charged with making elections  
15 more fair, accurate, accessible, and efficient by pro-  
16 viding best practices, information, and voting ma-  
17 chine certifications to States.

18 (3) The Election Assistance Commission should  
19 be equipped with the tools necessary to undertake its  
20 nonpartisan mission of helping State and local elec-  
21 tion officials administer their elections and ensuring  
22 the accuracy, integrity, and security of our elections.

1 **SEC. 2. REAUTHORIZATION OF ELECTION ASSISTANCE**  
2 **COMMISSION.**

3 Section 210 of the Help America Vote Act of 2002  
4 (52 U.S.C. 20930) is amended by striking “for each of  
5 the fiscal years 2003 through 2005” and inserting “for  
6 each of the fiscal years 2017 through 2022”.

7 **SEC. 3. ASSISTANCE TO STATES FOR SECURITY UPGRADES**  
8 **TO VOTER REGISTRATION LISTS AND PROC-**  
9 **ESSES.**

10 (a) **AUTHORIZATION OF FUNDING.**—Section 257(a)  
11 of the Help America Vote Act of 2002 (52 U.S.C.  
12 21007(a)) is amended by adding at the end the following  
13 new paragraph:

14 “(5) For fiscal year 2018, such sums as may be  
15 necessary for such payments, except that a State  
16 may use a requirement payment made with funds  
17 authorized under this paragraph solely to upgrade  
18 the security of the State’s voter registration lists and  
19 voter registration processes and to carry out other  
20 activities necessary to meet the requirements of sec-  
21 tion 303(a)(3) (relating to the technological security  
22 of the State’s computerized voter registration list).”.

23 (b) **WAIVER OF 5-PERCENT MATCH REQUIRE-**  
24 **MENT.**—Section 253(b)(5) of such Act (52 U.S.C.  
25 21003(b)(5)) is amended—

1 (1) in subparagraph (A), by striking “subpara-  
2 graph (B)” and inserting “subparagraphs (B) and  
3 (C)”; and

4 (2) by adding at the end the following new sub-  
5 paragraph:

6 “(C) Subparagraph (A) shall not apply for pur-  
7 poses of determining the eligibility of a State to re-  
8 ceive a requirements payment appropriated pursuant  
9 to the authorization provided under section  
10 257(a)(5) of this title for fiscal year 2018.”.

11 **SEC. 4. ASSESSMENT OF ADEQUACY OF VOTING SYSTEMS**  
12 **AND MACHINES.**

13 (a) **ASSESSMENT.**—In consultation with the election  
14 officials of each State, the Election Assistance Commission  
15 shall carry out an assessment of whether the voting sys-  
16 tems, including the voting machines, available for use in  
17 the elections for Federal office to be held in 2018 are ade-  
18 quate to meet the demands of such elections.

19 (b) **PLAN FOR REPLACEMENT OF OUTDATED AND**  
20 **INADEQUATE MACHINES.**—Not later than December 31,  
21 2017, the Commission shall submit to Congress and the  
22 States a report on the assessment carried out under sub-  
23 section (a), and shall include in the report a plan for re-  
24 placing voting machines which the Commission deter-  
25 mines, on the basis of such assessment, are outdated or

1 otherwise not capable of meeting the demands of the elec-  
2 tions for Federal office to be held in 2018.

3 (c) DEFINITION.—In this section, the term “State”  
4 has the meaning given such term in section 901 of the  
5 Help America Vote Act of 2002 (52 U.S.C. 21141).

6 **SEC. 5. REQUIRING STATES TO PARTICIPATE IN POST-GEN-**  
7 **ERAL ELECTION SURVEYS.**

8 (a) REQUIREMENT.—Title III of the Help America  
9 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
10 by inserting after section 303 the following new section:

11 **“SEC. 303A. REQUIRING PARTICIPATION IN POST-GENERAL**  
12 **ELECTION SURVEYS.**

13 “(a) REQUIREMENT.—Each State shall furnish to the  
14 Commission such information as the Commission may re-  
15 quest for purposes of conducting any post-election survey  
16 of the States with respect to the administration of a regu-  
17 larly scheduled general election for Federal office.

18 “(b) EFFECTIVE DATE.—This section shall apply  
19 with respect to the regularly scheduled general election for  
20 Federal office held in November 2018 and any succeeding  
21 election.”.

22 (b) CONFORMING AMENDMENT RELATING TO EN-  
23 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
24 is amended by striking “and 303” and inserting “303, and  
25 303A”.

1 (c) CLERICAL AMENDMENT.—The table of contents  
2 of such Act is amended by inserting after the item relating  
3 to section 303 the following new item:

“Sec. 303A. Requiring participation in post-general election surveys.”.

4 **SEC. 6. REPORTS BY NATIONAL INSTITUTE OF STANDARDS**  
5 **AND TECHNOLOGY ON USE OF FUNDS TRANS-**  
6 **FERRED FROM ELECTION ASSISTANCE COM-**  
7 **MISSION.**

8 (a) REQUIRING REPORTS ON USE FUNDS AS CONDI-  
9 TION OF RECEIPT.—Section 231 of the Help America  
10 Vote Act of 2002 (52 U.S.C. 20971) is amended by adding  
11 at the end the following new subsection:

12 “(e) REPORT ON USE OF FUNDS TRANSFERRED  
13 FROM COMMISSION.—To the extent that funds are trans-  
14 ferred from the Commission to the Director of the Na-  
15 tional Institute of Standards and Technology for purposes  
16 of carrying out this section during any fiscal year, the Di-  
17 rector may not use such funds unless the Director certifies  
18 at the time of transfer that the Director will submit a re-  
19 port to the Commission not later than 90 days after the  
20 end of the fiscal year detailing how the Director used such  
21 funds during the year.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply with respect to fiscal year 2018  
24 and each succeeding fiscal year.

1 **SEC. 7. RECOMMENDATIONS TO IMPROVE OPERATIONS OF**  
2 **ELECTION ASSISTANCE COMMISSION.**

3 (a) ASSESSMENT OF INFORMATION TECHNOLOGY  
4 AND CYBERSECURITY.—Not later than December 31,  
5 2017, the Election Assistance Commission shall carry out  
6 an assessment of the security and effectiveness of the  
7 Commission’s information technology systems, including  
8 the cybersecurity of such systems.

9 (b) IMPROVEMENTS TO ADMINISTRATIVE COMPLAINT  
10 PROCEDURES.—

11 (1) REVIEW OF PROCEDURES.—The Election  
12 Assistance Commission shall carry out a review of  
13 the effectiveness and efficiency of the State-based  
14 administrative complaint procedures established and  
15 maintained under section 402 of the Help America  
16 Vote Act of 2002 (52 U.S.C. 21112) for the inves-  
17 tigation and resolution of allegations of violations of  
18 title III of such Act.

19 (2) RECOMMENDATIONS TO STREAMLINE PRO-  
20 CEDURES.—Not later than December 31, 2017, the  
21 Commission shall submit to Congress a report on  
22 the review carried out under paragraph (1), and  
23 shall include in the report such recommendations as  
24 the Commission considers appropriate to streamline

- 1 and improve the procedures which are the subject of
- 2 the review.

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