

118TH CONGRESS
1ST SESSION

H. R. 4457

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to adopt voluntary guidelines for election officials on the use of nonvoting election technology in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 3, 2023

Mr. GIMENEZ (for himself and Mr. STEIL) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to adopt voluntary guidelines for election officials on the use of nonvoting election technology in elections for Federal office, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect American Vot-
5 ers Act”.

1 **SEC. 2. VOLUNTARY GUIDELINES WITH RESPECT TO NON-**
2 **VOTING ELECTION TECHNOLOGY.**

3 (a) ADOPTION OF VOLUNTARY GUIDELINES BY
4 ELECTION ASSISTANCE COMMISSION.—

5 (1) ADOPTION OF GUIDELINES.—Title II of the
6 Help America Vote Act of 2002 (52 U.S.C. 20921
7 et seq.) is amended by adding at the end the fol-
8 lowing new subtitle:

9 **“Subtitle E—Voluntary Guidelines**
10 **for Use of Nonvoting Election**
11 **Technology**

12 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**
13 **MISSION.**

14 “(a) ADOPTION.—The Commission shall adopt vol-
15 untary guidelines for election officials on the use of non-
16 voting election technology, taking into account the rec-
17 ommendations of the Standards Board under section
18 298A.

19 “(b) REVIEW.—The Commission shall review the
20 guidelines adopted under this subtitle not less frequently
21 than once every 4 years, and may adopt revisions to the
22 guidelines as it considers appropriate.

23 “(c) PROCESS FOR ADOPTION.—The adoption of the
24 voluntary guidelines under this subtitle shall be carried
25 out by the Commission in a manner that provides for each
26 of the following:

1 “(1) Publication of notice of the proposed
2 guidelines in the Federal Register.

3 “(2) An opportunity for public comment on the
4 proposed guidelines.

5 “(3) An opportunity for a public hearing on the
6 record.

7 “(4) Publication of the final recommendations
8 in the Federal Register.

9 “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
10 The Commission shall adopt the initial set of voluntary
11 guidelines under this section not later than December 31,
12 2026.

13 **“SEC. 298A. ROLE OF STANDARDS BOARD.**

14 “(a) DUTIES.—The Standards Board shall assist the
15 Commission in the adoption of voluntary guidelines under
16 section 298, including by providing the Commission with
17 recommendations on appropriate standards for the use of
18 nonvoting election technology, including standards to en-
19 sure the security and accuracy, and promote the usability,
20 of such technology, and by conducting a review of existing
21 State programs with respect to the testing of nonvoting
22 election technology.

23 “(b) SOURCES OF ASSISTANCE.—

24 “(1) CERTAIN MEMBERS OF TECHNICAL GUIDE-
25 LINES DEVELOPMENT COMMITTEE.—The following

1 members of the Technical Guidelines Development
2 Committee under section 221 shall assist the Stand-
3 ards Board in carrying out its duties under this sec-
4 tion:

5 “(A) The Director of the National Insti-
6 tute of Standards and Technology.

7 “(B) The representative of the American
8 National Standards Institute.

9 “(C) The representative of the Institute of
10 Electrical and Electronics Engineers.

11 “(D) The 4 members of the Technical
12 Guidelines Development Committee appointed
13 under subsection (c)(1)(E) of such section as
14 the other individuals with technical and sci-
15 entific expertise relating to voting systems and
16 voting equipment.

17 “(2) DETAILEE FROM CISA.—The Executive
18 Board of the Standards Board may request the Di-
19 rector of the Cybersecurity and Infrastructure Secu-
20 rity Agency of the Department of Homeland Secu-
21 rity to provide a detailee to assist the Standards
22 Board in carrying out its duties under this section,
23 so long as such detailee has no involvement in the
24 drafting of any of the voluntary guidelines.

1 **“SEC. 298B. USE OF PAYMENTS TO OBTAIN OR UPGRADE**
2 **TECHNOLOGY.**

3 “A State may use funds provided under any law for
4 activities to improve the administration of elections for
5 Federal office, including to enhance election technology
6 and make election security improvements, to obtain non-
7 voting election technology which is in compliance with the
8 voluntary guidelines adopted under section 298 or to up-
9 grade nonvoting election technology so that the technology
10 is in compliance with such guidelines, and may, notwith-
11 standing any other provision of law, use any unobligated
12 grant funding provided to the State by the Election Assist-
13 ance Commission from amounts appropriated under the
14 heading ‘Independent Agencies—Election Assistance
15 Commission—Election Security Grants’ in title V of divi-
16 sion C of the Consolidated Appropriations Act, 2020 (Pub-
17 lic Law 116–93) for the purposes of enhancing election
18 technology and making election security improvements
19 until December 31, 2024.

20 **“SEC. 298C. NONVOTING ELECTION TECHNOLOGY DEFINED.**

21 “In this subtitle, the term ‘nonvoting election tech-
22 nology’ means technology used in the administration of
23 elections for Federal office which is not used directly in
24 the casting, counting, tabulating, or collecting of ballots
25 or votes, including each of the following:

1 “(1) Electronic pollbooks or other systems used
2 to check in voters at a polling place or verify a vot-
3 er’s identification.

4 “(2) Election result reporting systems.

5 “(3) Electronic ballot delivery systems.

6 “(4) Online voter registration systems.

7 “(5) Polling place location search systems.

8 “(6) Sample ballot portals.

9 “(7) Signature systems.

10 “(8) Such other technology as may be rec-
11 ommended for treatment as nonvoting election tech-
12 nology as the Standards Board may recommend.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents of such Act is amended by adding at the end
15 of the items relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Role of Standards Board.

“Sec. 298B. Use of payments to obtain or upgrade technology.

“Sec. 298C. Nonvoting election technology defined.”.

16 (b) TREATMENT OF TECHNOLOGY USED IN MOST
17 RECENT ELECTION.—Any nonvoting election technology,
18 as defined in section 298C of the Help America Vote Act
19 of 2002 (as added by subsection (a)(1)), which a State
20 used in the most recent election for Federal office held
21 in the State prior to the date of the enactment of this
22 Act shall be deemed to be in compliance with the voluntary

1 guidelines on the use of such technology which are adopted
2 by the Election Assistance Commission under section 298
3 of such Act (as added by subsection (a)(1)).

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