H. R. 2239

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. Holt introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Voter Confidence and Increased Accessibility Act of 2003”.

SEC. 2. EXTENSION OF TIME PROVIDED FOR STATES TO REQUEST PAYMENTS UNDER TITLE I.

(a) Payments For Activities To Improve Administration of Elections.—Section 101(a) of the Help
America Vote Act of 2002 (42 U.S.C. 15301(a)) is amend-
ed by striking “not later than 6 months after the date
of the enactment of this Act” and inserting “not later than
the Tuesday next after the first Monday in November
2003”.

(b) Payments For Replacement of Punch Card
or Lever Voting Machines.—Section 102(b)(1) of
such Act (42 U.S.C. 15301(b)(1)) is amended by striking
“not later than the date that is 6 months after the date
of the enactment of this Act” and inserting “not later than
the Tuesday next after the first Monday in November
2003”.

(c) Extension of Period of Authorization of
Appropriations.—

(1) In general.—Section 104(a) of such Act
(42 U.S.C. 15304(a)) is amended by striking
“$650,000,000” and inserting “an aggregate
amount of $650,000,000 for fiscal years 2003 and
2004”.

(2) Date for transfer to election assist-
ance commission of unobligated funds.—Sec-
tion 104(c)(2)(B) of such Act (42 U.S.C.
15304(c)(2)(B)) is amended by striking “September
1, 2003” and inserting “January 1, 2004”.
(d) **Requirement To Deploy Interim Measure If Waiver Requested.**—Section 102(a)(3)(B) of such Act (42 U.S.C. 15301(a)(3)(B)) is amended by striking the period at the end and inserting the following: “, except that any State requesting any such waiver shall accept and implement a paper system for use on an interim basis as provided in section 5(b) of the Voter Confidence and Increased Accessibility Act of 2003 in time for use in the November 2004 general election.”.

**SEC. 3. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE COMMISSION FROM CERTAIN GOVERNMENT CONTRACTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 205 of the Help America Vote Act of 2002 (42 U.S.C. 15325) is amended by striking subsection (e).

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to contracts entered into by the Election Assistance Commission on or after the date of the enactment of this Act.

**SEC. 4. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH VOTER-VERIFIED PERMANENT RECORD OR HARD COPY.**

(a) **IN GENERAL.**—Section 301(a)(2) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is amended to read as follows:
“(2) VOTER-VERIFICATION AND AUDIT CAPAC-
ITY.—

“(A) VOTER-VERIFICATION IN GENERAL.—
The voting system shall produce a voter-verified
paper record suitable for a manual audit equiv-
alent or superior to that of a paper ballot box
system, as further specified in subparagraph
(B).

“(B) MANUAL AUDIT CAPACITY.—

“(i) The voting system shall produce a
permanent paper record, each individual
paper record of which shall be made avail-
able for inspection and verification by the
voter at the time the vote is cast, and pre-
served within the polling place in the man-
ner in which all other paper ballots are
preserved within the polling place on Elec-
tion Day for later use in any manual audit.

“(ii) The voting system shall provide
the voter with an opportunity to correct
any error made by the system before the
permanent record is preserved for use in
any manual audit.

“(iii) The voter verified paper record
produced under subparagraph (A) and this
subparagraph shall be available as an official record and shall be the official record used for any recount conducted with respect to any election in which the system is used.

“(C) SOFTWARE AND MODEMS.—

“(i) No voting system shall at any time contain or use undisclosed software. Any voting system containing or using software shall disclose the source code of that software to the Commission, and the Commission shall make that source code available for inspection upon request to any citizen.

“(ii) No voting system shall contain any wireless communication device at all.

“(iii) All software and hardware used in any electronic voting system shall be certified by laboratories accredited by the Commission as meeting the requirements of clauses (i) and (ii).”.

(b) VOTER VERIFICATION OF RESULTS FOR INDIVIDUALS WITH DISABILITIES.—Section 301(a)(3) of such Act (42 U.S.C. 15481(a)(3) is amended—
(1) in the heading, by inserting “AND VOTER-VERIFICATION OF RESULTS” after “ACCESSIBILITY”;

(2) in subparagraph (B), by striking “; and” and inserting the following: “, and such voting system shall provide a mechanism for voter-verification of results which separates the function of vote generation from the function of vote casting in a manner analogous to that described in section 4 with respect to the separation of paper ballot generation and paper ballot verification and preservation, but does not require the use of paper.”;

(3) by amending subparagraph (C) to read as follows:

“(C) The equipment deployed in accordance with subparagraph (B) shall meet the voting system standards for disability access and voter-verification of results as outlined in this paragraph in accordance with the deadline set forth in section 5(a), provided that if it does not and an interim paper system is deployed in accordance with section 5(b), disabled voters shall have the option of using the interim paper system with the assistance of an aide of the voter’s personal selection or using the voting system otherwise put in place for use by disabled
voters at the time in question in accordance
with the Help America Vote Act of 2002, as in
effect prior to the enactment of this Act, except
that the deadline set forth in section
301(a)(3)(C) of such Act (42 U.S.C.
15481(a)(3)(C)) is moved forward from Janu-
ary 1, 2007, to January 1, 2006.”; and
(4) by adding at the end the following new sub-
paragraph:
“(D) Election officials shall be instructed
in the rights of the disabled to vote with the as-
sistance of an aide of their selection under the
Voting Rights Act of 1965.”.
(e) Specific, Delineated Requirement of
Study, Testing, and Development of Best Prac-
tices.—In addition to any other requirements under the
Help America Vote Act of 2002, the Election Assistance
Commission shall study, test, and develop best practices
to enhance accessibility and voter-verification mechanisms
for disabled voters.

SEC. 5. CHANGE IN DEADLINE FOR COMPLIANCE WITH
STANDARDS.

(a) In General.—Section 301(d) of the Help Amer-
ica Vote Act of 2002 (42 U.S.C. 15481(d)) is amended
by striking “on and after January 1, 2006” and inserting
“in time for elections for Federal office beginning with the regularly scheduled general election to be held in November 2004”.

(b) **INTERIM PAPER SYSTEM.**—Each State and jurisdiction that certifies in the manner described in section 102(a)(3)(B) that it shall be unable to comply with the requirements of section 301 in time for the regularly scheduled general election for Federal office to be held in November 2004 shall receive a paper voting system, based on paper systems in use in the jurisdiction, if any, at the expense of the Commission that shall be deemed compliant with section 301 by the Commission for use in the November 2004 general elections.

**SEC. 6. REQUIREMENT FOR FEDERAL CERTIFICATION OF TECHNOLOGICAL SECURITY OF VOTER REGISTRATION LISTS.**

Section 303(a)(3) of the Help America Vote Act of 2002 (42 U.S.C. 15483(a)(3)) is amended by striking the period at the end and inserting the following: “, as certified by the Commission.”.

**SEC. 7. REQUIREMENT FOR MANDATORY RECOUNTS.**

The Election Assistance Commission shall conduct manual mandatory surprise recounts of the voter-verified records of each election for Federal office (and, at the option of the State or jurisdiction involved, of elections for
State and local office) in .5 percent of the jurisdictions in each State and .5 percent of the overseas jurisdictions in which voter-verified records are preserved in accordance with this section immediately following each general election for Federal office, and shall promptly publish the results of those recounts. The treatment of the results of the recount shall be governed by applicable Federal, State, or local law, except that any individual who is a citizen of the jurisdiction involved may file an appeal with the Commission if the individual believes that such law does not provide a fair remedy.

SEC. 8. EFFECTIVE DATE.

Except as provided in section 3(b), the amendments made by this Act shall take effect as if included in the enactment of the Help America Vote Act of 2002.