

108TH CONGRESS
1ST SESSION

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.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. EXTENSION OF TIME PROVIDED FOR STATES TO RE-**
7 **QUEST PAYMENTS UNDER TITLE I.**

8 (a) PAYMENTS FOR ACTIVITIES TO IMPROVE ADMIN-
9 ISTRATION OF ELECTIONS.—Section 101(a) of the Help

1 America Vote Act of 2002 (42 U.S.C. 15301(a)) is amend-
2 ed by striking “not later than 6 months after the date
3 of the enactment of this Act” and inserting “not later than
4 the Tuesday next after the first Monday in November
5 2003”.

6 (b) PAYMENTS FOR REPLACEMENT OF PUNCH CARD
7 OR LEVER VOTING MACHINES.—Section 102(b)(1) of
8 such Act (42 U.S.C. 15301(b)(1)) is amended by striking
9 “not later than the date that is 6 months after the date
10 of the enactment of this Act” and inserting “not later than
11 the Tuesday next after the first Monday in November
12 2003”.

13 (c) EXTENSION OF PERIOD OF AUTHORIZATION OF
14 APPROPRIATIONS.—

15 (1) IN GENERAL.—Section 104(a) of such Act
16 (42 U.S.C. 15304(a)) is amended by striking
17 “\$650,000,000” and inserting “an aggregate
18 amount of \$650,000,000 for fiscal years 2003 and
19 2004”.

20 (2) DATE FOR TRANSFER TO ELECTION ASSIST-
21 ANCE COMMISSION OF UNOBLIGATED FUNDS.—Sec-
22 tion 104(c)(2)(B) of such Act (42 U.S.C.
23 15304(c)(2)(B)) is amended by striking “September
24 1, 2003” and inserting “January 1, 2004”.

1 (d) REQUIREMENT TO DEPLOY INTERIM MEASURE
2 IF WAIVER REQUESTED.—Section 102(a)(3)(B) of such
3 Act (42 U.S.C. 15301(a)(3)(B)) is amended by striking
4 the period at the end and inserting the following: “, except
5 that any State requesting any such waiver shall accept and
6 implement a paper system for use on an interim basis as
7 provided in section 5(b) of the Voter Confidence and In-
8 creased Accessibility Act of 2003 in time for use in the
9 November 2004 general election.”.

10 **SEC. 3. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE**

11 **COMMISSION FROM CERTAIN GOVERNMENT**

12 **CONTRACTING REQUIREMENTS.**

13 (a) IN GENERAL.—Section 205 of the Help America
14 Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-
15 ing subsection (e).

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

20 **SEC. 4. PROMOTING ACCURACY, INTEGRITY, AND SECUR-**

21 **RITY THROUGH VOTER-VERIFIED PERMA-**

22 **NENT RECORD OR HARD COPY.**

23 (a) IN GENERAL.—Section 301(a)(2) of the Help
24 America Vote Act of 2002 (42 U.S.C. 15481(a)(2)) is
25 amended to read as follows:

1 “(2) VOTER-VERIFICATION AND AUDIT CAPAC-
2 ITY.—

3 “(A) VOTER-VERIFICATION IN GENERAL.—

4 The voting system shall produce a voter-verified
5 paper record suitable for a manual audit equiv-
6 alent or superior to that of a paper ballot box
7 system, as further specified in subparagraph
8 (B).

9 “(B) MANUAL AUDIT CAPACITY.—

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

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

24 “(iii) The voter verified paper record
25 produced under subparagraph (A) and this

1 subparagraph shall be available as an offi-
2 cial record and shall be the official record
3 used for any recount conducted with re-
4 spect to any election in which the system
5 is used.

6 “(C) SOFTWARE AND MODEMS.—

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

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

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

22 (b) VOTER VERIFICATION OF RESULTS FOR INDIVID-
23 UALS WITH DISABILITIES.—Section 301(a)(3) of such
24 Act (42 U.S.C. 15481(a)(3) is amended—

1 (1) in the heading, by inserting “AND VOTER-
2 VERIFICATION OF RESULTS” after “ACCESSIBILITY”;

3 (2) in subparagraph (B), by striking “; and”
4 and inserting the following: “, and such voting sys-
5 tem shall provide a mechanism for voter-verification
6 of results which separates the function of vote gen-
7 eration from the function of vote casting in a man-
8 ner analogous to that described in section 4 with re-
9 spect to the separation of paper ballot generation
10 and paper ballot verification and preservation, but
11 does not require the use of paper.”;

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

14 “(C) The equipment deployed in accord-
15 ance with subparagraph (B) shall meet the vot-
16 ing system standards for disability access and
17 voter-verification of results as outlined in this
18 paragraph in accordance with the deadline set
19 forth in section 5(a), provided that if it does
20 not and an interim paper system is deployed in
21 accordance with section 5(b), disabled voters
22 shall have the option of using the interim paper
23 system with the assistance of an aide of the vot-
24 er’s personal selection or using the voting sys-
25 tem otherwise put in place for use by disabled

1 voters at the time in question in accordance
2 with the Help America Vote Act of 2002, as in
3 effect prior to the enactment of this Act, except
4 that the deadline set forth in section
5 301(a)(3)(C) of such Act (42 U.S.C.
6 15481(a)(3)(C)) is moved forward from Janu-
7 ary 1, 2007, to January 1, 2006.”; and

8 (4) by adding at the end the following new sub-
9 paragraph:

10 “(D) Election officials shall be instructed
11 in the rights of the disabled to vote with the as-
12 sistance of an aide of their selection under the
13 Voting Rights Act of 1965.”.

14 (c) SPECIFIC, DELINEATED REQUIREMENT OF
15 STUDY, TESTING, AND DEVELOPMENT OF BEST PRAC-
16 TICES.—In addition to any other requirements under the
17 Help America Vote Act of 2002, the Election Assistance
18 Commission shall study, test, and develop best practices
19 to enhance accessibility and voter-verification mechanisms
20 for disabled voters.

21 **SEC. 5. CHANGE IN DEADLINE FOR COMPLIANCE WITH**
22 **STANDARDS.**

23 (a) IN GENERAL.—Section 301(d) of the Help Amer-
24 ica Vote Act of 2002 (42 U.S.C. 15481(d)) is amended
25 by striking “on and after January 1, 2006” and inserting

1 “in time for elections for Federal office beginning with the
2 regularly scheduled general election to be held in Novem-
3 ber 2004”.

4 (b) INTERIM PAPER SYSTEM.—Each State and juris-
5 diction that certifies in the manner described in section
6 102(a)(3)(B) that it shall be unable to comply with the
7 requirements of section 301 in time for the regularly
8 scheduled general election for Federal office to be held in
9 November 2004 shall receive a paper voting system, based
10 on paper systems in use in the jurisdiction, if any, at the
11 expense of the Commission that shall be deemed compliant
12 with section 301 by the Commission for use in the Novem-
13 ber 2004 general elections.

14 **SEC. 6. REQUIREMENT FOR FEDERAL CERTIFICATION OF**
15 **TECHNOLOGICAL SECURITY OF VOTER REG-**
16 **ISTRATION LISTS.**

17 Section 303(a)(3) of the Help America Vote Act of
18 2002 (42 U.S.C. 15483(a)(3)) is amended by striking the
19 period at the end and inserting the following: “, as cer-
20 tified by the Commission.”.

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

22 The Election Assistance Commission shall conduct
23 manual mandatory surprise recounts of the voter-verified
24 records of each election for Federal office (and, at the op-
25 tion of the State or jurisdiction involved, of elections for

1 State and local office) in .5 percent of the jurisdictions
2 in each State and .5 percent of the overseas jurisdictions
3 in which voter-verified records are preserved in accordance
4 with this section immediately following each general elec-
5 tion for Federal office, and shall promptly publish the re-
6 sults of those recounts. The treatment of the results of
7 the recount shall be governed by applicable Federal, State,
8 or local law, except that any individual who is a citizen
9 of the jurisdiction involved may file an appeal with the
10 Commission if the individual believes that such law does
11 not provide a fair remedy.

12 **SEC. 8. EFFECTIVE DATE.**

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

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