

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.

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

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

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

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

“(i) IN GENERAL.—In the event
that—

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

“(II) it is demonstrated by clear
and convincing evidence (as deter-
mined in accordance with the applica-
ble standards in the jurisdiction in-
volved) in any recount, audit, or con-
test of the result of the election that
the paper ballots have been com-
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).

“(ii) JURISDICTIONS DESCRIBED.—A jurisdiction described in this clause is a jurisdiction—

“(I) which used voter verifiable paper record printers attached to direct recording electronic voting machines, or which used other voting systems that used or produced paper records of the vote verifiable by voters but that are not in compliance with paragraphs (2)(A)(i)(I), (3)(B)(iii)(I) and (II), and (7) of subsection (a) (as amended or added by the Voter Confidence and Increased Accessibility Act of 2019), for the administration of the regularly scheduled general election for Federal office held in November 2018; and

“(II) which will continue to use such printers or systems for the administration of elections for Federal office held in years before 2022.

“(iii) MANDATORY AVAILABILITY OF 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-

ceeding year’, but only with respect to paragraph (3)(B)(iii)(II) of subsection (a) (relating to nonmanual casting of the durable paper ballot).”.

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

SEC. 111. GRANTS FOR OBTAINING COMPLIANT PAPER BALLOT VOTING SYSTEMS AND CARRYING OUT VOTING SYSTEM SECURITY IMPROVEMENTS.

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

“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.

“(a) AVAILABILITY AND USE OF GRANT.—The Commission shall make a grant to each eligible State—

“(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.

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

“(D) The vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee.

“(E) The vendor agrees to meet the requirements of paragraph (3) with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part.

“(F) The vendor agrees to permit independent security testing by the Commission (in accordance with section 231(a)) and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

“(3) CYBERSECURITY INCIDENT REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—A vendor meets the 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 Secu-
3 rity Act of 2002 (6 U.S.C. 121) is amended by adding
4 at the end the following new paragraph:

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 SECU-
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.

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