

116TH CONGRESS  
1ST SESSION

# H. R. 2722

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 HOUSE OF REPRESENTATIVES

MAY 14, 2019

Ms. LOFGREN 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 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-VERIFIED 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. 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.

#### “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.
- Sec. 112. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 113. Incorporation of definitions.

### Subtitle B—Grants for Risk-Limiting Audits of Results of Elections

- Sec. 121. Grants to States for conducting risk-limiting audits of results of elections.

#### “PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS OF ELECTIONS

- “Sec. 298. Grants for conducting risk-limiting audits of results of elections.
- “Sec. 298A. Eligibility of States.
- “Sec. 298B. Authorization of appropriations.
- Sec. 122. GAO analysis of effects of audits.

## TITLE II—PROMOTING CYBERSECURITY THROUGH IMPROVEMENTS IN ELECTION ADMINISTRATION

- Sec. 201. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 202. Requiring use of software and hardware for which information is disclosed by manufacturer.
- Sec. 203. Treatment of electronic poll books as part of voting systems.

Sec. 204. Pre-election reports on voting system usage.  
 Sec. 205. Streamlining collection of election information.

TITLE III—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

Sec. 301. Establishment of advisory committee.

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

Sec. 401. Use of voting machines manufactured in the United States.

TITLE V—SEVERABILITY

Sec. 501. 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-VERIFIED**  
 8 **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-VERIFIED PAPER BALLOTS.—

1                   “(i) PAPER BALLOT REQUIREMENT.—

2                   (I) The voting system shall require the use  
3                   of an individual, durable, voter-verified  
4                   paper ballot of the voter’s vote that shall  
5                   be marked and made available for inspec-  
6                   tion and verification by the voter before  
7                   the voter’s vote is cast and counted, and  
8                   which shall be counted by hand or read by  
9                   an optical character recognition device or  
10                  other counting device. For purposes of this  
11                  subclause, the term ‘individual, durable,  
12                  voter-verified paper ballot’ means a paper  
13                  ballot marked by the voter by hand or a  
14                  paper ballot marked through the use of a  
15                  nontabulating ballot marking device or sys-  
16                  tem, so long as the voter shall have the op-  
17                  tion to mark his or her ballot by hand.

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

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

1 time after the ballot has been cast, to asso-  
2 ciate a voter with the record of the voter's  
3 vote without the voter's consent.

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

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

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

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

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

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

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

17                         “(I) there is any inconsistency  
18                         between any electronic vote tallies and  
19                         the vote tallies determined by count-  
20                         ing by hand the individual, durable,  
21                         voter-verified paper ballots used pur-  
22                         suant to subparagraph (A)(i) with re-  
23                         spect to any election for Federal of-  
24                         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                  law, except that the electronic tally shall  
17                  not be used as the exclusive basis for de-  
18                  termining the official certified result.

19                  “(ii) RULE FOR CONSIDERATION OF  
20                  BALLOTS ASSOCIATED WITH EACH VOTING  
21                  MACHINE.—For purposes of clause (i),  
22                  only the paper ballots deemed com-  
23                  promised, if any, shall be considered in the  
24                  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-verified paper ballot as for other voters;

11 “(ii) satisfy the requirement of subpara-  
12 graph (A) through the use of at least one voting  
13 system equipped for individuals with disabili-  
14 ties, including nonvisual and enhanced visual  
15 accessibility for the blind and visually impaired,  
16 and nonmanual and enhanced manual accessi-  
17 bility for the mobility and dexterity impaired, at  
18 each polling place; and

19 “(iii) meet the requirements of subpara-  
20 graph (A) and paragraph (2)(A) by using a sys-  
21 tem that—

22 “(I) allows the voter to privately and  
23 independently verify the permanent paper  
24 ballot through the presentation, in acces-  
25 sible form, of the printed or marked vote  
26 selections from the same printed or

1 marked information that would be used for  
2 any vote counting or auditing; and

3 “(II) allows the voter to privately and  
4 independently verify and cast the perma-  
5 nent paper ballot without requiring the  
6 voter to manually handle the paper bal-  
7 lot;”.

8 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,  
9 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT  
10 VERIFICATION MECHANISMS.—

11 (1) STUDY AND REPORTING.—Subtitle C of  
12 title II of such Act (52 U.S.C. 21081 et seq.) is  
13 amended—

14 (A) by redesignating section 247 as section  
15 248; and

16 (B) by inserting after section 246 the fol-  
17 lowing new section:

18 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**  
19 **BALLOT VERIFICATION MECHANISMS.**

20 “(a) STUDY AND REPORT.—The Director of the Na-  
21 tional Science Foundation shall make grants to not fewer  
22 than 3 eligible entities to study, test, and develop acces-  
23 sible paper ballot voting, verification, and casting mecha-  
24 nisms and devices and best practices to enhance the acces-  
25 sibility of paper ballot voting and verification mechanisms

1 for individuals with disabilities, for voters whose primary  
2 language is not English, and for voters with difficulties  
3 in literacy, including best practices for the mechanisms  
4 themselves and the processes through which the mecha-  
5 nisms are used.

6 “(b) ELIGIBILITY.—An entity is eligible to receive a  
7 grant under this part if it submits to the Director (at such  
8 time and in such form as the Director may require) an  
9 application containing—

10 “(1) certifications that the entity shall specifi-  
11 cally investigate enhanced methods or devices, in-  
12 cluding non-electronic devices, that will assist such  
13 individuals and voters in marking voter-verified  
14 paper ballots and presenting or transmitting the in-  
15 formation printed or marked on such ballots back to  
16 such individuals and voters, and casting such ballots;

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

20 “(3) such other information and certifications  
21 as the Director may require.

22 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-  
23 nology developed with the grants made under this section  
24 shall be treated as non-proprietary and shall be made

1 available to the public, including to manufacturers of vot-  
2 ing systems.

3 “(d) COORDINATION WITH GRANTS FOR TECH-  
4 NOLOGY IMPROVEMENTS.—The Director shall carry out  
5 this section so that the activities carried out with the  
6 grants made under subsection (a) are coordinated with the  
7 research conducted under the grant program carried out  
8 by the Commission under section 271, to the extent that  
9 the Director and Commission determine necessary to pro-  
10 vide for the advancement of accessible voting technology.

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

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

16 (A) by redesignating the item relating to  
17 section 247 as relating to section 248; and

18 (B) by inserting after the item relating to  
19 section 246 the following new item:

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

20 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS  
21 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In  
22 adopting any voluntary guidance under subtitle B of title  
23 III of the Help America Vote Act with respect to the ac-  
24 cessibility of the paper ballot verification requirements for

1 individuals with disabilities, the Election Assistance Com-  
 2 mission shall include and apply the same accessibility  
 3 standards applicable under the voluntary guidance adopt-  
 4 ed for accessible voting systems under such subtitle.

5 (d) PERMITTING USE OF FUNDS FOR PROTECTION  
 6 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-  
 7 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-  
 8 tion 292(a) of the Help America Vote Act of 2002 (52  
 9 U.S.C. 21062(a)) is amended by striking “; except that”  
 10 and all that follows and inserting a period.

11 **SEC. 104. DURABILITY AND READABILITY REQUIREMENTS**  
 12 **FOR BALLOTS.**

13 Section 301(a) of the Help America Vote Act of 2002  
 14 (52 U.S.C. 21081(a)) is amended by adding at the end  
 15 the following new paragraph:

16 “(7) DURABILITY AND READABILITY REQUIRE-  
 17 MENTS FOR BALLOTS.—

18 “(A) DURABILITY REQUIREMENTS FOR  
 19 PAPER BALLOTS.—

20 “(i) IN GENERAL.—All voter-verified  
 21 paper ballots required to be used under  
 22 this Act shall be marked or printed on du-  
 23 rable paper.

24 “(ii) DEFINITION.—For purposes of  
 25 this Act, paper is ‘durable’ if it is capable

1 of withstanding multiple counts and re-  
2 counts by hand without compromising the  
3 fundamental integrity of the ballots, and  
4 capable of retaining the information  
5 marked or printed on them for the full du-  
6 ration of a retention and preservation pe-  
7 riod of 22 months.

8 “(B) READABILITY REQUIREMENTS FOR  
9 PAPER BALLOTS MARKED BY BALLOT MARKING  
10 DEVICE.—All voter-verified paper ballots com-  
11 pleted by the voter through the use of a ballot  
12 marking device shall be clearly readable by the  
13 voter without assistance (other than eyeglasses  
14 or other personal vision enhancing devices) and  
15 by an optical character recognition device or  
16 other device equipped for individuals with dis-  
17 abilities.”.

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

19 (a) REQUIRING PAPER BALLOTS TO BE PRINTED ON  
20 RECYCLED PAPER MANUFACTURED IN THE UNITED  
21 STATES.—Section 301(a) of the Help America Vote Act  
22 of 2002 (52 U.S.C. 21081(a)), as amended by section 104,  
23 is amended by adding at the end the following new para-  
24 graph:



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

3           “(A) IN GENERAL.—Except as provided in  
4           section 105(b) of the Securing America’s Fed-  
5           eral Elections Act and subparagraphs (B) and  
6           (C), the requirements of this section which are  
7           first imposed on a State and jurisdiction pursu-  
8           ant to the amendments made by the Voter Con-  
9           fidence and Increased Accessibility Act of 2019  
10          shall apply with respect to voting systems used  
11          for any election for Federal office held in 2020  
12          or any succeeding year.

13          “(B) DELAY FOR JURISDICTIONS USING  
14          CERTAIN PAPER RECORD PRINTERS OR CERTAIN  
15          SYSTEMS USING OR PRODUCING VOTER-  
16          VERIFIABLE PAPER RECORDS IN 2018.—

17          “(i) DELAY.—In the case of a juris-  
18          diction described in clause (ii), subpara-  
19          graph (A) shall apply to a voting system in  
20          the jurisdiction as if the reference in such  
21          subparagraph to ‘2020’ were a reference to  
22          ‘2022’, but only with respect to the fol-  
23          lowing requirements of this section:



1           “(I) Paragraph (2)(A)(i)(I) of  
2 subsection (a) (relating to the use of  
3 voter-verified paper ballots).

4           “(II) Paragraph (3)(B)(ii)(I) and  
5 (II) of subsection (a) (relating to ac-  
6 cess to verification from and casting  
7 of the durable paper ballot).

8           “(III) Paragraph (7) of sub-  
9 section (a) (relating to durability and  
10 readability requirements for ballots).

11           “(ii) JURISDICTIONS DESCRIBED.—A  
12 jurisdiction described in this clause is a ju-  
13 risdiction—

14           “(I) which used voter verifiable  
15 paper record printers attached to di-  
16 rect recording electronic voting ma-  
17 chines, or which used other voting  
18 systems that used or produced paper  
19 records of the vote verifiable by voters  
20 but that are not in compliance with  
21 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)  
22 and (II), and (7) of subsection (a) (as  
23 amended or added by the Voter Con-  
24 fidence and Increased Accessibility  
25 Act of 2019), for the administration

1 of the regularly scheduled general  
2 election for Federal office held in No-  
3 vember 2018; and

4 “(II) which will continue to use  
5 such printers or systems for the ad-  
6 ministration of elections for Federal  
7 office held in years before 2022.

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

12 “(I) REQUIRING BALLOTS TO BE  
13 OFFERED AND PROVIDED.—The ap-  
14 propriate election official at each poll-  
15 ing place that uses a printer or sys-  
16 tem described in clause (ii)(I) for the  
17 administration of elections for Federal  
18 office shall offer each individual who  
19 is eligible to cast a vote in the election  
20 at the polling place the opportunity to  
21 cast the vote using a blank pre-print-  
22 ed paper ballot which the individual  
23 may mark by hand and which is not  
24 produced by the direct recording elec-  
25 tronic voting machine or other such

1 system. The official shall provide the  
2 individual with the ballot and the sup-  
3 plies necessary to mark the ballot, and  
4 shall ensure (to the greatest extent  
5 practicable) that the waiting period  
6 for the individual to cast a vote is the  
7 lesser of 30 minutes or the average  
8 waiting period for an individual who  
9 does not agree to cast the vote using  
10 such a paper ballot under this clause.

11 “(II) TREATMENT OF BALLOT.—  
12 Any paper ballot which is cast by an  
13 individual under this clause shall be  
14 counted and otherwise treated as a  
15 regular ballot for all purposes (includ-  
16 ing by incorporating it into the final  
17 unofficial vote count (as defined by  
18 the State) for the precinct) and not as  
19 a provisional ballot, unless the indi-  
20 vidual casting the ballot would have  
21 otherwise been required to cast a pro-  
22 visional ballot.

23 “(III) POSTING OF NOTICE.—  
24 The appropriate election official shall  
25 ensure there is prominently displayed

1 at each polling place a notice that de-  
2 scribes the obligation of the official to  
3 offer individuals the opportunity to  
4 cast votes using a pre-printed blank  
5 paper ballot.

6 “(IV) TRAINING OF ELECTION  
7 OFFICIALS.—The chief State election  
8 official shall ensure that election offi-  
9 cials at polling places in the State are  
10 aware of the requirements of this  
11 clause, including the requirement to  
12 display a notice under subclause (III),  
13 and are aware that it is a violation of  
14 the requirements of this title for an  
15 election official to fail to offer an indi-  
16 vidual the opportunity to cast a vote  
17 using a blank pre-printed paper ballot.

18 “(V) PERIOD OF APPLICA-  
19 BILITY.—The requirements of this  
20 clause apply only during the period in  
21 which the delay is in effect under  
22 clause (i).

23 “(C) SPECIAL RULE FOR JURISDICTIONS  
24 USING CERTAIN NONTABULATING BALLOT  
25 MARKING DEVICES.—In the case of a jurisdic-

1           tion which uses a nontabulating ballot marking  
2           device which automatically deposits the ballot  
3           into a privacy sleeve, subparagraph (A) shall  
4           apply to a voting system in the jurisdiction as  
5           if the reference in such subparagraph to ‘any  
6           election for Federal office held in 2020 or any  
7           succeeding year’ were a reference to ‘elections  
8           for Federal office held in 2022 or each suc-  
9           ceeding year’, but only with respect to para-  
10          graph (3)(B)(iii)(II) of subsection (a) (relating  
11          to nonmanual casting of the durable paper bal-  
12          lot).”.

13           **PART 2—GRANTS TO CARRY OUT**

14                   **IMPROVEMENTS**

15   **SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BAL-**  
16                   **LOT VOTING SYSTEMS AND CARRYING OUT**  
17                   **VOTING SYSTEM SECURITY IMPROVEMENTS.**

18           (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
19   II of the Help America Vote Act of 2002 (52 U.S.C.  
20   21001 et seq.) is amended by adding at the end the fol-  
21   lowing new part:

1 **“PART 7—GRANTS FOR OBTAINING COMPLIANT**  
2 **PAPER BALLOT VOTING SYSTEMS AND CAR-**  
3 **RYING OUT VOTING SYSTEM SECURITY IM-**  
4 **PROVEMENTS**

5 **“SEC. 297. GRANTS FOR OBTAINING COMPLIANT PAPER**  
6 **BALLOT VOTING SYSTEMS AND CARRYING**  
7 **OUT VOTING SYSTEM SECURITY IMPROVE-**  
8 **MENTS.**

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

11 “(1) to replace a voting system—

12 “(A) which does not meet the requirements  
13 which are first imposed on the State pursuant  
14 to the amendments made by the Voter Con-  
15 fidence and Increased Accessibility Act of 2019  
16 with a voting system which does meet such re-  
17 quirements, for use in the regularly scheduled  
18 general elections for Federal office held in No-  
19 vember 2020, or

20 “(B) which does meet such requirements  
21 but which is not in compliance with the most  
22 recent voluntary voting system guidelines issued  
23 by the Commission prior to the regularly sched-  
24 uled general election for Federal office held in  
25 November 2020 with another system which does

1           meet such requirements and is in compliance  
2           with such guidelines;

3           “(2) to carry out voting system security im-  
4           provements described in section 297A with respect  
5           to the regularly scheduled general elections for Fed-  
6           eral office held in November 2020 and each suc-  
7           ceeding election for Federal office; and

8           “(3) to implement and model best practices for  
9           ballot design, ballot instructions, and the testing of  
10          ballots.

11          “(b) AMOUNT OF GRANT.—The amount of a grant  
12          made to a State under this section shall be such amount  
13          as the Commission determines to be appropriate, except  
14          that such amount may not be less than the product of  
15          \$1 and the average of the number of individuals who cast  
16          votes in any of the two most recent regularly scheduled  
17          general elections for Federal office held in the State.

18          “(c) PRO RATA REDUCTIONS.—If the amount of  
19          funds appropriated for grants under this part is insuffi-  
20          cient to ensure that each State receives the amount of the  
21          grant calculated under subsection (b), the Commission  
22          shall make such pro rata reductions in such amounts as  
23          may be necessary to ensure that the entire amount appro-  
24          priated under this part is distributed to the States.

1       “(d) SURPLUS APPROPRIATIONS.—If the amount of  
2 funds appropriated for grants authorized under section  
3 297D(a)(2) exceed the amount necessary to meet the re-  
4 quirements of subsection (b), the Commission shall con-  
5 sider the following in making a determination to award  
6 remaining funds to a State:

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

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

12                       “(B) Implementing strong chain of custody  
13 procedures for the physical security of voting  
14 equipment and paper records at all stages of  
15 the process.

16                       “(C) Conducting pre-election testing on  
17 every voting machine and ensuring that paper  
18 ballots are available wherever electronic ma-  
19 chines are used.

20                       “(D) Maintaining offline backups of voter  
21 registration lists.

22                       “(E) Providing a secure voter registration  
23 database that logs requests submitted to the  
24 database.



1           “(F) Publishing and enforcing a policy de-  
2 tailing use limitations and security safeguards  
3 to protect the personal information of voters in  
4 the voter registration process.

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

7           “(H) Providing a secure platform for dis-  
8 seminating vote totals.

9           “(2) Evidence of established conditions of inno-  
10 vation and reform in providing voting system secu-  
11 rity and the proposed plan of the State for imple-  
12 menting additional conditions.

13           “(3) Evidence of collaboration between relevant  
14 stakeholders, including local election officials, in de-  
15 veloping the grant implementation plan described in  
16 section 297B.

17           “(4) The plan of the State to conduct a rig-  
18 orous evaluation of the effectiveness of the activities  
19 carried out with the grant.

20           “(e) ABILITY OF REPLACEMENT SYSTEMS TO AD-  
21 MINISTER RANKED CHOICE ELECTIONS.—To the greatest  
22 extent practicable, an eligible State which receives a grant  
23 to replace a voting system under this section shall ensure  
24 that the replacement system is capable of administering  
25 a system of ranked choice voting under which each voter

1 shall rank the candidates for the office in the order of  
2 the voter's preference.

3 **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
4 **DESCRIBED.**

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

8 “(1) The acquisition of goods and services from  
9 qualified election infrastructure vendors by purchase,  
10 lease, or such other arrangements as may be appro-  
11 priate.

12 “(2) Cyber and risk mitigation training.

13 “(3) A security risk and vulnerability assess-  
14 ment of the State's election infrastructure which is  
15 carried out by a provider of cybersecurity services  
16 under a contract entered into between the chief  
17 State election official and the provider.

18 “(4) The maintenance of election infrastruc-  
19 ture, including addressing risks and vulnerabilities  
20 which are identified under either of the security risk  
21 and vulnerability assessments described in para-  
22 graph (3), except that none of the funds provided  
23 under this part may be used to renovate or replace  
24 a building or facility which is used primarily for pur-

1 poses other than the administration of elections for  
2 public office.

3 “(5) Providing increased technical support for  
4 any information technology infrastructure that the  
5 chief State election official deems to be part of the  
6 State’s election infrastructure or designates as crit-  
7 ical to the operation of the State’s election infra-  
8 structure.

9 “(6) Enhancing the cybersecurity and oper-  
10 ations of the information technology infrastructure  
11 described in paragraph (4).

12 “(7) Enhancing the cybersecurity of voter reg-  
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,  
17 a ‘qualified election infrastructure vendor’ is any  
18 person who provides, supports, or maintains, or who  
19 seeks to provide, support, or maintain, election in-  
20 frastructure on behalf of a State, unit of local gov-  
21 ernment, or election agency (as defined in section  
22 801 of the Election Security Act) who meets the cri-  
23 teria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this  
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,  
2 shall establish and publish, and shall include each of  
3 the following requirements:

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

7 “(B) The vendor must disclose to the  
8 Chairman and the Secretary, and to the chief  
9 State election official of any State to which the  
10 vendor provides any goods and services with  
11 funds provided under this part, of any sourcing  
12 outside the United States for parts of the elec-  
13 tion infrastructure.

14 “(C) The vendor agrees to ensure that the  
15 election infrastructure will be developed and  
16 maintained in a manner that is consistent with  
17 the cybersecurity best practices issued by the  
18 Technical Guidelines Development Committee.

19 “(D) The vendor agrees to maintain its in-  
20 formation technology infrastructure in a man-  
21 ner that is consistent with the cybersecurity  
22 best practices issued by the Technical Guide-  
23 lines Development Committee.

24 “(E) The vendor agrees to meet the re-  
25 quirements of paragraph (3) with respect to

1 any known or suspected cybersecurity incidents  
2 involving any of the goods and services provided  
3 by the vendor pursuant to a grant under this  
4 part.

5 “(F) The vendor agrees to permit inde-  
6 pendent security testing by the Commission (in  
7 accordance with section 231(a)) and by the Sec-  
8 retary of the goods and services provided by the  
9 vendor pursuant to a grant under this part.

10 “(3) CYBERSECURITY INCIDENT REPORTING  
11 REQUIREMENTS.—

12 “(A) IN GENERAL.—A vendor meets the  
13 requirements of this paragraph if, upon becom-  
14 ing aware of the possibility that an election cy-  
15 bersecurity incident has occurred involving any  
16 of the goods and services provided by the ven-  
17 dor pursuant to a grant under this part—

18 “(i) the vendor promptly assesses  
19 whether or not such an incident occurred,  
20 and submits a notification meeting the re-  
21 quirements of subparagraph (B) to the  
22 Secretary and the Chairman of the assess-  
23 ment as soon as practicable (but in no case  
24 later than 3 days after the vendor first be-

1 comes aware of the possibility that the in-  
2 cident occurred);

3 “(ii) if the incident involves goods or  
4 services provided to an election agency, the  
5 vendor submits a notification meeting the  
6 requirements of subparagraph (B) to the  
7 agency as soon as practicable (but in no  
8 case later than 3 days after the vendor  
9 first becomes aware of the possibility that  
10 the incident occurred), and cooperates with  
11 the agency in providing any other nec-  
12 essary notifications relating to the inci-  
13 dent; and

14 “(iii) the vendor provides all necessary  
15 updates to any notification submitted  
16 under clause (i) or clause (ii).

17 “(B) CONTENTS OF NOTIFICATIONS.—

18 Each notification submitted under clause (i) or  
19 clause (ii) of subparagraph (A) shall contain  
20 the following information with respect to any  
21 election cybersecurity incident covered by the  
22 notification:

23 “(i) The date, time, and time zone  
24 when the election cybersecurity incident  
25 began, if known.

1           “(ii) The date, time, and time zone  
2 when the election cybersecurity incident  
3 was detected.

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

6           “(iv) The circumstances of the elec-  
7 tion cybersecurity incident, including the  
8 specific election infrastructure systems be-  
9 lieved to have been accessed and informa-  
10 tion acquired, if any.

11           “(v) Any planned and implemented  
12 technical measures to respond to and re-  
13 cover from the incident.

14           “(vi) In the case of any notification  
15 which is an update to a prior notification,  
16 any additional material information relat-  
17 ing to the incident, including technical  
18 data, as it becomes available.

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

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

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

4           “(2) a certification and assurance that, not  
5           later than 5 years after receiving the grant, the  
6           State will carry out risk-limiting audits and will  
7           carry out voting system security improvements, as  
8           described in section 297A; and

9           “(3) such other information and assurances as  
10          the Commission may require.

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

12          “Not later than 90 days after the end of each fiscal  
13   year, the Commission shall submit a report to the appro-  
14   priate congressional committees, including the Committees  
15   on Homeland Security, House Administration, and the Ju-  
16   diciary of the House of Representatives and the Commit-  
17   tees on Homeland Security and Governmental Affairs, the  
18   Judiciary, and Rules and Administration of the Senate,  
19   on the activities carried out with the funds provided under  
20   this part.

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

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

24          “(1) \$1,000,000,000 for fiscal year 2019; and





1 ANCE COMMISSION.—Section 214(a) of such Act (52  
2 U.S.C. 20944(a)) is amended—

3 (1) by striking “37 members” and inserting  
4 “38 members”; and

5 (2) by adding at the end the following new  
6 paragraph:

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

9 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
10 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-  
11 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
12 U.S.C. 20961(c)(1)) is amended—

13 (1) by redesignating subparagraph (E) as sub-  
14 paragraph (F); and

15 (2) by inserting after subparagraph (D) the fol-  
16 lowing new subparagraph:

17 “(E) A representative of the Department  
18 of Homeland Security.”.

19 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
20 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
21 OF HOMELAND SECURITY.—Section 241(a) of such Act  
22 (52 U.S.C. 20981(a)) is amended—

23 (1) in the matter preceding paragraph (1), by  
24 striking “the Commission shall” and inserting “the

1 Commission, in consultation with the Secretary of  
2 Homeland Security (as appropriate), shall”;

3 (2) by striking “and” at the end of paragraph  
4 (3);

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

7 (4) by inserting after paragraph (3) the fol-  
8 lowing new paragraph:

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

12 (e) REQUIREMENTS PAYMENTS.—

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

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

21 “(A) Cyber and risk mitigation training.

22 “(B) Providing increased technical support  
23 for any information technology infrastructure  
24 that the chief State election official deems to be  
25 part of the State’s election infrastructure or

1 designates as critical to the operation of the  
2 State’s election infrastructure.

3 “(C) Enhancing the cybersecurity and op-  
4 erations of the information technology infra-  
5 structure described in subparagraph (B).

6 “(D) Enhancing the security of voter reg-  
7 istration databases.”.

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

14 (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
15 FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
16 MENTS.—Section 255 of such Act (52 U.S.C.  
17 21005) is amended—

18 (A) by redesignating subsection (b) as sub-  
19 section (c); and

20 (B) by inserting after subsection (a) the  
21 following new subsection:

22 “(b) GEOGRAPHIC REPRESENTATION.—The mem-  
23 bers of the committee shall be a representative group of  
24 individuals from the State’s counties, cities, towns, and

1 Indian tribes, and shall represent the needs of rural as  
2 well as urban areas of the State, as the case may be.”.

3 (f) ENSURING PROTECTION OF COMPUTERIZED  
4 STATEWIDE VOTER REGISTRATION LIST.—Section  
5 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
6 ed by striking the period at the end and inserting “, as  
7 well as other measures to prevent and deter cybersecurity  
8 incidents, as identified by the Commission, the Secretary  
9 of Homeland Security, and the Technical Guidelines De-  
10 velopment Committee.”.

11 **SEC. 113. INCORPORATION OF DEFINITIONS.**

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

15 **“SEC. 901. DEFINITIONS.**

16 “In this Act, the following definitions apply:

17 “(1) The term ‘cybersecurity incident’ has the  
18 meaning given the term ‘incident’ in section 227 of  
19 the Homeland Security Act of 2002 (6 U.S.C. 148).

20 “(2) The term ‘election agency’ means any com-  
21 ponent of a State, or any component of a unit of  
22 local government in a State, which is responsible for  
23 the administration of elections for Federal office in  
24 the State.

1           “(3) The term ‘election infrastructure’ means  
2           storage facilities, polling places, and centralized vote  
3           tabulation locations used to support the administra-  
4           tion of elections for public office, as well as related  
5           information and communications technology, includ-  
6           ing voter registration databases, voting machines,  
7           electronic mail and other communications systems  
8           (including electronic mail and other systems of ven-  
9           dors who have entered into contracts with election  
10          agencies to support the administration of elections,  
11          manage the election process, and report and display  
12          election results), and other systems used to manage  
13          the election process and to report and display elec-  
14          tion results on behalf of an election agency.

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

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

“Sec. 901. Definitions.”.

1 **Subtitle B—Grants for Risk-Lim-**  
 2 **iting Audits of Results of Elec-**  
 3 **tions**

4 **SEC. 121. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**  
 5 **ITING AUDITS OF RESULTS OF ELECTIONS.**

6 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
 7 II of the Help America Vote Act of 2002 (52 U.S.C.  
 8 21001 et seq.), as amended by section 111(a), is amended  
 9 by adding at the end the following new part:

10 **“PART 8—GRANTS FOR CONDUCTING RISK-**  
 11 **LIMITING AUDITS OF RESULTS OF ELECTIONS**

12 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
 13 **DITS OF RESULTS OF ELECTIONS.**

14 “(a) AVAILABILITY OF GRANTS.—The Commission  
 15 shall make a grant to each eligible State to conduct risk-  
 16 limiting audits as described in subsection (b) with respect  
 17 to the regularly scheduled general elections for Federal of-  
 18 fice held in November 2020 and each succeeding election  
 19 for Federal office.

20 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this  
 21 part, a ‘risk-limiting audit’ is a post-election process—

22 “(1) which is conducted in accordance with  
 23 rules and procedures established by the chief State  
 24 election official of the State which meet the require-  
 25 ments of subsection (c); and

1           “(2) under which, if the reported outcome of  
2           the election is incorrect, there is at least a predeter-  
3           mined percentage chance that the audit will replace  
4           the incorrect outcome with the correct outcome as  
5           determined by a full, hand-to-eye tabulation of all  
6           votes validly cast in that election that ascertains  
7           voter intent manually and directly from voter-  
8           verifiable paper records.

9           “(c) REQUIREMENTS FOR RULES AND PROCE-  
10          DURES.—The rules and procedures established for con-  
11          ducting a risk-limiting audit shall include the following  
12          elements:

13                 “(1) Rules for ensuring the security of ballots  
14                 and documenting that prescribed procedures were  
15                 followed.

16                 “(2) Rules and procedures for ensuring the ac-  
17                 curacy of ballot manifests produced by election agen-  
18                 cies.

19                 “(3) Rules and procedures for governing the  
20                 format of ballot manifests, cast vote records, and  
21                 other data involved in the audit.

22                 “(4) Methods to ensure that any cast vote  
23                 records used in the audit are those used by the vot-  
24                 ing system to tally the election results sent to the  
25                 chief State election official and made public.



1           “(5) Procedures for the random selection of  
2 ballots to be inspected manually during each audit.

3           “(6) Rules for the calculations and other meth-  
4 ods to be used in the audit and to determine wheth-  
5 er and when the audit of an election is complete.

6           “(7) Procedures and requirements for testing  
7 any software used to conduct risk-limiting audits.

8           “(d) DEFINITIONS.—In this part, the following defi-  
9 nitions apply:

10           “(1) The term ‘ballot manifest’ means a record  
11 maintained by each election agency that meets each  
12 of the following requirements:

13           “(A) The record is created without reliance  
14 on any part of the voting system used to tab-  
15 ulate votes.

16           “(B) The record functions as a sampling  
17 frame for conducting a risk-limiting audit.

18           “(C) The record contains the following in-  
19 formation with respect to the ballots cast and  
20 counted in the election:

21           “(i) The total number of ballots cast  
22 and counted by the agency (including  
23 undervotes, overvotes, and other invalid  
24 votes).

1                   “(ii) The total number of ballots cast  
2                   in each election administered by the agency  
3                   (including undervotes, overvotes, and other  
4                   invalid votes).

5                   “(iii) A precise description of the  
6                   manner in which the ballots are physically  
7                   stored, including the total number of phys-  
8                   ical groups of ballots, the numbering sys-  
9                   tem for each group, a unique label for each  
10                  group, and the number of ballots in each  
11                  such group.

12                  “(2) The term ‘incorrect outcome’ means an  
13                  outcome that differs from the outcome that would be  
14                  determined by a full tabulation of all votes validly  
15                  cast in the election, determining voter intent manu-  
16                  ally, directly from voter-verifiable paper records.

17                  “(3) The term ‘outcome’ means the winner of  
18                  an election, whether a candidate or a position.

19                  “(4) The term ‘reported outcome’ means the  
20                  outcome of an election which is determined accord-  
21                  ing to the canvass and which will become the official,  
22                  certified outcome unless it is revised by an audit, re-  
23                  count, or other legal process.

1 **“SEC. 298A. ELIGIBILITY OF STATES.**

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

6 “(1) a certification that, not later than 5 years  
7 after receiving the grant, the State will conduct risk-  
8 limiting audits of the results of elections for Federal  
9 office held in the State as described in section 298;

10 “(2) a certification that, not later than one year  
11 after the date of the enactment of this section, the  
12 chief State election official of the State has estab-  
13 lished or will establish the rules and procedures for  
14 conducting the audits which meet the requirements  
15 of section 298(c);

16 “(3) a certification that the audit shall be com-  
17 pleted not later than the date on which the State  
18 certifies the results of the election;

19 “(4) a certification that, after completing the  
20 audit, the State shall publish a report on the results  
21 of the audit, together with such information as nec-  
22 essary to confirm that the audit was conducted prop-  
23 erly;

24 “(5) a certification that, if a risk-limiting audit  
25 conducted under this part leads to a full manual  
26 tally of an election, State law requires that the State

1 or election agency shall use the results of the full  
 2 manual tally as the official results of the election;  
 3 and

4 “(6) such other information and assurances as  
 5 the Commission may require.

6 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated for grants  
 8 under this part \$20,000,000 for fiscal year 2019, to re-  
 9 main available until expended.”.

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

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS  
 OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-  
 tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

14 **SEC. 122. GAO ANALYSIS OF EFFECTS OF AUDITS.**

15 (a) ANALYSIS.—Not later than 6 months after the  
 16 first election for Federal office is held after grants are  
 17 first awarded to States for conducting risk-limiting audits  
 18 under part 8 of subtitle D of title II of the Help America  
 19 Vote Act of 2002 (as added by section 121) for conducting  
 20 risk-limiting audits of elections for Federal office, the  
 21 Comptroller General of the United States shall conduct  
 22 an analysis of the extent to which such audits have im-

1 proved the administration of such elections and the secu-  
 2 rity of election infrastructure in the States receiving such  
 3 grants.

4 (b) REPORT.—The Comptroller General of the  
 5 United States shall submit a report on the analysis con-  
 6 ducted under subsection (a) to the appropriate congres-  
 7 sional committees.

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

12 **SEC. 201. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
 13 **SURE COMPLIANCE WITH ELECTION CYBER-**  
 14 **SECURITY GUIDELINES AND OTHER GUIDE-**  
 15 **LINES.**

16 (a) REQUIRING TESTING OF EXISTING VOTING SYS-  
 17 TEMS.—

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

22 “(3) TESTING TO ENSURE COMPLIANCE WITH  
 23 GUIDELINES.—

24 “(A) TESTING.—Not later than 9 months  
 25 before the date of each regularly scheduled gen-

1           eral election for Federal office, the Commission  
2           shall provide for the testing by accredited lab-  
3           oratories under this section of the voting system  
4           hardware and software which was certified for  
5           use in the most recent such election, on the  
6           basis of the most recent voting system guide-  
7           lines applicable to such hardware or software  
8           (including election cybersecurity guidelines)  
9           issued under this Act.

10           “(B) DECERTIFICATION OF HARDWARE OR  
11           SOFTWARE FAILING TO MEET GUIDELINES.—If,  
12           on the basis of the testing described in subpara-  
13           graph (A), the Commission determines that any  
14           voting system hardware or software does not  
15           meet the most recent guidelines applicable to  
16           such hardware or software issued under this  
17           Act, the Commission shall decertify such hard-  
18           ware or software.”.

19           (2) EFFECTIVE DATE.—The amendment made  
20           by paragraph (1) shall apply with respect to the reg-  
21           ularly scheduled general election for Federal office  
22           held in November 2020 and each succeeding regu-  
23           larly scheduled general election for Federal office.

24           (b) ISSUANCE OF CYBERSECURITY GUIDELINES BY  
25           TECHNICAL GUIDELINES DEVELOPMENT COMMITTEE.—

1 Section 221(b) of the Help America Vote Act of 2002 (52  
2 U.S.C. 20961(b)) is amended by adding at the end the  
3 following new paragraph:

4           “(3) ELECTION CYBERSECURITY GUIDE-  
5 LINES.—Not later than 6 months after the date of  
6 the enactment of this paragraph, the Development  
7 Committee shall issue election cybersecurity guide-  
8 lines, including standards and best practices for pro-  
9 curing, maintaining, testing, operating, and updat-  
10 ing election systems to prevent and deter cybersecu-  
11 rity incidents.”.

12 **SEC. 202. REQUIRING USE OF SOFTWARE AND HARDWARE**  
13           **FOR WHICH INFORMATION IS DISCLOSED BY**  
14           **MANUFACTURER.**

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

19           “(9) REQUIRING USE OF SOFTWARE AND HARD-  
20 WARE FOR WHICH INFORMATION IS DISCLOSED BY  
21 MANUFACTURER.—

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

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

18           “(ii) EXCEPTIONS.—Clause (i) does  
19 not apply with respect to—

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



1                   “(II) widely-used cybersecurity  
2                   software which is not specific to vot-  
3                   ing systems and for which the source  
4                   code or baseline functionality is not  
5                   altered.

6                   “(B) REQUIRING USE OF HARDWARE FOR  
7                   WHICH INFORMATION IS DISCLOSED BY MANU-  
8                   FACTURER.—

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

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

24                                  “(I) the manufacturer of the sys-  
25                                  tem publicly discloses online the com-

1           ponents of the hardware, the design of  
2           such components, and how such com-  
3           ponents are connected in the oper-  
4           ation of the system; and

5                   “(II) the manufacturer makes  
6           the design (in the form which will be  
7           used at the time of the election) pub-  
8           licly available online under a license  
9           that grants a worldwide, royalty-free,  
10          non-exclusive, perpetual, sub-licens-  
11          able license to all intellectual property  
12          rights in the design of the hardware  
13          or the component, except that the  
14          manufacturer may prohibit a person  
15          who obtains the design from using the  
16          design in a manner that is primarily  
17          intended for or directed toward com-  
18          mercial advantage or private monetary  
19          compensation that is unrelated to car-  
20          rying out legitimate research or cyber-  
21          security activity.”.

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

1 **SEC. 203. 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 redesignated by subsection (b),  
11 is amended by striking the period at the end and inserting  
12 the following: “, or, with respect to any requirements re-  
13 lating to electronic poll books, on and after January 1,  
14 2020.”.

15 **SEC. 204. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
16 **USAGE.**

17 (a) REQUIRING STATES TO SUBMIT REPORTS.—Title  
18 III of the Help America Vote Act of 2002 (52 U.S.C.  
19 21081 et seq.) is amended by inserting after section 301  
20 the following new section:

21 **“SEC. 301A. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
22 **USAGE.**

23 “(a) REQUIRING STATES TO SUBMIT REPORTS.—  
24 Not later than 120 days before the date of each regularly  
25 scheduled general election for Federal office, the chief

1 State election official of a State shall submit a report to  
 2 the Commission containing a detailed voting system usage  
 3 plan for each jurisdiction in the State which will admin-  
 4 ister the election, including a detailed plan for the usage  
 5 of electronic poll books and other equipment and compo-  
 6 nents of such system.

7 “(b) EFFECTIVE DATE.—Subsection (a) shall apply  
 8 with respect to the regularly scheduled general election for  
 9 Federal office held in November 2020 and each succeeding  
 10 regularly scheduled general election for Federal office.”.

11 (b) CONFORMING AMENDMENT RELATING TO EN-  
 12 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
 13 is amended by striking “sections 301, 302, and 303” and  
 14 inserting “subtitle A of title III”.

15 (c) CLERICAL AMENDMENT.—The table of contents  
 16 of such Act is amended by inserting after the item relating  
 17 to section 301 the following new item:

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

18 **SEC. 205. STREAMLINING COLLECTION OF ELECTION IN-**  
 19 **FORMATION.**

20 Section 202 of the Help America Vote Act of 2002  
 21 (52 U.S.C. 20922) is amended—

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

24 (2) by adding at the end the following new sub-  
 25 section:

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

6       **TITLE III—ELECTION SECURITY**  
 7       **GRANTS ADVISORY COMMITTEE**

8       **SEC. 301. ESTABLISHMENT OF ADVISORY COMMITTEE.**

9       (a) IN GENERAL.—Subtitle A of title II of the Help  
 10 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is  
 11 amended by adding at the end the following:

12       **“PART 4—ELECTION SECURITY GRANTS**

13               **ADVISORY COMMITTEE**

14       **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**  
 15               **MITTEE.**

16       “(a) ESTABLISHMENT.—There is hereby established  
 17 an advisory committee (hereinafter in this part referred  
 18 to as the ‘Committee’) to assist the Commission with re-  
 19 spect to the award of grants to States under this Act for  
 20 the purpose of election security.

21       “(b) DUTIES.—

22               “(1) IN GENERAL.—The Committee shall, with  
 23 respect to an application for a grant received by the  
 24 Commission—

25                       “(A) review such application; and

1           “(B) recommend to the Commission  
2           whether to award the grant to the applicant.

3           “(2) CONSIDERATIONS.—In reviewing an appli-  
4           cation pursuant to paragraph (1)(A), the Committee  
5           shall consider—

6                   “(A) the record of the applicant with re-  
7                   spect to—

8                           “(i) compliance of the applicant with  
9                           the requirements under subtitle A of title  
10                          III; and

11                           “(ii) adoption of voluntary guidelines  
12                           issued by the Commission under subtitle B  
13                           of title III; and

14                          “(B) the goals and requirements of elec-  
15                          tion security as described in the Securing  
16                          America’s Federal Elections Act.

17           “(c) MEMBERSHIP.—The Committee shall be com-  
18           posed of 15 individuals appointed by the Executive Direc-  
19           tor of the Commission with experience and expertise in  
20           election security.

21           “(d) NO COMPENSATION FOR SERVICE.—Members of  
22           the Committee shall not receive any compensation for  
23           their service, but shall be paid travel expenses, including  
24           per diem in lieu of subsistence, at rates authorized for em-  
25           ployees of agencies under subchapter I of chapter 57 of

1 title 5, United States Code, while away from their homes  
2 or regular places of business in the performance of services  
3 for the Committee.”.

4 (b) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect 1 year after the date of enact-  
6 ment of this Act.

7 **TITLE IV—USE OF VOTING MA-**  
8 **CHINES MANUFACTURED IN**  
9 **THE UNITED STATES**

10 **SEC. 401. USE OF VOTING MACHINES MANUFACTURED IN**  
11 **THE UNITED STATES.**

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

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



1           **TITLE V—SEVERABILITY**

2   **SEC. 501. 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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