

116TH CONGRESS  
1ST SESSION

# S. 1540

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

MAY 16, 2019

Ms. KLOBUCHAR (for herself, Mr. SCHUMER, Mr. WARNER, Mr. REED, Mrs. FEINSTEIN, Mr. DURBIN, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. CASEY, Mr. COONS, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. JONES, Mr. KAINE, Mr. KING, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Ms. DUCKWORTH, Mr. CARPER, Mrs. GILLIBRAND, and Mr. PETERS) 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 “Election Security Act of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 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.

Subtitle C—Election Infrastructure Innovation Grant Program

- Sec. 131. Election infrastructure innovation grant program.

## TITLE II—SECURITY MEASURES

- Sec. 201. Election infrastructure designation.
- Sec. 202. Timely threat information.
- Sec. 203. Security clearance assistance for election officials.
- Sec. 204. Security risk and vulnerability assessments.
- Sec. 205. Annual reports.
- Sec. 206. Pre-election threat assessments.

TITLE III—ENHANCING PROTECTIONS FOR UNITED STATES  
DEMOCRATIC INSTITUTIONS

- Sec. 301. National strategy to protect United States democratic institutions.
- Sec. 302. National Commission to Protect United States Democratic Institutions.

TITLE IV—PROMOTING CYBERSECURITY THROUGH  
IMPROVEMENTS IN ELECTION ADMINISTRATION

- Sec. 401. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.
- Sec. 402. Treatment of electronic poll books as part of voting systems.
- Sec. 403. Pre-election reports on voting system usage.
- Sec. 404. Streamlining collection of election information.

## TITLE V—PREVENTING ELECTION HACKING

- Sec. 501. Short title.
- Sec. 502. Election Security Bug Bounty Program.
- Sec. 503. Definitions.

## TITLE VI—ELECTION SECURITY GRANTS ADVISORY COMMITTEE

- Sec. 601. Establishment of advisory committee.

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

- Sec. 701. Use of voting machines manufactured in the United States.

## TITLE VIII—MISCELLANEOUS PROVISIONS

- Sec. 801. Definitions.
- Sec. 802. Initial report on adequacy of resources available for implementation.

## TITLE IX—SEVERABILITY

- Sec. 901. 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.**—

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

20 (I) The voting system shall require the use  
 21 of an individual, durable, voter-verified  
 22 paper ballot of the voter’s vote that shall  
 23 be marked and made available for inspec-  
 24 tion and verification by the voter before  
 25 the voter’s vote is cast and counted, and

1           which shall be counted by hand or read by  
2           an optical character recognition device or  
3           other counting device. For purposes of this  
4           subclause, the term ‘individual, durable,  
5           voter-verified paper ballot’ means a paper  
6           ballot marked by the voter by hand or a  
7           paper ballot marked through the use of a  
8           nontabulating ballot marking device or sys-  
9           tem, so long as the voter shall have the op-  
10          tion to mark his or her ballot by hand.

11           “(II) The voting system shall provide  
12          the voter with an opportunity to correct  
13          any error on the paper ballot before the  
14          permanent voter-verified paper ballot is  
15          preserved in accordance with clause (ii).

16           “(III) The voting system shall not  
17          preserve the voter-verified paper ballots in  
18          any manner that makes it possible, at any  
19          time after the ballot has been cast, to asso-  
20          ciate a voter with the record of the voter’s  
21          vote without the voter’s consent.

22           “(ii) PRESERVATION AS OFFICIAL  
23          RECORD.—The individual, durable, voter-  
24          verified paper ballot used in accordance  
25          with clause (i) shall constitute the official

1 ballot and shall be preserved and used as  
2 the official ballot for purposes of any re-  
3 count or audit conducted with respect to  
4 any election for Federal office in which the  
5 voting system is used.

6 “(iii) MANUAL COUNTING REQUIRE-  
7 MENTS FOR RECOUNTS AND AUDITS.—(I)  
8 Each paper ballot used pursuant to clause  
9 (i) shall be suitable for a manual audit,  
10 and shall be counted by hand in any re-  
11 count or audit conducted with respect to  
12 any election for Federal office.

13 “(II) In the event of any inconsist-  
14 encies or irregularities between any elec-  
15 tronic vote tallies and the vote tallies de-  
16 termined by counting by hand the indi-  
17 vidual, durable, voter-verified paper ballots  
18 used pursuant to clause (i), and subject to  
19 subparagraph (B), the individual, durable,  
20 voter-verified paper ballots shall be the  
21 true and correct record of the votes cast.

22 “(iv) APPLICATION TO ALL BAL-  
23 LOTS.—The requirements of this subpara-  
24 graph shall apply to all ballots cast in elec-  
25 tions for Federal office, including ballots

1 cast by absent uniformed services voters  
2 and overseas voters under the Uniformed  
3 and Overseas Citizens Absentee Voting Act  
4 and other absentee voters.

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

8 “(i) IN GENERAL.—In the event  
9 that—

10 “(I) there is any inconsistency  
11 between any electronic vote tallies and  
12 the vote tallies determined by count-  
13 ing by hand the individual, durable,  
14 voter-verified paper ballots used pur-  
15 suant to subparagraph (A)(i) with re-  
16 spect to any election for Federal of-  
17 fice; and

18 “(II) it is demonstrated by clear  
19 and convincing evidence (as deter-  
20 mined in accordance with the applica-  
21 ble standards in the jurisdiction in-  
22 volved) in any recount, audit, or con-  
23 test of the result of the election that  
24 the paper ballots have been com-  
25 promised (by damage or mischief or

1 otherwise) and that a sufficient num-  
2 ber of the ballots have been so com-  
3 promised that the result of the elec-  
4 tion could be changed,  
5 the determination of the appropriate rem-  
6 edy with respect to the election shall be  
7 made in accordance with applicable State  
8 law, except that the electronic tally shall  
9 not be used as the exclusive basis for de-  
10 termining the official certified result.

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

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



1 (c) OTHER CONFORMING AMENDMENTS.—Section  
2 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-  
3 ed—

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

7 (2) in subparagraph (A)(ii), by striking “count-  
8 ed” and inserting “counted, in accordance with  
9 paragraphs (2) and (3)”;

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

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

16 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**  
17 **INDIVIDUALS WITH DISABILITIES.**

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

21 “(B)(i) ensure that individuals with dis-  
22 abilities and others are given an equivalent op-  
23 portunity to vote, including with privacy and  
24 independence, in a manner that produces a  
25 voter-verified paper ballot as for other voters;

1           “(ii) satisfy the requirement of subpara-  
2 graph (A) through the use of at least one voting  
3 system equipped for individuals with disabili-  
4 ties, including nonvisual and enhanced visual  
5 accessibility for the blind and visually impaired,  
6 and nonmanual and enhanced manual accessi-  
7 bility for the mobility and dexterity impaired, at  
8 each polling place; and

9           “(iii) meet the requirements of subpara-  
10 graph (A) and paragraph (2)(A) by using a sys-  
11 tem that—

12           “(I) allows the voter to privately and  
13 independently verify the permanent paper  
14 ballot through the presentation, in acces-  
15 sible form, of the printed or marked vote  
16 selections from the same printed or  
17 marked information that would be used for  
18 any vote counting or auditing; and

19           “(II) allows the voter to privately and  
20 independently verify and cast the perma-  
21 nent paper ballot without requiring the  
22 voter to manually handle the paper bal-  
23 lot;”.

1 (b) 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 Commission shall  
14 make grants to not fewer than 3 eligible entities to study,  
15 test, and develop accessible paper ballot voting,  
16 verification, and casting mechanisms and devices and best  
17 practices to enhance the accessibility of paper ballot voting  
18 and verification mechanisms for individuals with disabil-  
19 ities, for voters whose primary language is not English,  
20 and for voters with difficulties in literacy, including best  
21 practices for the mechanisms themselves and the processes  
22 through which the mechanisms are used.

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

1 such time and in such form as the Commission may re-  
2 quire) an 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-verified  
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 Commission shall carry  
22 out 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 under section 271, to the extent that the Commission de-

1 termines necessary to provide for the advancement of ac-  
 2 cessible 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 (c) 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 (d) 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-verified  
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-verified 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 an optical character recognition device or  
9 other device equipped for individuals with dis-  
10 abilities.”.

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

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

18           “(8) PRINTING REQUIREMENTS FOR BAL-  
19 LOTS.—All paper ballots used in an election for Fed-  
20 eral office shall be printed in the United States on  
21 recycled paper manufactured in the United States.”.

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

1 **SEC. 106. STUDY AND REPORT ON OPTIMAL BALLOT DE-**  
2 **SIGN.**

3 (a) STUDY.—The Election Assistance Commission  
4 shall conduct a study of the best ways to design ballots  
5 used in elections for public office, including paper ballots  
6 and electronic or digital ballots, to minimize confusion and  
7 user errors.

8 (b) REPORT.—Not later than January 1, 2020, the  
9 Election Assistance Commission shall submit to Congress  
10 a report on the study conducted under subsection (a).

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

12 Section 301(d) of the Help America Vote Act of 2002  
13 (52 U.S.C. 21081(d)) is amended to read as follows:

14 “(d) EFFECTIVE DATE.—

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

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

21 “(A) IN GENERAL.—Except as provided in  
22 section 105(b) of the Election Security Act of  
23 2019 and subparagraphs (B) and (C), the re-  
24 quirements of this section which are first im-  
25 posed on a State and jurisdiction pursuant to  
26 the amendments made by the Voter Confidence



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

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

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

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

19 “(II) Paragraph (3)(B)(ii)(I) and  
20 (II) of subsection (a) (relating to ac-  
21 cess to verification from and casting  
22 of the durable paper ballot).

23 “(III) Paragraph (7) of sub-  
24 section (a) (relating to durability and  
25 readability requirements for ballots).

1           “(ii) JURISDICTIONS DESCRIBED.—A  
2 jurisdiction described in this clause is a ju-  
3 risdiction—

4           “(I) which used voter verifiable  
5 paper record printers attached to di-  
6 rect recording electronic voting ma-  
7 chines, or which used other voting  
8 systems that used or produced paper  
9 records of the vote verifiable by voters  
10 but that are not in compliance with  
11 paragraphs (2)(A)(i)(I), (3)(B)(iii)(I)  
12 and (II), and (7) of subsection (a) (as  
13 amended or added by the Voter Con-  
14 fidence and Increased Accessibility  
15 Act of 2019), for the administration  
16 of the regularly scheduled general  
17 election for Federal office held in No-  
18 vember 2018; and

19           “(II) which will continue to use  
20 such printers or systems for the ad-  
21 ministration of elections for Federal  
22 office held in years before 2022.

23           “(iii) MANDATORY AVAILABILITY OF  
24 PAPER BALLOTS AT POLLING PLACES

1 USING GRANDFATHERED PRINTERS AND  
2 SYSTEMS.—

3 “(I) REQUIRING BALLOTS TO BE  
4 OFFERED AND PROVIDED.—The ap-  
5 propriate election official at each poll-  
6 ing place that uses a printer or sys-  
7 tem described in clause (ii)(I) for the  
8 administration of elections for Federal  
9 office shall offer each individual who  
10 is eligible to cast a vote in the election  
11 at the polling place the opportunity to  
12 cast the vote using a blank pre-print-  
13 ed paper ballot which the individual  
14 may mark by hand and which is not  
15 produced by the direct recording elec-  
16 tronic voting machine or other such  
17 system. The official shall provide the  
18 individual with the ballot and the sup-  
19 plies necessary to mark the ballot, and  
20 shall ensure (to the greatest extent  
21 practicable) that the waiting period  
22 for the individual to cast a vote is the  
23 lesser of 30 minutes or the average  
24 waiting period for an individual who

1 does not agree to cast the vote using  
2 such a paper ballot under this clause.

3 “(II) TREATMENT OF BALLOT.—

4 Any paper ballot which is cast by an  
5 individual under this clause shall be  
6 counted and otherwise treated as a  
7 regular ballot for all purposes (includ-  
8 ing by incorporating it into the final  
9 unofficial vote count (as defined by  
10 the State) for the precinct) and not as  
11 a provisional ballot, unless the indi-  
12 vidual casting the ballot would have  
13 otherwise been required to cast a pro-  
14 visional ballot.

15 “(III) POSTING OF NOTICE.—

16 The appropriate election official shall  
17 ensure there is prominently displayed  
18 at each polling place a notice that de-  
19 scribes the obligation of the official to  
20 offer individuals the opportunity to  
21 cast votes using a pre-printed blank  
22 paper ballot.

23 “(IV) TRAINING OF ELECTION

24 OFFICIALS.—The chief State election  
25 official shall ensure that election offi-

1 cials at polling places in the State are  
2 aware of the requirements of this  
3 clause, including the requirement to  
4 display a notice under subclause (III),  
5 and are aware that it is a violation of  
6 the requirements of this title for an  
7 election official to fail to offer an indi-  
8 vidual the opportunity to cast a vote  
9 using a blank pre-printed paper ballot.

10 “(V) PERIOD OF APPLICA-  
11 BILITY.—The requirements of this  
12 clause apply only during the period in  
13 which the delay is in effect under  
14 clause (i).

15 “(C) SPECIAL RULE FOR JURISDICTIONS  
16 USING CERTAIN NONTABULATING BALLOT  
17 MARKING DEVICES.—In the case of a jurisdic-  
18 tion which uses a nontabulating ballot marking  
19 device which automatically deposits the ballot  
20 into a privacy sleeve, subparagraph (A) shall  
21 apply to a voting system in the jurisdiction as  
22 if the reference in such subparagraph to ‘any  
23 election for Federal office held in 2020 or any  
24 succeeding year’ were a reference to ‘elections  
25 for Federal office held in 2022 or each suc-

1 ceeding year’, but only with respect to para-  
 2 graph (3)(B)(iii)(II) of subsection (a) (relating  
 3 to nonmanual casting of the durable paper bal-  
 4 lot).”.

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

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

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

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

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

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

24 “(1) to replace a voting system—

1           “(A) which does not meet the requirements  
2           which are first imposed on the State pursuant  
3           to the amendments made by the Voter Con-  
4           fidence and Increased Accessibility Act of 2019  
5           with a voting system which does meet such re-  
6           quirements, for use in the regularly scheduled  
7           general elections for Federal office held in No-  
8           vember 2020, or

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

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

22          “(3) to implement and model best practices for  
23          ballot design, ballot instructions, and the testing of  
24          ballots.

1       “(b) AMOUNT OF GRANT.—The amount of a grant  
2 made to a State under this section shall be such amount  
3 as the Commission determines to be appropriate, except  
4 that such amount may not be less than the product of  
5 \$1 and the average of the number of individuals who cast  
6 votes in any of the two most recent regularly scheduled  
7 general elections for Federal office held in the State.

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

15       “(d) SURPLUS APPROPRIATIONS.—If the amount of  
16 funds appropriated for grants authorized under section  
17 297D(a)(2) exceed the amount necessary to meet the re-  
18 quirements of subsection (b), the Commission shall con-  
19 sider the following in making a determination to award  
20 remaining funds to a State:

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

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



1           “(B) Implementing strong chain of custody  
2 procedures for the physical security of voting  
3 equipment and paper records at all stages of  
4 the process.

5           “(C) Conducting pre-election testing on  
6 every voting machine and ensuring that paper  
7 ballots are available wherever electronic ma-  
8 chines are used.

9           “(D) Maintaining offline backups of voter  
10 registration lists.

11           “(E) Providing a secure voter registration  
12 database that logs requests submitted to the  
13 database.

14           “(F) Publishing and enforcing a policy de-  
15 tailing use limitations and security safeguards  
16 to protect the personal information of voters in  
17 the voter registration process.

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

20           “(H) Providing a secure platform for dis-  
21 seminating vote totals.

22           “(2) Evidence of established conditions of inno-  
23 vation and reform in providing voting system secu-  
24 rity and the proposed plan of the State for imple-  
25 menting additional conditions.

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

5           “(4) The plan of the State to conduct a rig-  
6           orous evaluation of the effectiveness of the activities  
7           carried out with the grant.

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

16        **“SEC. 297A. VOTING SYSTEM SECURITY IMPROVEMENTS**  
17                                **DESCRIBED.**

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

21           “(1) The acquisition of goods and services from  
22          qualified election infrastructure vendors by purchase,  
23          lease, or such other arrangements as may be appro-  
24          priate.

25           “(2) Cyber and risk mitigation training.

1           “(3) A security risk and vulnerability assess-  
2           ment of the State’s election infrastructure which is  
3           carried out by a provider of cybersecurity services  
4           under a contract entered into between the chief  
5           State election official and the provider.

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

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

21          “(6) Enhancing the cybersecurity and oper-  
22          ations of the information technology infrastructure  
23          described in paragraph (4).

24          “(7) Enhancing the cybersecurity of voter reg-  
25          istration systems.

1       “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-  
2 DORS DESCRIBED.—

3           “(1) IN GENERAL.—For purposes of this part,  
4 a ‘qualified election infrastructure vendor’ is any  
5 person who provides, supports, or maintains, or who  
6 seeks to provide, support, or maintain, election in-  
7 frastructure on behalf of a State, unit of local gov-  
8 ernment, or election agency (as defined in section  
9 801 of the Election Security Act) who meets the cri-  
10 teria described in paragraph (2).

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

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

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

1           “(C) The vendor agrees to ensure that the  
2 election infrastructure will be developed and  
3 maintained in a manner that is consistent with  
4 the cybersecurity best practices issued by the  
5 Technical Guidelines Development Committee.

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

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

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

22           “(3) CYBERSECURITY INCIDENT REPORTING  
23 REQUIREMENTS.—

24           “(A) IN GENERAL.—A vendor meets the  
25 requirements of this paragraph if, upon becom-

1           ing aware of the possibility that an election cy-  
2           bersecurity incident has occurred involving any  
3           of the goods and services provided by the ven-  
4           dor pursuant to a grant under this part—

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

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

1           “(iii) the vendor provides all necessary  
2 updates to any notification submitted  
3 under clause (i) or clause (ii).

4           “(B) CONTENTS OF NOTIFICATIONS.—  
5 Each notification submitted under clause (i) or  
6 clause (ii) of subparagraph (A) shall contain  
7 the following information with respect to any  
8 election cybersecurity incident covered by the  
9 notification:

10           “(i) The date, time, and time zone  
11 when the election cybersecurity incident  
12 began, if known.

13           “(ii) The date, time, and time zone  
14 when the election cybersecurity incident  
15 was detected.

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

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

23           “(v) Any planned and implemented  
24 technical measures to respond to and re-  
25 cover from the incident.

1                   “(vi) In the case of any notification  
2                   which is an update to a prior notification,  
3                   any additional material information relat-  
4                   ing to the incident, including technical  
5                   data, as it becomes available.

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

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

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

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

19                   “(3) such other information and assurances as  
20 the Commission may require.

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

22                   “Not later than 90 days after the end of each fiscal  
23 year, the Commission shall submit a report to the appro-  
24 priate congressional committees, including the Committees  
25 on Homeland Security, House Administration, and the Ju-



1 diciary of the House of Representatives and the Commit-  
 2 tees on Homeland Security and Governmental Affairs, the  
 3 Judiciary, and Rules and Administration of the Senate,  
 4 on the activities carried out with the funds provided under  
 5 this part.

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

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

9 “(1) \$1,000,000,000 for fiscal year 2019; and

10 “(2) \$175,000,000 for each of the fiscal years  
 11 2020, 2022, 2024, and 2026.

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

15 (b) CLERICAL AMENDMENT.—The table of contents  
 16 of such Act is amended by adding at the end of the items  
 17 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.

1 **SEC. 112. COORDINATION OF VOTING SYSTEM SECURITY**  
2 **ACTIVITIES WITH USE OF REQUIREMENTS**  
3 **PAYMENTS AND ELECTION ADMINISTRATION**  
4 **REQUIREMENTS UNDER HELP AMERICA**  
5 **VOTE ACT OF 2002.**

6 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-  
7 SION.—Section 202 of the Help America Vote Act of 2002  
8 (52 U.S.C. 20922) is amended in the matter preceding  
9 paragraph (1) by striking “by” and inserting “and the se-  
10 curity of election infrastructure by”.

11 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-  
12 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-  
13 ANCE COMMISSION.—Section 214(a) of such Act (52  
14 U.S.C. 20944(a)) is amended—

15 (1) by striking “37 members” and inserting  
16 “38 members”; and

17 (2) by adding at the end the following new  
18 paragraph:

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

21 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-  
22 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-  
23 MENT COMMITTEE.—Section 221(c)(1) of such Act (52  
24 U.S.C. 20961(c)(1)) is amended—

25 (1) by redesignating subparagraph (E) as sub-  
26 paragraph (F); and

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

3                   “(E) A representative of the Department  
4                   of Homeland Security.”.

5           (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-  
6           MINISTRATION ISSUES; CONSULTATION WITH SECRETARY  
7           OF HOMELAND SECURITY.—Section 241(a) of such Act  
8           (52 U.S.C. 20981(a)) is amended—

9                   (1) in the matter preceding paragraph (1), by  
10                  striking “the Commission shall” and inserting “the  
11                  Commission, in consultation with the Secretary of  
12                  Homeland Security (as appropriate), shall”;

13                  (2) by striking “and” at the end of paragraph  
14                  (3);

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

17                  (4) by inserting after paragraph (3) the fol-  
18                  lowing new paragraph:

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

22           (e) REQUIREMENTS PAYMENTS.—

23                   (1) USE OF PAYMENTS FOR VOTING SYSTEM  
24                   SECURITY IMPROVEMENTS.—Section 251(b) of such

1 Act (52 U.S.C. 21001(b)) is amended by adding at  
2 the end the following new paragraph:

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

7 “(A) Cyber and risk mitigation training.

8 “(B) Providing increased technical support  
9 for any information technology infrastructure  
10 that the chief State election official deems to be  
11 part of the State’s election infrastructure or  
12 designates as critical to the operation of the  
13 State’s election infrastructure.

14 “(C) Enhancing the cybersecurity and op-  
15 erations of the information technology infra-  
16 structure described in subparagraph (B).

17 “(D) Enhancing the security of voter reg-  
18 istration databases.”.

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

1           (3) COMPOSITION OF COMMITTEE RESPONSIBLE  
2           FOR DEVELOPING STATE PLAN FOR USE OF PAY-  
3           MENTS.—Section 255 of such Act (52 U.S.C.  
4           21005) is amended—

5                   (A) by redesignating subsection (b) as sub-  
6           section (c); and

7                   (B) by inserting after subsection (a) the  
8           following new subsection:

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

14          (f) ENSURING PROTECTION OF COMPUTERIZED  
15          STATEWIDE VOTER REGISTRATION LIST.—Section  
16          303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-  
17          ed by striking the period at the end and inserting “, as  
18          well as other measures to prevent and deter cybersecurity  
19          incidents, as identified by the Commission, the Secretary  
20          of Homeland Security, and the Technical Guidelines De-  
21          velopment Committee.”.

22          **SEC. 113. INCORPORATION OF DEFINITIONS.**

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

1 **“SEC. 901. DEFINITIONS.**

2 “In this Act, the following definitions apply:

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

6 “(2) The term ‘election infrastructure’ has the  
7 meaning given such term in section 3501 of the  
8 Election Security Act.

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

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

“Sec. 901. Definitions.”.

17 **Subtitle B—Grants for Risk-Lim-**  
18 **iting Audits of Results of Elec-**  
19 **tions**

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

22 (a) AVAILABILITY OF GRANTS.—Subtitle D of title  
23 II of the Help America Vote Act of 2002 (52 U.S.C.  
24 21001 et seq.), as amended by section 111(a), is amended  
25 by adding at the end the following new part:

1       **“PART 8—GRANTS FOR CONDUCTING RISK-**  
2       **LIMITING AUDITS OF RESULTS OF ELECTIONS**  
3       **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**  
4               **DITS OF RESULTS OF ELECTIONS.**

5           “(a) AVAILABILITY OF GRANTS.—The Commission  
6 shall make a grant to each eligible State to conduct risk-  
7 limiting audits as described in subsection (b) with respect  
8 to the regularly scheduled general elections for Federal of-  
9 fice held in November 2020 and each succeeding election  
10 for Federal office.

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

13               “(1) which is conducted in accordance with  
14 rules and procedures established by the chief State  
15 election official of the State which meet the require-  
16 ments of subsection (c); and

17               “(2) under which, if the reported outcome of  
18 the election is incorrect, there is at least a predeter-  
19 mined percentage chance that the audit will replace  
20 the incorrect outcome with the correct outcome as  
21 determined by a full, hand-to-eye tabulation of all  
22 votes validly cast in that election that ascertains  
23 voter intent manually and directly from voter-  
24 verifiable paper records.

25          “(c) REQUIREMENTS FOR RULES AND PROCE-  
26 DURES.—The rules and procedures established for con-

1 ducting a risk-limiting audit shall include the following  
2 elements:

3           “(1) Rules for ensuring the security of ballots  
4           and documenting that prescribed procedures were  
5           followed.

6           “(2) Rules and procedures for ensuring the ac-  
7           curacy of ballot manifests produced by election agen-  
8           cies.

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

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

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

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

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

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



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

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

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

9           “(C) The record contains the following in-  
10 formation with respect to the ballots cast and  
11 counted in the election:

12           “(i) The total number of ballots cast  
13 and counted by the agency (including  
14 undervotes, overvotes, and other invalid  
15 votes).

16           “(ii) The total number of ballots cast  
17 in each election administered by the agency  
18 (including undervotes, overvotes, and other  
19 invalid votes).

20           “(iii) A precise description of the  
21 manner in which the ballots are physically  
22 stored, including the total number of phys-  
23 ical groups of ballots, the numbering sys-  
24 tem for each group, a unique label for each

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

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

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

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

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

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

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

24                 “(2) a certification that, not later than one year  
25                 after the date of the enactment of this section, the

1 chief State election official of the State has estab-  
2 lished or will establish the rules and procedures for  
3 conducting the audits which meet the requirements  
4 of section 298(c);

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

8 “(4) a certification that, after completing the  
9 audit, the State shall publish a report on the results  
10 of the audit, together with such information as nec-  
11 essary to confirm that the audit was conducted prop-  
12 erly;

13 “(5) a certification that, if a risk-limiting audit  
14 conducted under this part leads to a full manual  
15 tally of an election, State law requires that the State  
16 or election agency shall use the results of the full  
17 manual tally as the official results of the election;  
18 and

19 “(6) such other information and assurances as  
20 the Commission may require.

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

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

1 (b) CLERICAL AMENDMENT.—The table of contents  
 2 of such Act, as amended by section 111(b), is further  
 3 amended by adding at the end of the items relating to  
 4 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.

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

6 (a) ANALYSIS.—Not later than 6 months after the  
 7 first election for Federal office is held after grants are  
 8 first awarded to States for conducting risk-limiting audits  
 9 under part 8 of subtitle D of title II of the Help America  
 10 Vote Act of 2002 (as added by section 121) for conducting  
 11 risk-limiting audits of elections for Federal office, the  
 12 Comptroller General of the United States shall conduct  
 13 an analysis of the extent to which such audits have im-  
 14 proved the administration of such elections and the secu-  
 15 rity of election infrastructure in the States receiving such  
 16 grants.

17 (b) REPORT.—The Comptroller General of the  
 18 United States shall submit a report on the analysis con-  
 19 ducted under subsection (a) to the appropriate congres-  
 20 sional committees.

1 **Subtitle C—Election Infrastructure**  
2 **Innovation Grant Program**

3 **SEC. 131. ELECTION INFRASTRUCTURE INNOVATION**  
4 **GRANT PROGRAM.**

5 (a) IN GENERAL.—Title III of the Homeland Secu-  
6 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended—

7 (1) by redesignating the second section 319 (re-  
8 lating to EMP and GMD mitigation research and  
9 development) as section 320; and

10 (2) by adding at the end the following new sec-  
11 tion:

12 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**  
13 **GRANT PROGRAM.**

14 “(a) ESTABLISHMENT.—The Secretary, acting  
15 through the Under Secretary for Science and Technology,  
16 in coordination with the Chairman of the Election Assist-  
17 ance Commission (established pursuant to the Help Amer-  
18 ica Vote Act of 2002) and in consultation with the Direc-  
19 tor of the National Science Foundation and the Director  
20 of the National Institute of Standards and Technology,  
21 shall establish a competitive grant program to award  
22 grants to eligible entities, on a competitive basis, for pur-  
23 poses of research and development that are determined to  
24 have the potential to significantly improve the security (in-  
25 cluding cybersecurity), quality, reliability, accuracy, acces-

1 sibility, and affordability of election infrastructure, and in-  
2 crease voter participation.

3       “(b) REPORT TO CONGRESS.—Not later than 90 days  
4 after the conclusion of each fiscal year for which grants  
5 are awarded under this section, the Secretary shall submit  
6 to the Committee on Homeland Security and the Com-  
7 mittee on House Administration of the House of Rep-  
8 resentatives and the Committee on Homeland Security  
9 and Governmental Affairs and the Committee on Rules  
10 and Administration of the Senate a report describing such  
11 grants and analyzing the impact, if any, of such grants  
12 on the security and operation of election infrastructure,  
13 and on voter participation.

14       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to the Secretary  
16 \$20,000,000 for each of fiscal years 2019 through 2027  
17 for purposes of carrying out this section.

18       “(d) ELIGIBLE ENTITY DEFINED.—In this section,  
19 the term ‘eligible entity’ means—

20               “(1) an institution of higher education (as de-  
21 fined in section 101(a) of the Higher Education Act  
22 of 1965 (20 U.S.C. 1001(a)), including an institu-  
23 tion of higher education that is a historically Black  
24 college or university (which has the meaning given  
25 the term “part B institution” in section 322 of such

1 Act (20 U.S.C. 1061)) or other minority-serving in-  
2 stitution listed in section 371(a) of such Act (20  
3 U.S.C. 1067q(a));

4 “(2) an organization described in section  
5 501(c)(3) of the Internal Revenue Code of 1986 and  
6 exempt from tax under section 501(a) of such Code;  
7 or

8 “(3) an organization, association, or a for-profit  
9 company, including a small business concern (as  
10 such term is defined under section 3 of the Small  
11 Business Act (15 U.S.C. 632)), including a small  
12 business concern owned and controlled by socially  
13 and economically disadvantaged individuals as de-  
14 fined under section 8(d)(3)(C) of the Small Business  
15 Act (15 U.S.C. 637(d)(3)(C)).”.

16 (b) DEFINITION.—Section 2 of the Homeland Secu-  
17 rity Act of 2002 (6 U.S.C. 101) is amended—

18 (1) by redesignating paragraphs (6) through  
19 (20) as paragraphs (7) through (21), respectively;  
20 and

21 (2) by inserting after paragraph (5) the fol-  
22 lowing new paragraph:

23 “(6) ELECTION INFRASTRUCTURE.—The term  
24 ‘election infrastructure’ means storage facilities,  
25 polling places, and centralized vote tabulation loca-

1        tions used to support the administration of elections  
 2        for public office, as well as related information and  
 3        communications technology, including voter registra-  
 4        tion databases, voting machines, electronic mail and  
 5        other communications systems (including electronic  
 6        mail and other systems of vendors who have entered  
 7        into contracts with election agencies to support the  
 8        administration of elections, manage the election  
 9        process, and report and display election results), and  
 10       other systems used to manage the election process  
 11       and to report and display election results on behalf  
 12       of an election agency.”.

13       (c) CLERICAL AMENDMENT.—The table of contents  
 14       in section 1(b) of the Homeland Security Act of 2002 is  
 15       amended by striking both items relating to section 319  
 16       and the item relating to section 318 and inserting the fol-  
 17       lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

## 18       **TITLE II—SECURITY MEASURES**

### 19       **SEC. 201. ELECTION INFRASTRUCTURE DESIGNATION.**

20       Subparagraph (J) of section 2001(3) of the Home-  
 21       land Security Act of 2002 (6 U.S.C. 601(3)) is amended  
 22       by inserting “, including election infrastructure” before  
 23       the period at the end.



1 **SEC. 202. TIMELY THREAT INFORMATION.**

2 Subsection (d) of section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding  
3 at the end the following new paragraph:  
4

5 “(24) To provide timely threat information re-  
6 garding election infrastructure to the chief State  
7 election official of the State with respect to which  
8 such information pertains.”.

9 **SEC. 203. SECURITY CLEARANCE ASSISTANCE FOR ELEC-**  
10 **TION OFFICIALS.**

11 In order to promote the timely sharing of information  
12 on threats to election infrastructure, the Secretary may—

13 (1) help expedite a security clearance for the  
14 chief State election official and other appropriate  
15 State personnel involved in the administration of  
16 elections, as designated by the chief State election  
17 official;

18 (2) sponsor a security clearance for the chief  
19 State election official and other appropriate State  
20 personnel involved in the administration of elections,  
21 as designated by the chief State election official; and

22 (3) facilitate the issuance of a temporary clear-  
23 ance to the chief State election official and other ap-  
24 propriate State personnel involved in the administra-  
25 tion of elections, as designated by the chief State  
26 election official, if the Secretary determines classi-

1       fied information to be timely and relevant to the  
2       election infrastructure of the State at issue.

3 **SEC. 204. SECURITY RISK AND VULNERABILITY ASSESS-**  
4                   **MENTS.**

5       (a) IN GENERAL.—Paragraph (6) of section 2209(c)  
6 of the Homeland Security Act of 2002 (6 U.S.C. 659(c))  
7 is amended by inserting “(including by carrying out a se-  
8 curity risk and vulnerability assessment)” after “risk  
9 management support”.

10       (b) PRIORITIZATION TO ENHANCE ELECTION SECUR-  
11 RITY.—

12               (1) IN GENERAL.—Not later than 90 days after  
13 receiving a written request from a chief State elec-  
14 tion official, the Secretary shall, to the extent prac-  
15 ticable, commence a security risk and vulnerability  
16 assessment (pursuant to paragraph (6) of section  
17 2209(c) of the Homeland Security Act of 2002, as  
18 amended by subsection (a)) on election infrastruc-  
19 ture in the State at issue.

20               (2) NOTIFICATION.—If the Secretary, upon re-  
21 ceipt of a request described in paragraph (1), deter-  
22 mines that a security risk and vulnerability assess-  
23 ment cannot be commenced within 90 days, the Sec-  
24 retary shall expeditiously notify the chief State elec-  
25 tion official who submitted such request.

1 **SEC. 205. ANNUAL REPORTS.**

2 (a) **REPORTS ON ASSISTANCE AND ASSESSMENTS.—**

3 Not later than one year after the date of the enactment  
4 of this Act and annually thereafter through 2026, the Sec-  
5 retary shall submit to the appropriate congressional com-  
6 mittees—

7 (1) efforts to carry out section 203 during the  
8 prior year, including specific information on which  
9 States were helped, how many officials have been  
10 helped in each State, how many security clearances  
11 have been sponsored in each State, and how many  
12 temporary clearances have been issued in each State;  
13 and

14 (2) efforts to carry out section 204 during the  
15 prior year, including specific information on which  
16 States were helped, the dates on which the Secretary  
17 received a request for a security risk and vulner-  
18 ability assessment pursuant to such section, the  
19 dates on which the Secretary commenced each such  
20 request, and the dates on which the Secretary trans-  
21 mitted a notification in accordance with subsection  
22 (b)(2) of such section.

23 (b) **REPORTS ON FOREIGN THREATS.—**Not later  
24 than 90 days after the end of each fiscal year (beginning  
25 with fiscal year 2019), the Secretary and the Director of  
26 National Intelligence, in coordination with the heads of

1 appropriate offices of the Federal government, shall sub-  
2 mit a joint report to the appropriate congressional com-  
3 mittees on foreign threats to elections in the United  
4 States, including physical and cybersecurity threats.

5 (c) INFORMATION FROM STATES.—For purposes of  
6 preparing the reports required under this section, the Sec-  
7 retary shall solicit and consider information and comments  
8 from States and election agencies, except that the provi-  
9 sion of such information and comments by a State or elec-  
10 tion agency shall be voluntary and at the discretion of the  
11 State or agency.

12 **SEC. 206. PRE-ELECTION THREAT ASSESSMENTS.**

13 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not  
14 later than 180 days before the date of each regularly  
15 scheduled general election for Federal office, the Director  
16 of National Intelligence shall submit an assessment of the  
17 full scope of threats to election infrastructure, including  
18 cybersecurity threats posed by state actors and terrorist  
19 groups, and recommendations to address or mitigate the  
20 threats, as developed by the Secretary and Chairman, to—

- 21 (1) the chief State election official of each  
22 State;
- 23 (2) the Committees on Homeland Security and  
24 House Administration of the House of Representa-  
25 tives and the Committees on Homeland Security and

1 Governmental Affairs and Rules and Administration  
2 of the Senate; and

3 (3) any other appropriate congressional com-  
4 mittees.

5 (b) UPDATES TO INITIAL ASSESSMENTS.—If, at any  
6 time after submitting an assessment with respect to an  
7 election under subsection (a), the Director of National In-  
8 telligence determines that the assessment should be up-  
9 dated to reflect new information regarding the threats in-  
10 volved, the Director shall submit a revised assessment  
11 under such subsection.

12 (c) DEFINITIONS.—In this section, the following defi-  
13 nitions apply:

14 (1) The term “Chairman” means the chair of  
15 the Election Assistance Commission.

16 (2) The term “chief State election official”  
17 means, with respect to a State, the individual des-  
18 ignated by the State under section 10 of the Na-  
19 tional Voter Registration Act of 1993 (52 U.S.C.  
20 20509) to be responsible for coordination of the  
21 State’s responsibilities under such Act.

22 (3) The term “election infrastructure” means  
23 storage facilities, polling places, and centralized vote  
24 tabulation locations used to support the administra-  
25 tion of elections for public office, as well as related

1 information and communications technology, includ-  
2 ing voter registration databases, voting machines,  
3 electronic mail and other communications systems  
4 (including electronic mail and other systems of ven-  
5 dors who have entered into contracts with election  
6 agencies to support the administration of elections,  
7 manage the election process, and report and display  
8 election results), and other systems used to manage  
9 the election process and to report and display elec-  
10 tion results on behalf of an election agency.

11 (4) The term “Secretary” means the Secretary  
12 of Homeland Security.

13 (5) The term “State” has the meaning given  
14 such term in section 901 of the Help America Vote  
15 Act of 2002 (52 U.S.C. 21141).

16 (d) EFFECTIVE DATE.—This title shall apply with re-  
17 spect to the regularly scheduled general election for Fed-  
18 eral office held in November 2020 and each succeeding  
19 regularly scheduled general election for Federal office.

1 **TITLE III—ENHANCING PROTEC-**  
2 **TIONS FOR UNITED STATES**  
3 **DEMOCRATIC INSTITUTIONS**

4 **SEC. 301. NATIONAL STRATEGY TO PROTECT UNITED**  
5 **STATES DEMOCRATIC INSTITUTIONS.**

6 (a) IN GENERAL.—Not later than one year after the  
7 date of the enactment of this Act, the President, acting  
8 through the Secretary, in consultation with the Chairman,  
9 the Secretary of Defense, the Secretary of State, the At-  
10 torney General, the Secretary of Education, the Director  
11 of National Intelligence, the Chairman of the Federal  
12 Election Commission, and the heads of any other appro-  
13 priate Federal agencies, shall issue a national strategy to  
14 protect against cyber attacks, influence operations,  
15 disinformation campaigns, and other activities that could  
16 undermine the security and integrity of United States  
17 democratic institutions.

18 (b) CONSIDERATIONS.—The national strategy re-  
19 quired under subsection (a) shall include consideration of  
20 the following:

21 (1) The threat of a foreign state actor, foreign  
22 terrorist organization (as designated pursuant to  
23 section 219 of the Immigration and Nationality Act  
24 (8 U.S.C. 1189)), or a domestic actor carrying out  
25 a cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining  
2 the security and integrity of United States demo-  
3 cratic institutions.

4 (2) The extent to which United States demo-  
5 cratic institutions are vulnerable to a cyber attack,  
6 influence operation, disinformation campaign, or  
7 other activity aimed at undermining the security and  
8 integrity of such democratic institutions.

9 (3) Potential consequences, such as an erosion  
10 of public trust or an undermining of the rule of law,  
11 that could result from a successful cyber attack, in-  
12 fluence operation, disinformation campaign, or other  
13 activity aimed at undermining the security and in-  
14 tegrity of United States democratic institutions.

15 (4) Lessons learned from other Western govern-  
16 ments the institutions of which were subject to a  
17 cyber attack, influence operation, disinformation  
18 campaign, or other activity aimed at undermining  
19 the security and integrity of such institutions, as  
20 well as actions that could be taken by the United  
21 States Government to bolster collaboration with for-  
22 eign partners to detect, deter, prevent, and counter  
23 such activities.

24 (5) Potential impacts such as an erosion of  
25 public trust in democratic institutions as could be



1 associated with a successful cyber breach or other  
2 activity negatively-affecting election infrastructure.

3 (6) Roles and responsibilities of the Secretary,  
4 the Chairman, and the heads of other Federal enti-  
5 ties and non-Federal entities, including chief State  
6 election officials and representatives of multi-state  
7 information sharing and analysis center.

8 (7) Any findings, conclusions, and recommenda-  
9 tions to strengthen protections for United States  
10 democratic institutions that have been agreed to by  
11 a majority of Commission members on the National  
12 Commission to Protect United States Democratic  
13 Institutions, authorized pursuant to section 302.

14 (c) IMPLEMENTATION PLAN.—Not later than 90  
15 days after the issuance of the national strategy required  
16 under subsection (a), the President, acting through the  
17 Secretary, in coordination with the Chairman, shall issue  
18 an implementation plan for Federal efforts to implement  
19 such strategy that includes the following:

20 (1) Strategic objectives and corresponding  
21 tasks.

22 (2) Projected timelines and costs for the tasks  
23 referred to in paragraph (1).

24 (3) Metrics to evaluate performance of such  
25 tasks.

1 (d) CLASSIFICATION.—The national strategy re-  
2 quired under subsection (a) shall be in unclassified form.

3 (e) CIVIL RIGHTS REVIEW.—Not later than 60 days  
4 after the issuance of the national strategy required under  
5 subsection (a), and not later than 60 days after the  
6 issuance of the implementation plan required under sub-  
7 section (c), the Privacy and Civil Liberties Oversight  
8 Board (established under section 1061 of the Intelligence  
9 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.  
10 2000ee)) shall submit a report to Congress on any poten-  
11 tial privacy and civil liberties impacts of such strategy and  
12 implementation plan, respectively.

13 **SEC. 302. NATIONAL COMMISSION TO PROTECT UNITED**  
14 **STATES DEMOCRATIC INSTITUTIONS.**

15 (a) ESTABLISHMENT.—There is established within  
16 the legislative branch the National Commission to Protect  
17 United States Democratic Institutions (hereafter in this  
18 section referred to as the “Commission”).

19 (b) PURPOSE.—The purpose of the Commission is to  
20 counter efforts to undermine democratic institutions with-  
21 in the United States.

22 (c) COMPOSITION.—

23 (1) MEMBERSHIP.—The Commission shall be  
24 composed of 10 members appointed for the life of  
25 the Commission as follows:

1           (A) One member shall be appointed by the  
2 Secretary.

3           (B) One member shall be appointed by the  
4 Chairman.

5           (C) Two members shall be appointed by  
6 the majority leader of the Senate, in consulta-  
7 tion with the Chairman of the Committee on  
8 Homeland Security and Governmental Affairs,  
9 the Chairman of the Committee on the Judici-  
10 ary, and the Chairman of the Committee on  
11 Rules and Administration.

12           (D) Two members shall be appointed by  
13 the minority leader of the Senate, in consulta-  
14 tion with the ranking minority member of the  
15 Committee on Homeland Security and Govern-  
16 mental Affairs, the ranking minority member of  
17 the Committee on the Judiciary, and the rank-  
18 ing minority member of the Committee on  
19 Rules and Administration.

20           (E) Two members shall be appointed by  
21 the Speaker of the House of Representatives, in  
22 consultation with the Chairman of the Com-  
23 mittee on Homeland Security, the Chairman of  
24 the Committee on House Administration, and

1 the Chairman of the Committee on the Judici-  
2 ary.

3 (F) Two members shall be appointed by  
4 the minority leader of the House of Representa-  
5 tives, in consultation with the ranking minority  
6 member of the Committee on Homeland Secu-  
7 rity, the ranking minority member of the Com-  
8 mittee on the Judiciary, and the ranking minor-  
9 ity member of the Committee on House Admin-  
10 istration.

11 (2) QUALIFICATIONS.—Individuals shall be se-  
12 lected for appointment to the Commission solely on  
13 the basis of their professional qualifications, achieve-  
14 ments, public stature, experience, and expertise in  
15 relevant fields, including, but not limited to cyberse-  
16 curity, national security, and the Constitution of the  
17 United States.

18 (3) NO COMPENSATION FOR SERVICE.—Mem-  
19 bers shall not receive compensation for service on  
20 the Commission, but shall receive travel expenses,  
21 including per diem in lieu of subsistence, in accord-  
22 ance with chapter 57 of title 5, United States Code.

23 (4) DEADLINE FOR APPOINTMENT.—All mem-  
24 bers of the Commission shall be appointed no later

1 than 60 days after the date of the enactment of this  
2 Act.

3 (5) VACANCIES.—A vacancy on the Commission  
4 shall not affect its powers and shall be filled in the  
5 manner in which the original appointment was  
6 made. The appointment of the replacement member  
7 shall be made not later than 60 days after the date  
8 on which the vacancy occurs.

9 (d) CHAIR AND VICE CHAIR.—The Commission shall  
10 elect a Chair and Vice Chair from among its members.

11 (e) QUORUM AND MEETINGS.—

12 (1) QUORUM.—The Commission shall meet and  
13 begin the operations of the Commission not later  
14 than 30 days after the date on which all members  
15 have been appointed or, if such meeting cannot be  
16 mutually agreed upon, on a date designated by the  
17 Speaker of the House of Representatives and the  
18 President pro Tempore of the Senate. Each subse-  
19 quent meeting shall occur upon the call of the Chair  
20 or a majority of its members. A majority of the  
21 members of the Commission shall constitute a  
22 quorum, but a lesser number may hold meetings.

23 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR  
24 COMMISSION.—Any member of the Commission may,  
25 if authorized by the Commission, take any action

1 that the Commission is authorized to take under this  
2 section.

3 (f) POWERS.—

4 (1) HEARINGS AND EVIDENCE.—The Commis-  
5 sion (or, on the authority of the Commission, any  
6 subcommittee or member thereof) may, for the pur-  
7 pose of carrying out this section, hold hearings and  
8 sit and act at such times and places, take such testi-  
9 mony, receive such evidence, and administer such  
10 oaths as the Commission considers advisable to  
11 carry out its duties.

12 (2) CONTRACTING.—The Commission may, to  
13 such extent and in such amounts as are provided in  
14 appropriation Acts, enter into contracts to enable  
15 the Commission to discharge its duties under this  
16 section.

17 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

18 (1) GENERAL SERVICES ADMINISTRATION.—  
19 The Administrator of General Services shall provide  
20 to the Commission on a reimbursable basis adminis-  
21 trative support and other services for the perform-  
22 ance of the Commission's functions.

23 (2) OTHER DEPARTMENTS AND AGENCIES.—In  
24 addition to the assistance provided under paragraph  
25 (1), the Department of Homeland Security, the

1 Election Assistance Commission, and other appro-  
2 priate departments and agencies of the United  
3 States shall provide to the Commission such serv-  
4 ices, funds, facilities, and staff as they may deter-  
5 mine advisable and as may be authorized by law.

6 (h) PUBLIC MEETINGS.—Any public meetings of the  
7 Commission shall be conducted in a manner consistent  
8 with the protection of information provided to or developed  
9 for or by the Commission as required by any applicable  
10 statute, regulation, or Executive order.

11 (i) SECURITY CLEARANCES.—

12 (1) IN GENERAL.—The heads of appropriate  
13 departments and agencies of the executive branch  
14 shall cooperate with the Commission to expeditiously  
15 provide Commission members and staff with appro-  
16 priate security clearances to the extent possible  
17 under applicable procedures and requirements.

18 (2) PREFERENCES.—In appointing staff, ob-  
19 taining detailees, and entering into contracts for the  
20 provision of services for the Commission, the Com-  
21 mission shall give preference to individuals otherwise  
22 who have active security clearances.

23 (j) REPORTS.—

24 (1) INTERIM REPORTS.—At any time prior to  
25 the submission of the final report under paragraph

1 (2), the Commission may submit interim reports to  
2 the President and Congress such findings, conclu-  
3 sions, and recommendations to strengthen protec-  
4 tions for democratic institutions in the United  
5 States as have been agreed to by a majority of the  
6 members of the Commission.

7 (2) FINAL REPORT.—Not later than 18 months  
8 after the date of the first meeting of the Commis-  
9 sion, the Commission shall submit to the President  
10 and Congress a final report containing such find-  
11 ings, conclusions, and recommendations to strength-  
12 en protections for democratic institutions in the  
13 United States as have been agreed to by a majority  
14 of the members of the Commission.

15 (k) TERMINATION.—

16 (1) IN GENERAL.—The Commission shall termi-  
17 nate upon the expiration of the 60-day period which  
18 begins on the date on which the Commission submits  
19 the final report required under subsection (j)(2).

20 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO  
21 TERMINATION.—During the 60-day period described  
22 in paragraph (2), the Commission may carry out  
23 such administrative activities as may be required to  
24 conclude its work, including providing testimony to



1 committees of Congress concerning the final report  
2 and disseminating the final report.

3 **TITLE IV—PROMOTING CYBER-**  
4 **SECURITY THROUGH IM-**  
5 **PROVEMENTS IN ELECTION**  
6 **ADMINISTRATION**

7 **SEC. 401. TESTING OF EXISTING VOTING SYSTEMS TO EN-**  
8 **SURE COMPLIANCE WITH ELECTION CYBER-**  
9 **SECURITY GUIDELINES AND OTHER GUIDE-**  
10 **LINES.**

11 (a) REQUIRING TESTING OF EXISTING VOTING SYS-  
12 TEMS.—

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

17 “(3) TESTING TO ENSURE COMPLIANCE WITH  
18 GUIDELINES.—

19 “(A) TESTING.—Not later than 9 months  
20 before the date of each regularly scheduled gen-  
21 eral election for Federal office, the Commission  
22 shall provide for the testing by accredited lab-  
23 oratories under this section of the voting system  
24 hardware and software which was certified for  
25 use in the most recent such election, on the

1 basis of the most recent voting system guide-  
2 lines applicable to such hardware or software  
3 (including election cybersecurity guidelines)  
4 issued under this Act.

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

14 (2) EFFECTIVE DATE.—The amendment made  
15 by paragraph (1) shall apply with respect to the reg-  
16 ularly scheduled general election for Federal office  
17 held in November 2020 and each succeeding regu-  
18 larly scheduled general election for Federal office.

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

24 “(3) ELECTION CYBERSECURITY GUIDE-  
25 LINES.—Not later than 6 months after the date of

1 the enactment of this paragraph, the Development  
2 Committee shall issue election cybersecurity guide-  
3 lines, including standards and best practices for pro-  
4 curing, maintaining, testing, operating, and updat-  
5 ing election systems to prevent and deter cybersecu-  
6 rity incidents.”.

7 **SEC. 402. TREATMENT OF ELECTRONIC POLL BOOKS AS**  
8 **PART OF VOTING SYSTEMS.**

9 (a) INCLUSION IN DEFINITION OF VOTING SYS-  
10 TEM.—Section 301(b) of the Help America Vote Act of  
11 2002 (52 U.S.C. 21081(b)) is amended—

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

14 (2) by striking “and” at the end of paragraph  
15 (1);

16 (3) by redesignating paragraph (2) as para-  
17 graph (3); and

18 (4) by inserting after paragraph (1) the fol-  
19 lowing new paragraph:

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

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

24 (1) by redesignating subsections (c) and (d) as  
25 subsections (d) and (e); and

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

3           “(c) **ELECTRONIC POLL BOOK DEFINED.**—In this  
 4 Act, the term ‘electronic poll book’ means the total com-  
 5 bination of mechanical, electromechanical, or electronic  
 6 equipment (including the software, firmware, and docu-  
 7 mentation required to program, control, and support the  
 8 equipment) that is used—

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

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

15          (c) **EFFECTIVE DATE.**—Section 301(e) of such Act  
 16 (52 U.S.C. 21081(e)), as redesignated by subsection (b),  
 17 is amended by striking the period at the end and inserting  
 18 the following: “, or, with respect to any requirements re-  
 19 lating to electronic poll books, on and after January 1,  
 20 2020.”.

21 **SEC. 403. PRE-ELECTION REPORTS ON VOTING SYSTEM**  
 22 **USAGE.**

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

1 21081 et seq.) is amended by inserting after section 301  
2 the following new section:

3 **“SEC. 301A. 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) **CONFORMING AMENDMENT RELATING TO EN-**  
19 **FORCEMENT.—**Section 401 of such Act (52 U.S.C. 21111)  
20 is amended by striking “sections 301, 302, and 303” and  
21 inserting “subtitle A of title III”.

22 (c) **CLERICAL AMENDMENT.—**The table of contents  
23 of such Act is amended by inserting after the item relating  
24 to section 301 the following new item:

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

1 **SEC. 404. STREAMLINING COLLECTION OF ELECTION IN-**  
 2 **FORMATION.**

3 Section 202 of the Help America Vote Act of 2002  
 4 (52 U.S.C. 20922) is amended—

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

7 (2) by adding at the end the following new sub-  
 8 section:

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

14 **TITLE V—PREVENTING**  
 15 **ELECTION HACKING**

16 **SEC. 501. SHORT TITLE.**

17 This title may be cited as the “Prevent Election  
 18 Hacking Act of 2019”.

19 **SEC. 502. ELECTION SECURITY BUG BOUNTY PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 1 year after  
 21 the date of the enactment of this Act, the Secretary shall  
 22 establish a program to be known as the “Election Security  
 23 Bug Bounty Program” (hereafter in this subtitle referred  
 24 to as the “Program”) to improve the cybersecurity of the  
 25 systems used to administer elections for Federal office by  
 26 facilitating and encouraging assessments by independent

1 technical experts, in cooperation with State and local elec-  
2 tion officials and election service providers, to identify and  
3 report election cybersecurity vulnerabilities.

4 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-  
5 CIALS AND ELECTION SERVICE PROVIDERS.—

6 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-  
7 GRAM.—Participation in the Program shall be en-  
8 tirely voluntary for State and local election officials  
9 and election service providers.

10 (2) ENCOURAGING PARTICIPATION AND INPUT  
11 FROM ELECTION OFFICIALS.—In developing the Pro-  
12 gram, the Secretary shall solicit input from, and en-  
13 courage participation by, State and local election of-  
14 ficials.

15 (c) ACTIVITIES FUNDED.—In establishing and car-  
16 rying out the Program, the Secretary shall—

17 (1) establish a process for State and local elec-  
18 tion officials and election service providers to volun-  
19 tarily participate in the Program;

20 (2) designate appropriate information systems  
21 to be included in the Program;

22 (3) provide compensation to eligible individuals,  
23 organizations, and companies for reports of pre-  
24 viously unidentified security vulnerabilities within  
25 the information systems designated under subpara-

1 graph (A) and establish criteria for individuals, or-  
2 ganizations, and companies to be considered eligible  
3 for such compensation in compliance with Federal  
4 laws;

5 (4) consult with the Attorney General on how  
6 to ensure that approved individuals, organizations,  
7 or companies that comply with the requirements of  
8 the Program are protected from prosecution under  
9 section 1030 of title 18, United States Code, and  
10 similar provisions of law, and from liability under  
11 civil actions for specific activities authorized under  
12 the Program;

13 (5) consult with the Secretary of Defense and  
14 the heads of other departments and agencies that  
15 have implemented programs to provide compensation  
16 for reports of previously undisclosed vulnerabilities  
17 in information systems, regarding lessons that may  
18 be applied from such programs;

19 (6) develop an expeditious process by which an  
20 individual, organization, or company can register  
21 with the Department, submit to a background check  
22 as determined by the Department, and receive a de-  
23 termination as to eligibility for participation in the  
24 Program; and



1           (7) engage qualified interested persons, includ-  
2           ing representatives of private entities, about the  
3           structure of the Program and, to the extent prac-  
4           ticable, establish a recurring competition for inde-  
5           pendent technical experts to assess election systems  
6           for the purpose of identifying and reporting election  
7           cybersecurity vulnerabilities.

8           (d) USE OF SERVICE PROVIDERS.—The Secretary  
9           may award competitive contracts as necessary to manage  
10          the Program.

11 **SEC. 503. DEFINITIONS.**

12          In this title, the following definitions apply:

13           (1) The terms “election” and “Federal office”  
14           have the meanings given such terms in section 301  
15           of the Federal Election Campaign Act of 1971 (52  
16           U.S.C. 30101).

17           (2) The term “election cybersecurity vulner-  
18           ability” means any security vulnerability (as defined  
19           in section 102 of the Cybersecurity Information  
20           Sharing Act of 2015 (6 U.S.C. 1501)) that affects  
21           an election system.

22           (3) The term “election service provider” means  
23           any person providing, supporting, or maintaining an  
24           election system on behalf of a State or local election  
25           official, such as a contractor or vendor.

1           (4) The term “election system” means any in-  
 2           formation system (as defined in section 3502 of title  
 3           44, United States Code) which is part of an election  
 4           infrastructure.

5           (5) The term “Secretary” means the Secretary  
 6           of Homeland Security, or, upon designation by the  
 7           Secretary of Homeland Security, the Deputy Sec-  
 8           retary of Homeland Security, the Director of Cyber-  
 9           security and Infrastructure Security of the Depart-  
 10          ment of Homeland Security, or a Senate-confirmed  
 11          official that reports to the Director.

12          (6) The term “State” means each of the several  
 13          States, the District of Columbia, the Commonwealth  
 14          of Puerto Rico, Guam, American Samoa, the Com-  
 15          monwealth of Northern Mariana Islands, and the  
 16          United States Virgin Islands.

17          (7) The term “voting system” has the meaning  
 18          given such term in section 301(b) of the Help Amer-  
 19          ica Vote Act of 2002 (52 U.S.C. 21081(b)).

20       **TITLE VI—ELECTION SECURITY**  
 21       **GRANTS ADVISORY COMMITTEE**

22       **SEC. 601. ESTABLISHMENT OF ADVISORY COMMITTEE.**

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

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

2                           **ADVISORY COMMITTEE**

3   **“SEC. 225. ELECTION SECURITY GRANTS ADVISORY COM-**  
4                           **MITTEE.**

5           “(a) **ESTABLISHMENT.**—There is hereby established  
6 an advisory committee (hereinafter in this part referred  
7 to as the ‘Committee’) to assist the Commission with re-  
8 spect to the award of grants to States under this Act for  
9 the purpose of election security.

10          “(b) **DUTIES.**—

11               “(1) **IN GENERAL.**—The Committee shall, with  
12 respect to an application for a grant received by the  
13 Commission—

14                       “(A) review such application; and

15                       “(B) recommend to the Commission  
16 whether to award the grant to the applicant.

17               “(2) **CONSIDERATIONS.**—In reviewing an appli-  
18 cation pursuant to paragraph (1)(A), the Committee  
19 shall consider—

20                       “(A) the record of the applicant with re-  
21 spect to—

22                               “(i) compliance of the applicant with  
23 the requirements under subtitle A of title  
24 III; and

1                   “(ii) adoption of voluntary guidelines  
2                   issued by the Commission under subtitle B  
3                   of title III; and

4                   “(B) the goals and requirements of elec-  
5                   tion security as described in title III of the For  
6                   the People Act of 2019.

7           “(c) MEMBERSHIP.—The Committee shall be com-  
8           posed of 15 individuals appointed by the Executive Direc-  
9           tor of the Commission with experience and expertise in  
10          election security.

11          “(d) NO COMPENSATION FOR SERVICE.—Members of  
12          the Committee shall not receive any compensation for  
13          their service, but shall be paid travel expenses, including  
14          per diem in lieu of subsistence, at rates authorized for em-  
15          ployees of agencies under subchapter I of chapter 57 of  
16          title 5, United States Code, while away from their homes  
17          or regular places of business in the performance of services  
18          for the Committee.”.

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

1 **TITLE VII—USE OF VOTING MA-**  
2 **CHINES MANUFACTURED IN**  
3 **THE UNITED STATES**

4 **SEC. 701. USE OF VOTING MACHINES MANUFACTURED IN**  
5 **THE UNITED STATES.**

6 Section 301(a) of the Help America Vote Act of 2002  
7 (52 U.S.C. 21081(a)), as amended by section 104 and sec-  
8 tion 105, is amended by adding at the end the following  
9 new paragraph:

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

17 **TITLE VIII—MISCELLANEOUS**  
18 **PROVISIONS**

19 **SEC. 801. DEFINITIONS.**

20 Except as provided in section 503, in this Act, the  
21 following definitions apply:

22 (1) The term “Chairman” means the chair of  
23 the Election Assistance Commission.

24 (2) The term “appropriate congressional com-  
25 mittees” means the Committees on Homeland Secu-

1 rity and House Administration of the House of Rep-  
2 resentatives and the Committees on Homeland Secu-  
3 rity and Governmental Affairs and Rules and Ad-  
4 ministration of the Senate.

5 (3) The term “chief State election official”  
6 means, with respect to a State, the individual des-  
7 ignated by the State under section 10 of the Na-  
8 tional Voter Registration Act of 1993 (52 U.S.C.  
9 20509) to be responsible for coordination of the  
10 State’s responsibilities under such Act.

11 (4) The term “Commission” means the Election  
12 Assistance Commission.

13 (5) The term “democratic institutions” means  
14 the diverse range of institutions that are essential to  
15 ensuring an independent judiciary, free and fair elec-  
16 tions, and rule of law.

17 (6) The term “election agency” means any com-  
18 ponent of a State, or any component of a unit of  
19 local government in a State, which is responsible for  
20 the administration of elections for Federal office in  
21 the State.

22 (7) The term “election infrastructure” means  
23 storage facilities, polling places, and centralized vote  
24 tabulation locations used to support the administra-  
25 tion of elections for public office, as well as related

1 information and communications technology, includ-  
2 ing voter registration databases, voting machines,  
3 electronic mail and other communications systems  
4 (including electronic mail and other systems of ven-  
5 dors who have entered into contracts with election  
6 agencies to support the administration of elections,  
7 manage the election process, and report and display  
8 election results), and other systems used to manage  
9 the election process and to report and display elec-  
10 tion results on behalf of an election agency.

11 (8) The term “Secretary” means the Secretary  
12 of Homeland Security.

13 (9) The term “State” has the meaning given  
14 such term in section 901 of the Help America Vote  
15 Act of 2002 (52 U.S.C. 21141).

16 **SEC. 802. INITIAL REPORT ON ADEQUACY OF RESOURCES**  
17 **AVAILABLE FOR IMPLEMENTATION.**

18 Not later than 120 days after enactment of this Act,  
19 the Chairman and the Secretary shall submit a report to  
20 the appropriate committees of Congress, including the  
21 Committees on Homeland Security and House Adminis-  
22 tration of the House of Representatives and the Com-  
23 mittee on Homeland Security and Governmental Affairs  
24 of the Senate, analyzing the adequacy of the funding, re-

1 sources, and personnel available to carry out this Act and  
2 the amendments made by this Act.

3 **TITLE IX—SEVERABILITY**

4 **SEC. 901. SEVERABILITY.**

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

○