

110TH CONGRESS  
1ST SESSION

# H. R. 2360

To amend the Help America Vote Act of 2002 to require States to meet Federal guidelines for the operation of electronic voting equipment, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2007

Mr. EHLERS (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. MCCARTHY of California) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require States to meet Federal guidelines for the operation of electronic voting equipment, 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 “Voting Enhancement  
5 and Security Act of 2007”.

6 **SEC. 2. ESTABLISHMENT OF FEDERAL GUIDELINES FOR**  
7 **ELECTRONIC VOTING EQUIPMENT.**

8 (a) ESTABLISHMENT OF GUIDELINES; SUPPORT  
9 FROM NATIONAL INSTITUTE OF STANDARDS AND TECH-

1 NOLOGY.—Section 221 of the Help America Vote Act of  
2 2002 (42 U.S.C. 15361 et seq.) is amended—

3 (1) by redesignating subsection (f) as sub-  
4 section (g); and

5 (2) by inserting after subsection (e) the fol-  
6 lowing new subsection:

7 “(f) SPECIAL RULES FOR ESTABLISHMENT OF  
8 GUIDELINES FOR ELECTRONIC VOTING EQUIPMENT.—

9 “(1) ESTABLISHMENT OF GUIDELINES.—In ad-  
10 dition to any other guidelines developed under this  
11 section, the Development Committee shall develop  
12 specific guidelines for the operation of electronic vot-  
13 ing equipment in elections for Federal office under  
14 which the equipment will comply with each of the  
15 following technologies:

16 “(A) A technology that allows a contem-  
17 poraneous, redundant, and auditable trail of the  
18 votes cast or recorded on such equipment. For  
19 purposes of this subparagraph, a trail is ‘con-  
20 temporaneous’ if it is created and recorded at  
21 the same time as the original record.

22 “(B) A technology that allows each indi-  
23 vidual who is eligible to vote in such an election  
24 to verify the ballot before the individual’s vote  
25 is cast into the equipment.

1           “(C) A technology that ensures reliable se-  
2           curity of the equipment from tampering or im-  
3           proper use.

4           “(D) A technology that ensures that indi-  
5           viduals with disabilities who are eligible to vote  
6           in the election can vote independently and with-  
7           out assistance.

8           “(2) TECHNICAL SUPPORT FROM NIST.—The  
9           Director of the National Institute of Standards and  
10          Technology shall provide the Development Com-  
11          mittee with technical support in the development of  
12          the guidelines for electronic voting equipment under  
13          this subsection, in the same manner as the technical  
14          support provided under subsection (e).

15          “(3) DEADLINE.—The Director shall complete  
16          the requirements of subsection (a) not later than  
17          January 1, 2010.”.

18          (b) REQUIRING STATES TO MEET GUIDELINES.—

19                 (1) REQUIREMENT.—

20                         (A) IN GENERAL.—Section 301 of such  
21                         Act (42 U.S.C. 15481) is amended—

22                                 (i) by redesignating subsections (b)  
23                                 through (d) as subsections (c) through (e);  
24                                 and

1 (ii) by inserting after subsection (a)  
2 the following new subsection:

3 “(b) SPECIAL REQUIREMENTS FOR ELECTRONIC  
4 VOTING EQUIPMENT.—

5 “(1) IN GENERAL.—Any voting system which  
6 consists in whole or in part of an electronic vote re-  
7 cording device or an electronic vote tabulation device  
8 shall meet the voting system guidelines applicable to  
9 such devices which are adopted by the Commission  
10 pursuant to section 222 (in accordance with the re-  
11 quirements for the development of such guidelines  
12 under section 221(f)).

13 “(2) DEFINITIONS.—In this subsection—

14 “(A) the term ‘vote recording device’  
15 means the mechanism or medium used for re-  
16 cording a voter’s ballot choices; and

17 “(B) the term ‘vote tabulation device’  
18 means the mechanism or equipment used to  
19 tabulate the votes recorded on the vote record-  
20 ing device.

21 “(3) EFFECTIVE DATE.—Paragraph (1) shall  
22 apply with respect to elections for Federal office held  
23 in 2012 and each succeeding year.”.

24 (B) CONFORMING AMENDMENT.—Section  
25 301(e) of such Act (42 U.S.C. 15481(e)), as re-

1 designated by subparagraph (A), is amended by  
2 striking “Each State” and inserting “Except as  
3 provided in subsection (b), each State”.

4 (2) AVAILABILITY OF FUNDING FOR MEETING  
5 REQUIREMENTS.—Section 257(a) of such Act (42  
6 U.S.C. 15407(a) is amended by adding at the end  
7 the following new paragraph:

8 “(4) For fiscal year 2011, \$1,000,000,000, ex-  
9 cept that any funds provided under the authoriza-  
10 tion made by this paragraph shall be used by a  
11 State only to meet the requirements of section  
12 301(b), or to otherwise modify or replace its voting  
13 systems in response to such requirements.”.

14 **SEC. 3. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

15 (a) REQUIRING STATES TO ADMINISTER AUDITS IN  
16 ACCORDANCE WITH STATE PLAN.—Subtitle A of title III  
17 of the Help America Vote Act of 2002 (42 U.S.C. 15481  
18 et seq.) is amended by inserting after section 303 the fol-  
19 lowing new section:

20 **“SEC. 303A. AUDITS OF RESULTS OF ELECTIONS.**

21 “(a) REQUIRING STATES TO ADMINISTER AUDITS IN  
22 ACCORDANCE WITH STATE PLAN.—

23 “(1) IN GENERAL.—Each State shall admin-  
24 ister audits of the results of elections for Federal of-  
25 fice held in the State in accordance with a State

1       audit plan which describes the entity responsible for  
2       administering the audits, the procedures for admin-  
3       istering the audits, and the rules for determining  
4       which elections will be subject to audits and the  
5       number of tabulation units in which the audits will  
6       occur.

7               “(2) TABULATION UNIT DEFINED.—In this sub-  
8       section, the term ‘tabulation unit’ means, with re-  
9       spect to an election, a unit established by the State  
10      prior to the election (such as a precinct, polling loca-  
11      tion, or particular type of voting device) in which the  
12      votes tabulated by the voting system used in the unit  
13      may be compared with the audit of the results of the  
14      ballots cast in the unit.

15              “(3) SUBMISSION OF PLAN TO COMMISSION.—  
16      Not later than January 1, 2009, the State shall sub-  
17      mit its initial State audit plan under this section to  
18      the Commission.

19              “(b) CERTIFICATION.—A State does not meet the re-  
20      quirements of this section unless the chief executive of the  
21      State and the chief election official of the State certify  
22      that the State audit plan provides for the fair and effective  
23      administration of audits under procedures that are trans-  
24      parent and open to the public.

1       “(c) EFFECTIVE DATE.—This section shall apply  
2 with respect to the regularly scheduled general elections  
3 for Federal office held in November 2010 and each suc-  
4 ceeding election for Federal office.”.

5       (b) AVAILABILITY OF ENFORCEMENT.—Section 401  
6 of such Act (42 U.S.C. 15511) is amended by striking  
7 “sections 301, 302, and 303” and inserting “subtitle A  
8 of title III”.

9       (c) CLERICAL AMENDMENT.—The table of contents  
10 of such Act is amended by inserting after the item relating  
11 to section 303 the following:

“303A. Audits of results of elections.”.

12 **SEC. 4. REQUIRING STATES TO DEVELOP AND IMPLEMENT**  
13 **ELECTION SECURITY PROTOCOLS AND CON-**  
14 **TINGENCY PLANS.**

15       (a) IN GENERAL.—Subtitle A of title III of the Help  
16 America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as  
17 amended by section 3(a), is further amended by inserting  
18 after section 303A the following new section:

19 **“SEC. 303B. DEVELOPMENT AND IMPLEMENTATION OF**  
20 **ELECTION SECURITY PROTOCOLS AND CON-**  
21 **TINGENCY PLANS.**

22       “(a) REQUIREMENTS FOR STATES.—Each State and  
23 jurisdiction which administers elections for Federal office  
24 shall—

1           “(1) develop and implement security protocols  
2           for protecting the voting equipment used in such  
3           elections and for ensuring the security of the admin-  
4           istration of such elections; and

5           “(2) develop and implement contingency plans  
6           for addressing voting system failures and other  
7           emergencies which may occur on the date of such an  
8           election, including the protocols to be followed at  
9           polling places and the protocols applicable to the use  
10          of emergency ballots.

11          “(b) EFFECTIVE DATE.—This section shall apply  
12          with respect to the regularly scheduled general election for  
13          Federal office in November 2008 and each succeeding  
14          election for Federal office.”.

15          (b) CLERICAL AMENDMENT.—The table of contents  
16          of such Act, as amended by section 3(c), is further amend-  
17          ed by inserting after the item relating to section 303A the  
18          following:

          “303B. Development and implementation of election security protocols and con-  
          tingency plans.”.

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