

110TH CONGRESS
1ST SESSION

S. 1487

To amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mrs. FEINSTEIN (for herself, Mr. DODD, Mr. SANDERS, Mr. INOUE, Mr. OBAMA, Mr. BROWN, Mr. LEAHY, Mr. MENENDEZ, Mr. KENNEDY, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ballot Integrity Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MORATORIUM ON, AND REPLACEMENT AND RETROFITTING OF, CERTAIN DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

- Sec. 101. Moratorium on acquisition of certain direct recording electronic voting systems and certain other voting systems.
- Sec. 102. Grant program to replace or retrofit direct recording electronic voting systems.
- Sec. 103. Grants for research on voting technology improvements for the development of completely accessible voting systems.
- Sec. 104. Authorization of appropriations for Election Assistance Commission; etc.

TITLE II—BALLOT INTEGRITY

- Sec. 201. Promoting accuracy, integrity, and security through individual, durable, voter-verified paper records.
- Sec. 202. Requirement for mandatory manual audits.

TITLE III—IMPROVING FEDERAL ELECTIONS

Subtitle A—Additional Requirements for Federal Elections

- Sec. 301. Absentee voting.
- Sec. 302. Third-party voter registration.
- Sec. 303. Training of poll workers.
- Sec. 304. Equitable allocation of voting systems, poll workers, and election resources.
- Sec. 305. Prohibition on campaign activities by chief State election officials.
- Sec. 306. Standards for purging voters.
- Sec. 307. Election observers.
- Sec. 308. Early voting.
- Sec. 309. Requirements for counting provisional ballots.
- Sec. 310. Conforming amendments.

Subtitle B—Military and Overseas Voting

- Sec. 311. Prohibiting refusal to accept voter registration and absentee ballot applications and federal write-in absentee ballot for failure to meet nonessential requirements.
- Sec. 312. Federal write-in absentee ballots cast by overseas voters located in the United States.

1 **TITLE I—MORATORIUM ON, AND**
2 **REPLACEMENT AND RETRO-**
3 **FITTING OF, CERTAIN DIRECT**
4 **RECORDING ELECTRONIC**
5 **VOTING SYSTEMS**

6 **SEC. 101. MORATORIUM ON ACQUISITION OF CERTAIN DI-**
7 **RECT RECORDING ELECTRONIC VOTING SYS-**
8 **TEMS AND CERTAIN OTHER VOTING SYS-**
9 **TEMS.**

10 Section 301 of the Help America Vote Act of 2002
11 (42 U.S.C. 15481) is amended—

12 (1) by redesignating subsections (c) and (d) as
13 subsections (d) and (e), respectively; and

14 (2) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) MORATORIUM ON ACQUISITION OF DIRECT RE-
17 CORDING ELECTRONIC VOTING SYSTEMS AND CERTAIN
18 OTHER VOTING SYSTEMS.—Beginning on the date of en-
19 actment of the Ballot Integrity Act of 2007, no State or
20 jurisdiction may purchase or otherwise acquire for use in
21 an election for Federal office a direct recording electronic
22 voting system or other electronic voting system that does
23 not produce a voter-verified paper record as required by
24 section 301(a)(2) (as amended by such Act).”

1 **SEC. 102. GRANT PROGRAM TO REPLACE OR RETROFIT DI-**
 2 **RECT RECORDING ELECTRONIC VOTING SYS-**
 3 **TEMS.**

4 (a) IN GENERAL.—Subtitle D of title II of the Help
 5 America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is
 6 amended by adding at the end the following new part:

7 **“PART 7—GRANTS FOR REPLACING OR RETRO-**
 8 **FITTING DIRECT RECORDING ELECTRONIC**
 9 **VOTING SYSTEMS AND CERTAIN OTHER VOT-**
 10 **ING SYSTEMS**

11 **“SEC. 297. GRANTS FOR REPLACING OR RETROFITTING DI-**
 12 **RECT RECORDING ELECTRONIC VOTING SYS-**
 13 **TEMS AND CERTAIN OTHER VOTING SYS-**
 14 **TEMS.**

15 “(a) ESTABLISHMENT OF PROGRAM.—

16 “(1) IN GENERAL.—The Election Assistance
 17 Commission shall make payments in an amount de-
 18 termined under subsection (c) to each State which
 19 meets the conditions described in subsection (b).

20 “(2) USE OF FUNDS.—A State shall use the
 21 funds provided under a payment under this section
 22 for (either directly or as reimbursement, including as
 23 reimbursement for costs incurred on or after Janu-
 24 ary 1, 2007, under multiyear contracts) replacing or
 25 retrofitting any nonqualified voting systems in reme-
 26 dial precincts within that State with voting systems

1 (by purchase, lease, or such other arrangement as
2 may be appropriate) that—

3 “(A) meet the requirements of section 301
4 (as amended by the Ballot Integrity Act of
5 2007); and

6 “(B) are not inconsistent with the require-
7 ments of the laws described in section 906.

8 “(b) ELIGIBILITY.—

9 “(1) IN GENERAL.—A State is eligible to re-
10 ceive a payment under this section if it submits to
11 the Commission, not later than 1 year after the date
12 of the enactment of the Ballot Integrity Act of
13 2007—

14 “(A) a notice (in such form as the Com-
15 mission may require) certifying the number of
16 remedial precincts in the State; and

17 “(B) a statement made by the chief execu-
18 tive officer of the State, or designee, in con-
19 sultation and coordination with the chief State
20 election official—

21 “(i) describing the State’s need for
22 the payment and how the State will use
23 the payment to meet the requirements of
24 section 301(a)(2) (as amended by such
25 Act);

1 “(ii) certifying that the State will con-
2 tinue to comply with the laws described in
3 section 906;

4 “(iii) certifying that any voting sys-
5 tems which are replaced or retrofitted will
6 meet the requirements of section 301 (as
7 amended by such Act); and

8 “(iv) containing such other informa-
9 tion and certifications as the Commission
10 may require.

11 “(2) COMPLIANCE OF STATES THAT REQUIRE
12 CHANGES TO STATE LAW.—In the case of a State
13 that requires State legislation to carry out an activ-
14 ity covered by any certification submitted under this
15 subsection, the State shall be permitted to make the
16 certification notwithstanding that the legislation has
17 not been enacted at the time the certification is sub-
18 mitted and such State shall submit an additional
19 certification once such legislation is enacted.

20 “(c) AMOUNT OF PAYMENT.—

21 “(1) IN GENERAL.—Subject to paragraph (3),
22 the amount of payment made to a State under this
23 section shall be equal to the product of—

1 “(A) the total amount appropriated for
2 payments for the year pursuant to the author-
3 ization under subsection (e); and

4 “(B) the State allocation percentage for
5 the State (as determined under paragraph (2)).

6 “(2) STATE ALLOCATION PERCENTAGE DE-
7 FINED.—The ‘State allocation percentage’ for a
8 State is the amount (expressed as a percentage)
9 equal to the quotient of—

10 “(A) the number of remedial precincts in
11 the State; and

12 “(B) the total number of remedial pre-
13 cincts in all States.

14 “(3) MINIMUM AMOUNT OF PAYMENT.—The
15 amount of a payment under this section made to a
16 State for a year may not be less than—

17 “(A) in the case of any of the several
18 States or the District of Columbia, one-half of
19 1 percent of the total amount appropriated for
20 requirements payments for the year under sub-
21 section (e); or

22 “(B) in the case of the Commonwealth of
23 Puerto Rico, Guam, American Samoa, or the
24 United States Virgin Islands, one-tenth of 1
25 percent of such total amount.

1 “(4) PRO RATA REDUCTIONS.—The Commis-
2 sion shall make such pro rata reductions to the allo-
3 cations determined under paragraph (1) as are nec-
4 essary to comply with the requirements of paragraph
5 (3).

6 “(5) CONTINUING AVAILABILITY OF FUNDS
7 AFTER APPROPRIATION.—Any payment made to a
8 State under this part shall be available to the State
9 without fiscal year limitation.

10 “(d) DEFINITIONS.—For purposes of this section:

11 “(1) NONQUALIFIED VOTING SYSTEM.—The
12 term ‘nonqualified voting system’ means a direct re-
13 cording electronic voting system or other electronic
14 voting system which does not meet the vote
15 verification and audit capacity requirements of sec-
16 tion 301(a)(2), as amended by the Ballot Integrity
17 Act of 2007.

18 “(2) REMEDIAL PRECINCT DEFINED.—The
19 term ‘remedial precinct’ means any precinct (or
20 equivalent location) within the State for which the
21 voting system used to administer the regularly
22 scheduled general election for Federal office held in
23 November 2006—

24 “(A) was a nonqualifying voting system; or

1 “(B) did not provide that the entire proc-
2 ess of vote verification was equipped for individ-
3 uals with disabilities.

4 “(e) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There are authorized to be
6 appropriated \$300,000,000 for each of fiscal years
7 2008 and 2009 for grants under subsection (a).

8 “(2) AVAILABILITY.—Any amounts appro-
9 priated pursuant to the authority of paragraph (1)
10 shall remain available without fiscal year limitation
11 until expended.”.

12 (b) RULE OF CONSTRUCTION REGARDING STATES
13 RECEIVING OTHER FUNDS FOR REPLACING PUNCH
14 CARD, LEVER, OR OTHER VOTING SYSTEMS.—Nothing in
15 the amendment made by subsection (a) or in any other
16 provision of the Help America Vote Act of 2002 may be
17 construed to prohibit a State which received or was au-
18 thorized to receive a payment under title I or II of such
19 Act for replacing punch card, lever, or other voting sys-
20 tems from receiving or using any funds which are made
21 available (either directly or as reimbursement) under the
22 amendment made by such subsection.

23 (c) CLERICAL AMENDMENT.—The table of contents
24 of the Help America Vote Act of 2002 is amended by in-
25 serting after the item relating to section 296 the following:

“PART 7—GRANTS FOR REPLACING OR RETROFITTING DIRECT RECORDING
ELECTRONIC VOTING SYSTEMS AND CERTAIN OTHER VOTING SYSTEMS

“Sec. 297. Grants for replacing or retrofitting direct recording electronic voting systems and certain other voting systems.”.

1 **SEC. 103. GRANTS FOR RESEARCH ON VOTING TECH-**
2 **NOLOGY IMPROVEMENTS FOR THE DEVELOP-**
3 **MENT OF COMPLETELY ACCESSIBLE VOTING**
4 **SYSTEMS.**

5 (a) IN GENERAL.—Section 271 of the Help America
6 Vote Act of 2002 (42 U.S.C. 15441) is amended—

7 (1) in subsection (b), in the matter preceding
8 paragraph (1), by striking “An entity” and inserting
9 “Subject to subsection (c), an entity”;

10 (2) by redesignating subsections (c), (d), and
11 (e) as subsections (d), (e), and (f), respectively; and

12 (3) by inserting after subsection (b) the fol-
13 lowing new subsection:

14 “(c) DEEMED ELIGIBILITY FOR DEVELOPMENT OF
15 COMPLETELY ACCESSIBLE VOTING SYSTEMS.—

16 “(1) IN GENERAL.—An entity shall be deemed
17 to be eligible to receive a grant under this part if the
18 entity submits a grant application to conduct re-
19 search and develop voting systems that meet the
20 verification and audit requirements of section
21 301(a)(2) using a voting system that is completely
22 accessible for all individuals, including individuals
23 with disabilities, language minorities described in

1 section 203 of the Voting Rights Act of 1965, and
2 individuals with difficulties in literacy.

3 “(2) NUMBER OF ENTITIES RECEIVING A
4 GRANT.—The Commission, in consultation with the
5 Technical Guidelines Development Committee, shall
6 make grants to not less than 3 entities, including
7 academic, non-profit, and public and private entities,
8 that are deemed to be eligible to receive a grant
9 under paragraph (1).”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 273 of the Help America Vote Act of 2002 (42 U.S.C.
12 15443) is amended—

13 (1) by redesignating subsection (b) as sub-
14 section (c); and

15 (2) by inserting after subsection (a) the fol-
16 lowing new subsection:

17 “(b) ACCESSIBLE VOTING SYSTEMS.—There are au-
18 thorized to be appropriated for grants to entities deemed
19 eligible under section 271(c) \$3,000,000 for fiscal years
20 2008 and 2009.”; and

21 (3) in subsection (c), as redesignated by para-
22 graph (1), by striking “authorization under this sec-
23 tion” and inserting “authorizations under sub-
24 sections (a) and (b)”.

1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR ELEC-**
2 **TION ASSISTANCE COMMISSION; ETC.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
4 210 of the Help America Vote Act of 2002 (42 U.S.C.
5 15330) is amended by striking “for each of the fiscal
6 years” through the end and inserting “for fiscal year 2008
7 and each fiscal year thereafter such sums as are necessary
8 for the Commission to carry out this title.”.

9 (b) BUDGET REQUESTS.—

10 (1) IN GENERAL.—Part 1 of subtitle A of title
11 II of the Help America Vote Act of 2002 (42 U.S.C.
12 15321 et seq.) is amended by inserting after section
13 209 the following new section:

14 **“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.**

15 “Whenever the Commission submits any budget esti-
16 mate or request to the President or the Office of Manage-
17 ment and Budget, it shall concurrently transmit a copy
18 of such estimate or request to Congress and to the Com-
19 mittee on House Administration of the House of Rep-
20 resentatives and the Committee on Rules and Administra-
21 tion of the Senate.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended by inserting after the
24 item relating to section 209 the following new item:

“Sec. 209A. Submission of budget requests.”.

1 (c) EXEMPTION FROM PAPERWORK REDUCTION
 2 ACT.—Paragraph (1) of section 3502 of title 44, United
 3 States Code, is amended by redesignating subparagraphs
 4 (B), (C), and (D) as subparagraphs (C), (D), and (E),
 5 respectively, and by inserting after subparagraph (A) the
 6 following new subparagraph:

7 “(B) the Election Assistance Commis-
 8 sion;”.

9 **TITLE II—BALLOT INTEGRITY**

10 **SEC. 201. PROMOTING ACCURACY, INTEGRITY, AND SECU-** 11 **RITY THROUGH INDIVIDUAL, DURABLE,** 12 **VOTER-VERIFIED PAPER RECORDS.**

13 (a) VOTE VERIFICATION AND AUDIT CAPACITY.—

14 (1) VOTER-VERIFIED PAPER RECORDS.—

15 (A) IN GENERAL.—Section 301(a)(2) of
 16 the Help America Vote Act of 2002 (42 U.S.C.
 17 15481(a)(2)) is amended to read as follows:

18 “(2) VOTE VERIFICATION AND AUDIT CAPAC-
 19 ITY.—

20 “(A) VOTER-VERIFIED PAPER RECORDS.—

21 “(i) IN GENERAL.—The voting system
 22 shall require the use of or produce an indi-
 23 vidual, durable, voter-verified paper record
 24 of the voter’s vote that shall be created by
 25 or made available for inspection and

1 verification by the voter before the voter's
2 vote is cast and counted. For purposes of
3 this subclause, examples of such a record
4 include a paper ballot marked by the voter
5 for the purpose of being counted by hand
6 or read by an optical scanner or other
7 similar device, a paper ballot prepared by
8 the voter to be mailed to an election offi-
9 cial (whether from a domestic or overseas
10 location), a paper ballot created through
11 the use of a ballot marking device or sys-
12 tem, or a paper record or ballot produced
13 by a touch screen or other electronic voting
14 system, so long as in each case the voter
15 is permitted to verify the vote in a paper
16 form in accordance with this subpara-
17 graph.

18 “(ii) VERIFICATION.—The voting sys-
19 tem shall provide the voter with an oppor-
20 tunity to correct any error made by the
21 system in the voter-verified paper record
22 before the individual, durable, voter-
23 verified paper record is preserved in ac-
24 cordance with subparagraph (C).

1 “(iii) MAINTENANCE OF SECRET BAL-
2 LOT.—The voting system shall not pre-
3 serve the voter-verified paper records in
4 any manner that makes it possible, at any
5 time after the vote has been cast, to asso-
6 ciate a voter with the record of the voter’s
7 vote.

8 “(B) DURABILITY AND READABILITY RE-
9 QUIREMENTS.—

10 “(i) DURABILITY REQUIREMENTS.—
11 The individual, durable, voter-verified
12 paper record produced in accordance with
13 subparagraph (A) shall be marked, print-
14 ed, or recorded on durable paper capable
15 of withstanding multiple counts and re-
16 counts without compromising the funda-
17 mental integrity of the records, and capa-
18 ble of retaining the information marked,
19 printed, or recorded on them for the full
20 duration of a retention and preservation
21 period of 2 years.

22 “(ii) READABILITY REQUIREMENTS
23 FOR MACHINE-MARKED OR PRINTED
24 VOTER-VERIFIED PAPER RECORDS.—All
25 voter-verified paper records marked or

1 printed through the use of a marking or
2 printing device shall be clearly readable by
3 both the voter and by a scanner or other
4 device equipped for voters with disabilities
5 and for voters who are language minorities
6 described in section 203 of the Voting
7 Rights Act of 1965.

8 “(C) PRESERVATION.—The individual, du-
9 rable, voter-verified paper record produced in
10 accordance with subparagraph (A) shall be used
11 as the official ballot for purposes of any recount
12 or audit conducted with respect to any election
13 for Federal office in which the voting system is
14 used and shall be preserved in the following
15 manner:

16 “(i) In the case of votes cast at the
17 polling place on the date of the election,
18 within the polling place in the manner or
19 method in which paper ballots are pre-
20 served within such polling place.

21 “(ii) In any other case, including any
22 case where no such manner or method has
23 been established under clause (i), in the
24 manner or method which is consistent with

1 the manner employed by the jurisdiction
2 for preserving paper ballots in general.

3 “(D) MANUAL AUDIT CAPACITY.—Each
4 paper record produced pursuant to subpara-
5 graph (A) shall be suitable for a manual audit
6 equivalent to that of a paper ballot voting sys-
7 tem, and shall be counted in any recount or
8 audit conducted with respect to any election for
9 Federal office.

10 “(E) INCONSISTENCIES BETWEEN
11 RECORDS AND ELECTRONIC VOTE TALLIES.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), in the event of any inconsistencies or
14 irregularities between any electronic vote
15 tallies and the vote tallies determined by
16 counting by hand the individual, durable,
17 voter-verified paper records produced pur-
18 suant to subparagraph (A), the individual,
19 durable, voter-verified paper records shall
20 be the true and correct record of the votes
21 cast.

22 “(ii) SPECIAL RULE FOR TREATMENT
23 OF DISPUTES WHEN VOTER-VERIFIED
24 PAPER RECORDS HAVE BEEN SHOWN TO
25 BE COMPROMISED.—If, with respect to any

1 recount, audit, or contest proceeding with
2 respect to an election for Federal office—

3 “(I) there is any inconsistency
4 between any electronic vote tallies and
5 the vote tallies determined by count-
6 ing by hand the individual, durable,
7 voter-verified paper records produced
8 pursuant to subparagraph (A); and

9 “(II) it is determined that a suf-
10 ficient number of voter-verified paper
11 records were compromised (by damage
12 or mischief or otherwise) before the
13 start of such recount, audit, or con-
14 test proceeding such that the result of
15 the election would be changed,

16 the electronic vote tallies in the precincts
17 in which voter-verified paper records were
18 compromised may, to the extent provided
19 under State law, be taken into consider-
20 ation as a factor, but not the only factor,
21 in determining the true and correct count
22 of the votes.”.

23 (B) CONFORMING AMENDMENTS.—Section
24 301(a)(1) of such Act (42 U.S.C. 15481(a)(1))
25 is amended—

1 (i) in subparagraph (A)(i), by striking
2 “counted” and inserting “counted, in ac-
3 cordance with paragraph (2)(A)(i)”;

4 (ii) in subparagraph (A)(ii), by strik-
5 ing “counted” and inserting “counted, in
6 accordance with paragraph (2)(A)(ii)”;

7 (iii) in subparagraph (A)(iii)(III), by
8 striking “counted” and inserting “counted,
9 in accordance with paragraph (2)”.

10 (C) SPECIAL CERTIFICATION OF VOTER-
11 VERIFIED PAPER RECORD DURABILITY AND
12 READABILITY REQUIREMENTS FOR STATES NOT
13 CURRENTLY USING VOTER-VERIFIED PAPER
14 RECORDS.—If any of the voting systems used in
15 a State for the regularly scheduled 2008 gen-
16 eral elections for Federal office did not operate
17 by having voters cast votes on paper ballots or
18 otherwise produce or use a voter-verified paper
19 record, the State shall certify to the Election
20 Assistance Commission not later than July 1,
21 2009, that the State will be in compliance with
22 the requirements of section 301(a)(2)(B) of the
23 Help America Vote of 2002, as added by sub-
24 paragraph (A), in accordance with the deadline
25 established under this Act, and shall include in

1 the certification the methods by which the State
2 will meet the requirements.

3 (2) ACCESSIBILITY AND VOTE VERIFICATION
4 FOR INDIVIDUALS WITH DISABILITIES.—

5 (A) MODIFICATION OF ACCESSIBILITY RE-
6 QUIREMENT.—

7 (i) IN GENERAL.—Section
8 301(a)(3)(B) of such Act (42 U.S.C.
9 15481(a)(3)(B)) is amended to read as fol-
10 lows:

11 “(B)(i) satisfy the requirement of subpara-
12 graph (A) through the use of at least one voting
13 system equipped for individuals with disabilities
14 at each polling place; and

15 “(ii) meet the requirements of subpara-
16 graph (A) and paragraph (2)(A) by using a sys-
17 tem that—

18 “(I) allows the voter to privately and
19 independently verify the individual, dura-
20 ble, voter-verified paper record produced in
21 accordance with paragraph (2)(A) through
22 the conversion of the human-readable
23 printed vote selections into accessible form;

24 “(II) ensures that the entire process,
25 including vote verification and vote casting,

1 is equipped for individuals with disabilities;
2 and

3 “(III) does not preclude the supple-
4 mentary use of Braille or tactile ballots;
5 and”.

6 (ii) CONFORMING AMENDMENT.—Sec-
7 tion 301(a)(3)(C) of such Act (42 U.S.C.
8 15481(a)(3)(C)) is amended by striking
9 “January 1, 2007” and inserting “Janu-
10 ary 1, 2010”.

11 (B) SPECIFIC REQUIREMENT OF STUDY,
12 TESTING, AND DEVELOPMENT OF ACCESSIBLE
13 VOTE VERIFICATION MECHANISMS.—

14 (i) STUDY AND REPORTING.—Subtitle
15 C of title II of such Act (42 U.S.C. 15381
16 et seq.) is amended—

17 (I) by redesignating section 247
18 as section 248; and

19 (II) by inserting after section
20 246 the following new section:

21 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE VOTE**
22 **VERIFICATION MECHANISMS.**

23 “(a) STUDY AND REPORT.—The Commission shall
24 study, test, and develop best practices to enhance the ac-
25 cessibility of vote verification mechanisms for individuals

1 with disabilities, for language minorities described in sec-
2 tion 203 of the Voting Rights Act of 1965, and for individ-
3 uals with difficulties in literacy, including best practices
4 for the mechanisms themselves and the processes through
5 which the mechanisms are used. In carrying out this sec-
6 tion, the Commission shall specifically investigate existing
7 and potential methods or devices that will assist such indi-
8 viduals in creating voter-verified paper records and in pre-
9 senting or transmitting the information printed or marked
10 on such records back to such individuals for purposes of
11 verification.

12 “(b) COORDINATION WITH GRANTS FOR TECH-
13 NOLOGY IMPROVEMENTS.—The Commission shall coordi-
14 nate the study conducted under subsection (a) with the
15 research conducted under the grant program under section
16 271 to the extent that the Commission determines nec-
17 essary to provide for the uniform advancement of acces-
18 sible voting technology.

19 “(c) DEADLINE.—The Commission shall complete the
20 requirements of subsection (a) not later than January 1,
21 2010.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out subsection
24 (a) \$1,000,000, to remain available until expended.”.

1 (ii) CLERICAL AMENDMENT.—The
2 table of contents of such Act is amended—

3 (I) by redesignating the item re-
4 lating to section 247 as relating to
5 section 248; and

6 (II) by inserting after the item
7 relating to section 246 the following
8 new item:

“Sec. 247. Study and report on accessible voter verification mechanisms.”.

9 (C) CLARIFICATION OF ACCESSIBILITY
10 STANDARDS UNDER VOLUNTARY VOTING SYS-
11 TEM GUIDANCE.—In adopting any voluntary
12 guidance under subtitle B of title III of the
13 Help America Vote Act of 2002 with respect to
14 the accessibility of the vote verification require-
15 ments under section 301(a)(2)(A)(ii) of such
16 Act for individuals with disabilities, the Election
17 Assistance Commission shall include and apply
18 the same accessibility standards applicable
19 under the voluntary guidance adopted for acces-
20 sible voting systems under such subtitle.

21 (3) MODIFICATION OF ALTERNATIVE LANGUAGE
22 ACCESSIBILITY REQUIREMENTS.—Paragraph (4) of
23 section 301(a) of such Act (42 U.S.C. 15481(a)) is
24 amended to read as follows:

1 “(4) ALTERNATIVE LANGUAGE ACCESSI-
 2 BILITY.—The voting system (including the indi-
 3 vidual, durable, voter-verified paper record produced
 4 under paragraph (2))—

5 “(A) shall provide alternative language ac-
 6 cessibility to individuals who are language mi-
 7 norities described in section 203 of the Voting
 8 Rights Act of 1965 in a manner that provides
 9 the same opportunity for access, participation,
 10 and private and independent inspection and
 11 verification as for other voters; and

12 “(B) shall be subject to the requirements
 13 of section 203 of the Voting Rights Act of 1965
 14 to the extent such section is applicable to the
 15 State or jurisdiction in which such voting sys-
 16 tem used or in which such record is produced.”.

17 (4) REQUIREMENT FOR RESIDUAL VOTE
 18 BENCHMARK.—Section 301(a)(5) of such Act (42
 19 U.S.C. 15481(a)(5)) is amended to read as follows:

20 “(A) IN GENERAL.—The error rate of the
 21 voting system in counting votes (determined by
 22 taking into account only those errors which are
 23 attributable to the voting system and not attrib-
 24 utable to an act of the voter) shall not exceed
 25 the error rate standards established under the

1 voting systems standards issued and maintained
2 by the Commission.

3 “(B) RESIDUAL BALLOT PERFORMANCE
4 BENCHMARK.—In addition to the error rate
5 standards described in subparagraph (A), the
6 Commission shall issue and maintain a uniform
7 benchmark for the residual vote error rate that
8 States may not exceed. For purposes of the pre-
9 ceding sentence, the residual vote error rate
10 shall be equal to the combination of overvotes,
11 spoiled or uncountable votes, and undervotes
12 cast in all Federal election contents on the bal-
13 lot, but excluding an estimate, based upon the
14 best available research, of intentional under-
15 votes. The Commission shall base the bench-
16 mark issued and maintained under this sub-
17 paragraph on evidence of best practices in rep-
18 resentative jurisdictions.

19 “(C) HISTORICALLY HIGH INTENTIONAL
20 UNDERVOTES.—

21 “(i) FINDING.—Congress finds that
22 there are certain distinct communities in
23 certain geographic areas that have histori-
24 cally high rates of intentional undervoting

1 in elections for Federal office, relative to
2 the rest of the Nation.

3 “(ii) TREATMENT OF CERTAIN DIS-
4 TINCT COMMUNITIES.—In establishing the
5 benchmark described in subparagraph (B),
6 the Commission shall—

7 “(I) study and report to Con-
8 gress on the occurrences of distinct
9 communities that have significantly
10 higher than average rates of historical
11 intentional undervoting; and

12 “(II) promulgate for local juris-
13 dictions in which that distinct commu-
14 nity has a substantial presence either
15 a separate benchmark or an exclusion
16 from the national benchmark, as ap-
17 propriate.”.

18 (b) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

19 (1) IN GENERAL.—Section 301(a) of such Act
20 (42 U.S.C. 15481(a)) is amended by adding at the
21 end the following new paragraphs:

22 “(7) CERTIFICATION AND DISCLOSURE OF
23 SOFTWARE.—

24 “(A) CERTIFICATION.—

1 “(i) IN GENERAL.—No voting system
2 shall at any time contain or use any soft-
3 ware which has not been certified—

4 “(I) in the case of systems used
5 in Federal elections before January 1,
6 2010, by the Commission or by the
7 State under section 231; and

8 “(II) in the case of systems used
9 in Federal elections on and after Jan-
10 uary 1, 2010, by the Commission
11 under section 231.

12 “(ii) EMERGENCY SOFTWARE CER-
13 TIFICATION.—The Commission shall estab-
14 lish guidelines for the expedited and secure
15 certification of any software additions or
16 patches to existing voting systems—

17 “(I) that are necessary for the
18 secure and accurate counting of voter-
19 verified paper records; and

20 “(II) the certification of which
21 cannot be completed through the ordi-
22 nary certification process in adequate
23 time to allow the secure and accurate
24 use of the voting system in the next
25 election for Federal office.

1 “(iii) EXCEPTION.—The Commission
2 may exempt commercial off-the-shelf soft-
3 ware that is not election-dedicated software
4 from the certification requirements of this
5 subparagraph if the Commission deter-
6 mines such an exemption is appropriate.

7 “(B) DISCLOSURE.—

8 “(i) DISCLOSURE OF ELECTION-DEDI-
9 CATED SOFTWARE.—

10 “(I) IN GENERAL.—No voting
11 system shall at any time contain or
12 use any election-dedicated software
13 unless such software has been dis-
14 closed as provided under subclause
15 (II).

16 “(II) DISCLOSURE.—Software
17 disclosed under this clause shall be
18 disclosed to the Commission and to
19 any State using such voting system in
20 electronic form and shall include such
21 information as necessary to assess the
22 integrity and efficacy of such soft-
23 ware.

24 “(ii) DISCLOSURE OF OTHER SOFT-
25 WARE.—No voting system shall at any

1 time contain or use any software other
2 than election-dedicated software unless the
3 manufacturer of such software discloses in
4 electronic form such information as the
5 Commission determines appropriate to the
6 Commission, the National Institute of
7 Standards and Technology, and the Chief
8 State election official of any State using
9 such voting system.

10 “(iii) STORAGE OF SOFTWARE.—The
11 Commission shall transmit the information
12 disclosed under clauses (i) and (ii) to an
13 entity selected by the National Institute of
14 Standards and Technology for the purpose
15 of holding such information.

16 “(iv) USE OF INFORMATION.—

17 “(I) IN GENERAL.—Information
18 disclosed under this subparagraph
19 may not be provided to any person ex-
20 cept as provided in this clause.

21 “(II) DISCLOSURE TO GOVERN-
22 MENTAL ENTITIES.—Information dis-
23 closed under this subparagraph may
24 be provided to the Commission, the
25 National Institute of Standards and

1 Technology, the Chief State election
2 official of any State using such elec-
3 tronic voting software in an voting
4 system, or any other Federal or State
5 governmental entity responsible for
6 the administration or enforcement of
7 election laws, but only for the pur-
8 poses of administering or enforcing
9 election laws, or for review, analysis,
10 and reporting as provided in clause
11 (v).

12 “(III) DISCLOSURE TO PARTIES
13 IN LITIGATION.—Information dis-
14 closed under this subparagraph may
15 be provided to a party involved in liti-
16 gation with respect to an election in
17 which such electronic voting software
18 is used, but only if such information
19 is disclosed to all parties involved in
20 such litigation and only to the extent
21 necessary for the review and analysis
22 of such information (as provided in
23 clause (v)) for use in such litigation.

24 “(IV) DISCLOSURE TO OTHER
25 PERSONS.—Information disclosed

1 under this subparagraph may be pro-
2 vided to independent technical experts
3 and other persons and entities con-
4 sistent with standards established by
5 the Commission, but only for purposes
6 of reviewing, analyzing, and reporting
7 on the operation of such software as
8 provided in clause (v).

9 “(v) SCOPE OF REVIEW, ANALYSES,
10 AND REPORTING.—The review, analysis,
11 and reporting of software permitted under
12 clause (iv) may only consist of the fol-
13 lowing:

14 “(I) In the case of election-dedi-
15 cated software, performing review and
16 analyses of the software, disclosing re-
17 ports and analyses that describe oper-
18 ational issues (including
19 vulnerabilities to tampering, errors,
20 risks associated with use, failures as a
21 result of use, and other operational
22 issues), and describing or explaining
23 why or how a voting system failed or
24 otherwise did not perform as in-
25 tended, but only if the information

1 published does not compromise the in-
2 tegrity of the software or result in the
3 disclosure of trade secrets or other
4 confidential commercial information,
5 or violate intellectual property rights
6 in such software.

7 “(II) In the case of software
8 other than election-dedicated software,
9 performing review and analyses of the
10 software, and issuing reports that de-
11 scribe operational issues, but only if
12 the information published does not
13 compromise the integrity of the soft-
14 ware or result in the disclosure of
15 trade secrets or other confidential
16 commercial information, or violate in-
17 tellectual property rights in such soft-
18 ware.

19 “(vi) PROTECTION OF INFORMATION
20 PROVIDED THROUGH DISCLOSURE.—Any
21 recipient of information disclosed under
22 this subparagraph—

23 “(I) shall not compromise the in-
24 tegrity of the software with respect to
25 which such information relates;

1 “(II) shall not disclose any trade
2 secrets or other confidential commer-
3 cial information with respect to such
4 software; and

5 “(III) shall not violate any intel-
6 lectual property rights in such soft-
7 ware.

8 The Commission shall develop a process
9 with manufacturers and holders of intellec-
10 tual property to ensure compliance with
11 the requirements of this clause.

12 “(C) ELECTION-DEDICATED SOFTWARE.—
13 For purposes of this paragraph, the term ‘elec-
14 tion-dedicated software’ means software that—

15 “(i) is specifically designed for use
16 primarily in a voting system; or

17 “(ii) has been specifically modified for
18 use primarily in a voting system, but only
19 to the extent of such modification.

20 “(8) PROHIBITION OF USE OF WIRELESS COM-
21 MUNICATIONS DEVICES IN VOTING SYSTEMS.—

22 “(A) IN GENERAL.—No voting system
23 shall contain, use, or be accessible by any wire-
24 less, power-line, or concealed communication de-
25 vice.

1 “(B) EXCEPTION FOR CERTAIN SYSTEMS
2 USING INFRARED TECHNOLOGY.—Subpara-
3 graph (A) shall not apply to a voting system
4 that uses software which is loaded using solely
5 infrared technology if the infrared technology is
6 certified as part of the voting system.

7 “(9) PROHIBITING CONNECTION OF SYSTEM OR
8 TRANSMISSION OF SYSTEM INFORMATION OVER THE
9 INTERNET.—No component of any voting device
10 upon which votes are cast shall be connected to the
11 Internet at any time. Nothing in this section shall
12 be construed to prohibit any study on Internet vot-
13 ing required under this Act or any other provision
14 of law.

15 “(10) SECURITY STANDARDS FOR VOTING SYS-
16 TEMS USED IN FEDERAL ELECTIONS.—

17 “(A) IN GENERAL.—No voting system may
18 be used in an election for Federal office unless
19 the manufacturer of such system and the elec-
20 tion officials using such system meet the appli-
21 cable requirements described in subparagraph
22 (B).

23 “(B) REQUIREMENTS DESCRIBED.—The
24 requirements described in this subparagraph
25 are as follows:

1 “(i) The chain of custody for the han-
2 dling of all software, hardware, vote stor-
3 age media, ballots, and voter-verified paper
4 records used in connection with voting sys-
5 tems is documented by State election offi-
6 cials, under standards developed by the
7 State, and made available to the Commis-
8 sion upon request.

9 “(ii) The manufacturer discloses to
10 the Commission and to the appropriate
11 election official any software or other infor-
12 mation required to be disclosed under
13 paragraph (7)(B).

14 “(iii) Except as provided in paragraph
15 (7)(A)(ii), after the voting system software
16 has been certified for use in an election,
17 the manufacturer may not—

18 “(I) alter such software; or

19 “(II) insert or use in the voting
20 system any software not certified for
21 use in the election.

22 “(iv) At the request of the Commis-
23 sion, the appropriate election official sub-
24 mits information to the Commission re-

1 garding the State’s compliance with this
2 subparagraph.

3 “(11) USE OF EMERGENCY PAPER BALLOTS IN
4 CASE OF SYSTEM OR EQUIPMENT FAILURE.—

5 “(A) IN GENERAL.—In the event of the
6 failure of voting equipment or other cir-
7 cumstance at a polling place that causes a sig-
8 nificant disruption of the voting process for vot-
9 ers, any individual who is waiting at the polling
10 place to cast a ballot in an election for Federal
11 office shall be advised immediately of the indi-
12 vidual’s right to use an emergency paper ballot,
13 and upon request shall be provided with an
14 emergency paper ballot for the election and the
15 supplies necessary to mark the ballot.

16 “(B) DURABILITY OF EMERGENCY PAPER
17 BALLOTS.—Any emergency paper ballot used in
18 a Federal election shall be marked on durable
19 paper capable of withstanding multiple counts
20 and recounts without compromising the funda-
21 mental integrity of the ballot, and capable of re-
22 taining the information marked on it for the
23 full duration of a retention and preservation pe-
24 riod of 2 years.

1 “(C) COUNTING OF EMERGENCY PAPER
2 BALLOTS.—Any emergency paper ballot which
3 is cast by an individual under subparagraph (A)
4 shall be counted and otherwise treated as a reg-
5 ular ballot and not as a provisional ballot, un-
6 less the individual casting the ballot would have
7 otherwise been required to cast a provisional
8 ballot if the voting equipment at the polling
9 place had not failed.

10 “(D) POSTING OF NOTICE.—The appro-
11 priate election official shall ensure that at each
12 polling place a notice is displayed prominently
13 which describes the right of an individual under
14 this paragraph to be provided with a paper bal-
15 lot for voting in the election.”.

16 (2) CONFORMING AMENDMENT.—

17 (A) IN GENERAL.—Section 231(a)(2) of
18 such Act (42 U.S.C. 15371(a)(2)), as amended
19 by subsection (c)(2)(B), is amended by striking
20 “and software”.

21 (B) EFFECTIVE DATE.—The amendment
22 made by subparagraph (A) shall take effect on
23 January 1, 2010.

24 (c) REQUIRING LABORATORIES TO MEET STAND-
25 ARDS PROHIBITING CONFLICTS OF INTEREST AS A CON-

1 DITION OF ACCREDITATION FOR TESTING OF VOTING
2 SYSTEM HARDWARE AND SOFTWARE.—

3 (1) IN GENERAL.—Section 231(b) of such Act
4 (42 U.S.C. 15371(b)) is amended by adding at the
5 end the following new paragraphs:

6 “(3) PROHIBITING CONFLICTS OF INTEREST;
7 ENSURING AVAILABILITY OF RESULTS.—

8 “(A) IN GENERAL.—A laboratory may not
9 be accredited by the Commission for purposes
10 of this section unless—

11 “(i) the laboratory certifies that the
12 only compensation it receives for the test-
13 ing carried out in connection with the cer-
14 tification, decertification, and recertifi-
15 cation of the manufacturer’s voting system
16 hardware and software is the payment
17 made from the Testing Escrow Account
18 under paragraph (4);

19 “(ii) the laboratory meets such stand-
20 ards as the Commission shall establish
21 (after notice and opportunity for public
22 comment) to prevent the existence or ap-
23 pearance of any conflict of interest in the
24 testing carried out by the laboratory under
25 this section, including standards to ensure

1 that the laboratory does not have a finan-
 2 cial interest in the manufacture, sale, and
 3 distribution of voting system hardware and
 4 software, and is sufficiently independent
 5 from other persons with such an interest;

6 “(iii) the laboratory certifies that it
 7 will permit an expert designated by the
 8 Commission to observe any testing the lab-
 9 oratory carries out under this section; and

10 “(iv) the laboratory, upon completion
 11 of any testing carried out under this sec-
 12 tion, discloses the test protocols, results,
 13 and all communication between the labora-
 14 tory and the manufacturer to the Commis-
 15 sion.

16 “(B) AVAILABILITY OF RESULTS.—Upon
 17 receipt of information under subparagraph (A),
 18 the Commission shall make the information
 19 available promptly to election officials and the
 20 public.

21 “(4) PROCEDURES FOR CONDUCTING TESTING;
 22 PAYMENT OF USER FEES FOR COMPENSATION OF
 23 ACCREDITED LABORATORIES.—

24 “(A) ESTABLISHMENT OF ESCROW AC-
 25 COUNT.—The Commission shall establish an es-

1 crow account (to be known as the ‘Testing Es-
2 crow Account’) for making payments to accred-
3 ited laboratories for the costs of testing carried
4 out in connection with the certification, decerti-
5 fication, and recertification of voting system
6 hardware and software.

7 “(B) SCHEDULE OF FEES.—In consulta-
8 tion with the accredited laboratories, the Com-
9 mission shall establish and regularly update a
10 schedule of fees for testing carried out in con-
11 nection with the certification, decertification,
12 and recertification of voting system hardware
13 and software, based on the reasonable costs ex-
14 pected to be incurred by the accredited labora-
15 tories in carrying out such testing for various
16 types of hardware and software.

17 “(C) REQUESTS AND PAYMENTS BY MANU-
18 FACTURERS.—A manufacturer of voting system
19 hardware and software may not have the hard-
20 ware or software tested by an accredited labora-
21 tory under this section unless—

22 “(i) the manufacturer submits a de-
23 tailed request for the testing to the Com-
24 mission; and

1 “(ii) the manufacturer pays to the
2 Commission, for deposit into the Testing
3 Escrow Account established under sub-
4 paragraph (A), the applicable fee under the
5 schedule established and in effect under
6 subparagraph (B).

7 “(D) SELECTION OF LABORATORY.—Upon
8 receiving a request for testing and the payment
9 from a manufacturer required under subpara-
10 graph (C), the Commission shall select at ran-
11 dom, from all laboratories which are accredited
12 under this section to carry out the specific test-
13 ing requested by the manufacturer, an accred-
14 ited laboratory to carry out the testing.

15 “(E) PAYMENTS TO LABORATORIES.—
16 Upon receiving a certification from a laboratory
17 selected to carry out testing pursuant to sub-
18 paragraph (D) that testing is completed, along
19 with a copy of the results of the test as re-
20 quired under paragraph (3)(A)(iv), the Com-
21 mission shall make a payment to the laboratory
22 from the Testing Escrow Account established
23 under subparagraph (A) in an amount equal to
24 the applicable fee paid by the manufacturer
25 under subparagraph (C)(ii).

1 “(5) DISSEMINATION OF ADDITIONAL INFORMA-
2 TION ON ACCREDITED LABORATORIES.—

3 “(A) INFORMATION ON TESTING.—Upon
4 completion of the testing of a voting system
5 under this section, the Commission shall
6 promptly disseminate to the public the identi-
7 fication of the laboratory which carried out the
8 testing.

9 “(B) LABORATORIES WITH ACCREDITA-
10 TION REVOKED OR SUSPENDED.—If the Com-
11 mission revokes, terminates, or suspends the ac-
12 creditation of a laboratory under this section, or
13 if the Commission has credible evidence of sig-
14 nificant security failures at accredited labora-
15 tories, the Commission shall promptly notify
16 Congress, the chief State election official of
17 each State, and the public.”.

18 (2) CONFORMING AMENDMENTS.—Section 231
19 of such Act (42 U.S.C. 15371) is further amended—

20 (A) in subsection (a)(1), by striking “test-
21 ing, certification,” and all that follows and in-
22 serting the following: “testing of voting system
23 hardware and software by accredited labora-
24 tories in connection with the certification, de-

1 certification, and recertification of the hardware
2 and software for purposes of this Act.”;

3 (B) in subsection (a)(2), by striking “test-
4 ing, certification,” and all that follows and in-
5 serting the following: “testing of its voting sys-
6 tem hardware and software by the laboratories
7 accredited by the Commission under this section
8 in connection with certifying, decertifying, and
9 recertifying such hardware.”;

10 (C) in subsection (b)(1), by striking “test-
11 ing, certification, decertification, and recertifi-
12 cation” and inserting “testing”; and

13 (D) in subsection (d), by striking “testing,
14 certification, decertification, and recertification”
15 each place it appears and inserting “testing”.

16 (3) DEADLINE FOR ESTABLISHMENT OF
17 STANDARDS AND ESCROW ACCOUNT.—The Election
18 Assistance Commission shall establish the standards
19 described in section 231(b)(3) of the Help America
20 Vote Act of 2002 and the Testing Escrow Account
21 described in section 231(b)(4) of such Act (as added
22 by subparagraph (A)) not later than January 1,
23 2008.

1 (d) EFFECTIVE DATE FOR NEW REQUIREMENTS.—
2 Section 301(e) of such Act (42 U.S.C. 15481(d)), as re-
3 designated by section 101, is amended to read as follows:

4 “(e) EFFECTIVE DATE.—

5 “(1) IN GENERAL.—Except as provided in this
6 subsection, each State and jurisdiction shall be re-
7 quired to comply with the requirements of this sec-
8 tion on and after January 1, 2006.

9 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
10 MENTS.—Each State and jurisdiction shall be re-
11 quired to comply with the requirements of para-
12 graphs (7), (8), (9), and (10) of subsection (a) on
13 and after January 1, 2008.

14 “(3) EMERGENCY PAPER BALLOTS.—Each
15 State and jurisdiction shall be required to comply
16 with the requirements of subsection (a)(11) with re-
17 spect to the regularly scheduled general election for
18 Federal office held in November 2008 and each suc-
19 ceeding election for Federal office.

20 “(4) VOTE VERIFICATION AND AUDIT CAPACITY
21 REQUIREMENTS.—Each State and jurisdiction shall
22 be required to comply with the requirements of this
23 section which are first imposed pursuant to the
24 amendments made by section 201(a) of the Ballot

1 Integrity Act of 2007 on and after January 1,
2 2010.”.

3 **SEC. 202. REQUIREMENT FOR MANDATORY MANUAL AU-**
4 **DITS.**

5 (a) MANDATORY MANUAL AUDITS.—

6 (1) IN GENERAL.—Subtitle A of title III of the
7 Help America Vote Act of 2002 (42 U.S.C. 15481
8 et seq.) is amended by redesignating sections 304
9 and 305 as sections 305 and 306, respectively, and
10 by inserting after section 303 the following new sec-
11 tion:

12 **“SEC. 304. MANDATORY ELECTION AUDITS.**

13 **“(a) STATE GUIDELINES.—**

14 **“(1) IN GENERAL.—**Not later than 90 days be-
15 fore the date of each regularly scheduled general
16 election for Federal office, each State shall establish
17 guidelines and standards for local jurisdictions to
18 utilize in conducting audits under this section.

19 **“(2) CONSIDERATION OF MODEL GUIDE-**
20 **LINES.—**In adopting the State guidelines and stand-
21 ards under paragraph (1), the State shall consider
22 the model audit guidelines established under part 4
23 of subtitle A of title II.

1 “(b) AUDITS.—Each State shall require an audit of
2 results for elections for Federal office that meets the fol-
3 lowing minimum requirements:

4 “(1) The audit shall be conducted—

5 “(A) at the same time as the official can-
6 vass of each Federal election; and

7 “(B) in a public and transparent manner,
8 such that members of the public are able to ob-
9 serve the entire process.

10 “(2) The audit shall be of not less than 2 per-
11 cent of precincts in the State.

12 “(3) The State shall select the precincts audited
13 under this section in a random manner following the
14 election.

15 “(4) In the case of any State which uses elec-
16 tronic voting systems, the audit shall compare the
17 vote tallies from the hand count of the individual,
18 durable, voter-verified paper records produced under
19 section 301(a)(2)(A) with electronic vote tallies.

20 “(c) COMPLETION OF AUDITS; COLLECTION OF
21 AUDIT RESULTS; PUBLICATION.—

22 “(1) STATE SUBMISSION OF REPORT.—Each
23 State shall submit to the Commission a report, in
24 such form as the Commission may require, on the
25 results of the audit conducted under this section.

1 “(2) COMMISSION ACTION.—The Commission
2 may request additional information from each State
3 based on the results of the audit conducted under
4 this section.

5 “(3) PUBLICATION.—The Commission shall
6 publish each report submitted under paragraph (1)
7 upon receipt.

8 “(d) DELAY IN CERTIFICATION OF RESULTS BY
9 STATE.—No State may certify the results of any election
10 which is subject to an audit under this section prior to
11 the completion of the audit and the submission of the re-
12 sults of the audit to the Commission.

13 “(e) EFFECTIVE DATE.—Each State shall be re-
14 quired to comply with the requirements of this section on
15 and after January 1, 2010.”.

16 (2) AVAILABILITY OF ENFORCEMENT UNDER
17 HELP AMERICA VOTE ACT OF 2002.—Section 401 of
18 such Act (42 U.S.C. 15511) is amended by striking
19 “and 303” and inserting “303, and 304”.

20 (3) CLERICAL AMENDMENT.—The table of con-
21 tents of the Help America Vote Act of 2002 is
22 amended by striking the items relating to sections
23 304 and 305 and inserting the following:

“Sec. 304. Mandatory election audits.

“Sec. 305. Minimum requirements.

“Sec. 306. Methods of implementation left to discretion of State.”.

24 (b) COMMISSION GUIDANCE.—

1 (1) IN GENERAL.—Subtitle A of title II of the
2 Help America Vote Act of 2002 (42 U.S.C. 15321
3 et seq.) is amended by adding at the end the fol-
4 lowing new part:

5 **“PART 4—MODEL AUDIT GUIDELINES.**

6 **“SEC. 223. AUDIT GUIDELINES DEVELOPMENT TASK FORCE.**

7 “(a) ESTABLISHMENT.—The Commission shall es-
8 tablish an Audit Guidelines Development Task Force
9 (hereafter in this part referred to as the ‘Task Force’).

10 “(b) MEMBERSHIP.—

11 “(1) IN GENERAL.—The Task Force shall be
12 composed of individuals who are experts in the fields
13 of election audits, recounts, computer technology,
14 and election management. The composition of the
15 Task Force shall (to the extent possible) reflect the
16 demographic composition of the voting age popu-
17 lation of the United States.

18 “(2) CONSULTATION.—The Commission shall
19 consult with the Technical Guidelines Development
20 Committee on—

21 “(A) the composition of the Task Force;

22 and

23 “(B) the appointment of members to the
24 Task Force.

25 “(c) DUTIES.—

1 “(1) IN GENERAL.—The Task Force shall as-
2 sist the Commission in developing model audit
3 guidelines for administrative and procedural prac-
4 tices to ensure efficient, transparent, and accurate
5 audits and recounts of ballots cast in Federal elec-
6 tions.

7 “(2) DEADLINE FOR INITIAL SET OF REC-
8 COMMENDATIONS.—The Task Force shall provide its
9 first set of recommendations under this section to
10 the Executive Director of the Commission not later
11 than 10 months after the Task Force is established.

12 “(d) CONSIDERATIONS.—In developing the model
13 audit guidelines under subsection (c), the Task Force shall
14 consider—

15 “(1) the time, place, and manner of developing
16 audit procedures;

17 “(2) processes for completing manual audits of
18 voter-verified paper records and comparing such
19 records with any electronic tallies;

20 “(3) the timing of starting and completing
21 audit functions;

22 “(4) the cost and burden on local election offi-
23 cials of conducting an audit; and

24 “(5) the personnel and management require-
25 ments of conducting audits.

1 “(e) PUBLICATION OF REPORT.—The Task Force
2 shall make its recommendations to the Commission public
3 upon delivering them to the Commission.

4 **“SEC. 224. PROCESS FOR ADOPTION.**

5 “The Commission shall provide for publication of the
6 recommendations from the Task Force, an opportunity for
7 public comment on the proposed model audit guidelines,
8 and an opportunity for a public hearing on the record.
9 Final model audit guidelines shall be adopted by the Com-
10 mission after a majority vote of the members of the Com-
11 mission.”.

12 (2) TECHNICAL AMENDMENT.—Section 202 of
13 such Act (42 U.S.C. 15322) is amended by striking
14 “and” at the end of paragraph (5), by striking the
15 period at the end of paragraph (6) and inserting “;
16 and”, and by adding at the end the following new
17 paragraph:

18 “(7) carrying out the duties described in part 4
19 (relating to the adoption of model audit guidelines),
20 including the maintenance of a clearinghouse of in-
21 formation on the experiences of State and local gov-
22 ernments in implementing the guidelines and in con-
23 ducting audits in general.”.

1 (3) CLERICAL AMENDMENT.—The table of con-
 2 tents of such Act is amended by inserting after the
 3 item relating to section 222 the following:

“PART 4—MODEL AUDIT GUIDELINES

“Sec. 223. Audit Guidelines Development Task Force.

“Sec. 224. Process for adoption.”.

4 **TITLE III—IMPROVING FEDERAL**
 5 **ELECTIONS**

6 **Subtitle A—Additional Require-**
 7 **ments for Federal Elections**

8 **SEC. 301. ABSENTEE VOTING.**

9 Title III of the Help America Vote Act of 2002 (42
 10 U.S.C. 15481 et seq.) is amended by adding at the end
 11 the following new subtitle:

12 **“Subtitle C—Additional**
 13 **Requirements**

14 **“SEC. 321. ABSENTEE VOTING.**

15 “(a) ABSENTEE VOTING.—Each State shall permit
 16 any person who is otherwise qualified to vote in an election
 17 for Federal office to vote in such election in a manner
 18 other than in person, and shall not impose any additional
 19 conditions or restrictions on absentee voting other than
 20 a reasonable deadline for requesting and returning the bal-
 21 lot.

1 “(b) SUBMISSION AND PROCESSING.—Any ballot cast
2 under subsection (a) shall be submitted and processed in
3 the manner provided for absentee ballots under State law.

4 “(c) EFFECTIVE DATE.—Each State and jurisdiction
5 shall be required to comply with the requirements of this
6 section on and after January 1, 2008.”.

7 **SEC. 302. THIRD-PARTY VOTER REGISTRATION.**

8 Subtitle C of title III of the Help America Vote Act
9 of 2002, as added by this Act, is amended by adding at
10 the end the following new section:

11 **“SEC. 322. ALLOWANCE OF VOTER REGISTRATION ASSIST-**
12 **ANCE.**

13 “(a) IN GENERAL.—No State shall refuse to register
14 an individual to vote on the grounds that such individual’s
15 voter registration application was submitted to the State
16 by a third party.

17 “(b) PROHIBITION ON LIMITING VOTER REGISTRA-
18 TION ACTIVITY.—No State shall—

19 “(1) prohibit any person from assisting individ-
20 uals in obtaining and completing, or from collecting
21 or submitting, mail voter registration forms devel-
22 oped pursuant to sections 6(a)(2) and 9(a)(2) of the
23 National Voter Registration Act of 1993 (42 U.S.C.
24 1973gg-4(a)(2); 1973gg-7(a)(2)) for the purpose of

1 registering those individuals to vote in elections for
2 Federal office; or

3 “(2) impose any burden on such assistance, or
4 on the collection or submission of such mail voter
5 registration forms.

6 “(c) RULE OF CONSTRUCTION.—Nothing in this sub-
7 section shall prevent any State from prohibiting or penal-
8 izing—

9 “(1) the intentional and knowing falsification of
10 voter registration forms;

11 “(2) the intentional and knowing destruction of
12 completed voter registration forms;

13 “(3) the failure to submit completed voter reg-
14 istration forms before a voter registration deadline
15 for an election for Federal office with the specific in-
16 tent of disenfranchising voters; or

17 “(4) the payment of any person to collect voter
18 registration forms based solely on the number of
19 forms collected.”.

20 **SEC. 303. TRAINING OF POLL WORKERS.**

21 (a) TRAINING REQUIREMENT.—Subtitle C of title III
22 of the Help America Vote Act of 2002, as added and
23 amended by this Act, is amended by adding at the end
24 the following new section:

1 **“SEC. 323. INSTRUCTION OF POLL WORKERS.**

2 “(a) INSTRUCTION OF POLL WORKERS.—

3 “(1) ESTABLISHMENT OF PROGRAM.—Each
4 State shall establish a program to ensure uniformity
5 of, and establish minimum standards for, training
6 poll workers.

7 “(2) NONDISCRIMINATORY STANDARDS.—

8 “(A) IN GENERAL.—The standards estab-
9 lished under paragraph (1) shall be nondiscrim-
10 inatory.

11 “(B) EXCEPTION.—Such standards may
12 vary based on the type of voting system used in
13 different locations in the State.

14 “(3) DEVELOPMENT OF CURRICULUM.—The
15 curriculum provided under such a program shall be
16 developed—

17 “(A) in conjunction with election and edu-
18 cation experts; and

19 “(B) taking into consideration guidelines
20 provided by the Commission.

21 “(4) CONTENT OF PROGRAM.—

22 “(A) IN GENERAL.—Under such a pro-
23 gram, each State shall require that all poll
24 workers successfully complete a curriculum
25 under which the individual is trained—

1 “(i) in the applicable laws governing
2 election administration in the State, in-
3 cluding laws governing—

4 “(I) who is eligible to vote;

5 “(II) the rights and responsibil-
6 ities of voters;

7 “(III) the casting and counting
8 of votes;

9 “(IV) the rights of voters with
10 disabilities and of voters who are lan-
11 guage minorities described in section
12 203 of the Voting Rights Act of 1965;

13 “(V) the right of any individual
14 under section 301(a)(1)(A) to verify
15 the ballot and correct any error in a
16 private and independent manner; and

17 “(VI) the right of voters to a
18 provisional ballot; and

19 “(ii) on the use and maintenance of
20 any voting systems (including optical scan
21 voting systems and direct recording elec-
22 tronic voting systems) used for the conduct
23 of Federal elections in the State.

1 “(B) DEVELOPMENT AND DISTRIBUTION
2 OF MANUAL FOR POLL WORKERS.—As part of
3 such curriculum, each State shall—

4 “(i) develop a manual for poll work-
5 ers;

6 “(ii) publish such manual not less
7 than 4 weeks before each election for Fed-
8 eral office; and

9 “(iii) with respect to each election for
10 Federal office—

11 “(I) distribute such manual to all
12 appropriate individuals before such
13 election; and

14 “(II) ensure that all poll workers
15 sign a certification that they have re-
16 ceived and reviewed such manual.

17 “(b) EFFECTIVE DATE.—Each State shall be re-
18 quired to comply with the requirements of this section on
19 and after January 1, 2008.”.

20 **SEC. 304. EQUITABLE ALLOCATION OF VOTING SYSTEMS,**
21 **POLL WORKERS, AND ELECTION RESOURCES.**

22 (a) IN GENERAL.—Subtitle C of title III of the Help
23 America Vote Act of 2002, as added and amended by this
24 Act, is amended by adding at the end the following new
25 section:

1 **“SEC. 324. EQUITABLE ALLOCATION OF VOTING SYSTEMS,**
2 **POLL WORKERS, AND ELECTION RESOURCES.**

3 “(a) IN GENERAL.—Each State shall provide for an
4 equitable number of voting systems, poll workers, and
5 other election resources (including all other physical re-
6 sources) for each voting site on the day of any Federal
7 election and on any days during which such State allows
8 early voting for a Federal election. Such resources shall
9 be adequate to address long lines, delays, technological
10 failures, and other administrative circumstances.

11 “(b) CONSIDERATION AND DEVIATION FROM COM-
12 MISSION BENCHMARK.—

13 “(1) CONSIDERATION.—In providing for an eq-
14 uitable number of voting systems, poll workers, and
15 other election resources in the State under sub-
16 section (a), each State shall consider the benchmark
17 standards established by the Commission under sec-
18 tion 299.

19 “(2) EXPLANATION OF DEVIATIONS.—If the
20 number voting systems, poll workers, and other elec-
21 tion resources provided by a State under subsection
22 (a) materially deviates from the benchmarks stand-
23 ards established by the Commission under section
24 299, the State shall make publicly available a state-
25 ment describing such differences and explaining the
26 reasons for such differences.

1 “(c) VOTING SITE.—For purposes of this section and
 2 section 299, the term ‘voting site’ means a polling loca-
 3 tion, except that in the case of any polling location which
 4 serves more than 1 precinct, such term shall mean a pre-
 5 cinct.

6 “(d) EFFECTIVE DATE.—Each State shall be re-
 7 quired to comply with the requirements of this section on
 8 and after January 1, 2010.”.

9 (b) STANDARDS.—

10 (1) IN GENERAL.—Title II of the Help America
 11 Vote Act of 2002, as amended by this Act, is
 12 amended by adding at the end the following:

13 **“Subtitle E—Guidance and**
 14 **Standards**

15 **“SEC. 299. STANDARDS FOR THE EQUITABLE ALLOCATION**
 16 **OF VOTING SYSTEMS, POLL WORKERS, AND**
 17 **ELECTION RESOURCES.**

18 “(a) IN GENERAL.—

19 “(1) STUDY.—The Commission shall conduct a
 20 study on the equitable distribution of voting systems,
 21 poll workers, and election resources.

22 “(2) STANDARDS.—Not later than January 1,
 23 2009, the Commission shall issue standards based
 24 on the results of the study conducted under para-
 25 graph (1) that establish benchmarks for the dis-

1 tribution of an equitable number of voting systems,
2 poll workers, and other election resources (including
3 all other physical resources) for voting sites on the
4 day of any Federal election and on any days during
5 which early voting is allowed for a Federal election.

6 “(b) DISTRIBUTION.—

7 “(1) IN GENERAL.—The standards described in
8 subsection (a) shall provide for a uniform and non-
9 discriminatory distribution of such systems, workers,
10 and other resources, and, to the extent possible,
11 shall take into account, among other factors—

12 “(A) voting patterns and voter turnout in
13 prior Federal elections, including the differences
14 between presidential elections and other elec-
15 tions;

16 “(B) voter registration counts;

17 “(C) current census data and demographic
18 changes;

19 “(D) the abilities and training of poll
20 workers;

21 “(E) the accessibility of polling locations;
22 and

23 “(F) available assistive voting technologies.

24 “(2) PURPOSE.—To the extent possible, the
25 standards shall provide for a distribution of voting

1 systems, poll workers, and other election resources
2 with the goals of —

3 “(A) ensuring a fair and equitable waiting
4 time for all voters in the State; and

5 “(B) preventing a waiting time of over 1
6 hour at any voting site.”.

7 (2) CONFORMING AMENDMENTS.—

8 (A) Section 202 of the Help America Vote
9 Act of 2002 (42 U.S.C. 15322), as amended by
10 this Act, is amended by redesignating para-
11 graphs (5), (6), and (7) as paragraphs (6), (7),
12 and (8), respectively, and by inserting after
13 paragraph (4) the following new paragraph:

14 “(5) carrying out the duties described in sub-
15 title E.”.

16 (B) The table of contents of the Help
17 America Vote Act of 2002, as amended by this
18 Act, is amended by inserting before the item re-
19 lating to title III the following:

“Subtitle E—Guidance and Standards

“Sec. 299. Standards for the equitable allocation of voting systems, poll work-
ers, and election resources.”.

1 **SEC. 305. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
2 **CHIEF STATE ELECTION OFFICIALS.**

3 Subtitle C of title III of the Help America Vote Act
4 of 2002, as added and amended by this Act, is amended
5 by adding at the end the following new section:

6 **“SEC. 325. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
7 **CHIEF STATE ELECTION OFFICIALS.**

8 “(a) PROHIBITION.—Subject to subsection (c), no
9 chief State election official shall take an active part in po-
10 litical management or in a political campaign with respect
11 to any election for Federal office over which such official
12 has supervisory authority.

13 “(b) ACTIVE PART IN POLITICAL MANAGEMENT OR
14 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
15 litical management or in a political campaign’ means—

16 “(1) serving as a member of an authorized com-
17 mittee of a candidate for Federal office;

18 “(2) making public comments in support of, or
19 opposed to, any candidate for Federal office in an
20 official capacity;

21 “(3) the solicitation, acceptance, or receipt of
22 political contributions from any person on behalf of
23 a candidate for Federal office; and

24 “(4) the sharing of information concerning an
25 official count, recount, or audit with respect to any
26 primary, special, or general election for Federal of-

1 fice with a candidate for such office or with an au-
2 thorized committee of such a candidate, unless the
3 same information is provided to all other candidates
4 for such office in such election.

5 “(c) EXCEPTIONS.—

6 “(1) CHIEF STATE ELECTION OFFICIAL RUN-
7 NING AS CANDIDATE.—In the case of a chief State
8 election official who is a candidate for Federal office,
9 the prohibition under subsection (a) shall not apply
10 with respect to the election for that Federal office.

11 “(2) ATTENDANCE AT POLITICAL CAMPAIGN
12 EVENTS.—Nothing in this section shall be construed
13 to prohibit a chief State election official from serving
14 as a delegate to a national nominating convention of
15 a political party or from attending any political cam-
16 paign event.

17 “(d) EFFECTIVE DATE.—The requirements of this
18 section shall take effect on January 1, 2008.”.

19 **SEC. 306. STANDARDS FOR PURGING VOTERS.**

20 (a) SAFEGUARDS AGAINST ACCIDENTAL RE-
21 MOVAL.—

22 (1) IN GENERAL.—Subparagraph (B) of section
23 303(a)(4) of the Help America Vote Act of 2002 (42
24 U.S.C. 15483(a)(4)) is amended to read as follows:

1 “(B) SAFEGUARDS.—Uniform and non-
2 discriminatory procedures that—

3 “(i) ensure that no voter is erro-
4 neously removed from or prevented from
5 being added to the voter registration list,
6 including for reasons related to—

7 “(I) errors or inconsistencies in
8 data;

9 “(II) variations or inconsistencies
10 in names (including maiden names,
11 nicknames, and middle names); and

12 “(III) any other immaterial vari-
13 ation or inconsistency in voter reg-
14 istration information; and

15 “(ii) provide an opportunity for voters
16 who have been erroneously removed from
17 or prevented from being added to the voter
18 registration list to be restored or reg-
19 istered.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect January 1, 2008.

22 (b) NOTICE REQUIREMENTS.—Subtitle C of title III
23 of the Help America Vote Act of 2002, as added and
24 amended by this Act, is amended by adding at the end
25 the following new section:

1 **“SEC. 326. REMOVAL FROM VOTER REGISTRATION LIST.**

2 “(a) PUBLIC NOTICE.—Not later than 90 days before
3 any Federal election, each State shall publish in a public
4 location and on the Internet—

5 “(1) the full name, including middle name and
6 suffix where available, of all voters who have been
7 removed from the voter registration list of such
8 State since the earlier of the most recent election for
9 Federal office or the day of the most recent previous
10 public notice provided under this section; and

11 “(2) the criteria, processes, and procedures
12 used to determine which names were removed, in-
13 cluding—

14 “(A) the procedures implemented by the
15 State for safeguarding incorrect removals under
16 section 303(a)(4)(B); and

17 “(B) the processes under which the State
18 compares names on the voter registration list
19 with the list of names proposed to be removed.

20 “(b) NOTICE TO VOTERS BEFORE REMOVAL BY REA-
21 SON OTHER THAN A CHANGE IN RESIDENCE.—

22 “(1) IN GENERAL.—No individual shall be re-
23 moved from the voter registration list of a State on
24 any ground other than that the individual has
25 changed residence unless such individual is first pro-

1 vided with a written notice to the voter’s address on
2 file which meets the requirements of paragraph (2).

3 “(2) REQUIREMENTS OF NOTICE.—The notice
4 required under paragraph (1) shall—

5 “(A) be provided to each voter in a uni-
6 form and nondiscriminatory manner;

7 “(B) be consistent with the requirements
8 of section 8(d) of the National Voter Registra-
9 tion Act of 1993 (42 U.S.C. 1973gg–6(d));

10 “(C) be in the form and manner prescribed
11 by the Election Assistance Commission; and

12 “(D) include a clear notice of the reason
13 for which the voter will be removed, an oppor-
14 tunity to cure such removal, and the contact in-
15 formation for the office sending the notice.

16 “(c) FINAL NOTICE AND OPPORTUNITY TO CURE
17 REMOVALS BY REASON OF CHANGE IN RESIDENCE.—

18 “(1) IN GENERAL.—Notwithstanding section
19 8(d) of the National Voter Registration Act of 1993
20 (42 U.S.C. 1973gg–6(d)), no individual shall be re-
21 moved from the voter registration list of a State on
22 the ground that the individual has changed residence
23 unless such individual is first provided with a writ-
24 ten notice which meets the requirements of para-
25 graph (3) and an opportunity to cure the removal.

1 “(2) TIME FOR SENDING NOTICE.—The notice
2 described in paragraph (1) shall not be sent until
3 after such individual—

4 “(A) has failed to respond to a notice de-
5 scribed in section 8(d)(2) of the National Voter
6 Registration Act of 1993 (42 U.S.C. 1973gg-
7 6(d)(2)); and

8 “(B) has not voted or appeared to vote in
9 an election during the period beginning on the
10 date of the notice described in subparagraph
11 (A) and ending on the day after the date of the
12 second general election for Federal office that
13 occurs after the date of such notice.

14 “(3) REQUIREMENTS OF NOTICE.—The notice
15 required under paragraph (1) shall be in the form
16 and manner prescribed by the Election Assistance
17 Commission and shall include a clear notice of the
18 reason for which the voter will be removed, an op-
19 portunity to cure such removal, and the contact in-
20 formation for the office sending the notice.

21 “(d) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of this section on
23 and after January 1, 2008.”.

1 **SEC. 307. ELECTION OBSERVERS.**

2 (a) REQUIRED ACCESS BY ACCREDITED ELECTION
3 OBSERVERS.—Subtitle C of title III of the Help America
4 Vote Act of 2002, as added and amended by this Act, is
5 amended by adding at the end the following new section:

6 **“SEC. 327. ACCESS BY ACCREDITED ELECTION OBSERVERS.**

7 “(a) ACCESS REQUIRED.—

8 “(1) IN GENERAL.—Each State shall promul-
9 gate uniform and nondiscriminatory procedures to
10 allow access to polling places for purposes of observ-
11 ing a Federal election to international and domestic
12 election observers who—

13 “(A) meet the accreditation standards de-
14 veloped by the Commission under section 299A;
15 and

16 “(B) agree to—

17 “(i) accept election rules;

18 “(ii) not interfere with the election
19 process; and

20 “(iii) accept the secrecy of the ballot.

21 “(2) OBSERVATION OF A FEDERAL ELEC-
22 TION.—The procedures promulgated under para-
23 graph (1) shall include access to any polling place
24 for the purpose of observing the following:

25 “(A) Processing of any absentee or provi-
26 sional ballots in an election for Federal office.

1 “(B) Counting of votes cast in an election
2 for Federal office.

3 “(3) PUBLIC NOTICE OF ANY DENIAL.—The
4 State shall make publicly available a notice of any
5 denial of a request to observe a Federal election
6 under this section. Such notice shall include an ex-
7 planation of the reasons for the denial and an oppor-
8 tunity to appeal such denial.

9 “(b) EFFECTIVE DATE.—Each State and jurisdiction
10 shall be required to comply with the requirements of this
11 section on and after the date of the enactment of this sec-
12 tion.”.

13 (b) STANDARDS.—

14 (1) IN GENERAL.—Subtitle E of title II of such
15 Act, as added by this Act, is amended by adding at
16 the end the following new section:

17 **“SEC. 299A. ACCREDITATION OF ELECTION OBSERVERS.**

18 “(a) IN GENERAL.—The Commission shall develop
19 nondiscriminatory and uniform standards for the accredi-
20 tation of election observers.

21 “(b) REQUIREMENTS.—Such standards shall provide
22 for the accreditation of a wide range of domestic and inter-
23 national observers under this section.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents of such Act, as amended by this Act, is amend-

1 ed by inserting after the item relating to section 299
2 the following new item:

“Sec. 299A. Accreditation of election observers.”.

3 **SEC. 308. EARLY VOTING.**

4 (a) IN GENERAL.—Subtitle C of title III of the Help
5 America Vote Act of 2002, as added and amended by this
6 Act, is amended by adding at the end the following new
7 section:

8 **“SEC. 328. EARLY VOTING.**

9 “(a) IN GENERAL.—Each State shall allow individ-
10 uals to vote in an election for Federal office not less than
11 15 days prior to the day scheduled for such election in
12 the same manner as voting is allowed on such day.

13 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—
14 Each polling place which allows voting prior to the day
15 of a Federal election pursuant to subsection (a) shall—

16 “(1) allow such voting for no less than 4 hours
17 on each day (other than Sunday); and

18 “(2) have uniform hours each day for which
19 such voting occurs.

20 “(c) EFFECTIVE DATE.—The requirements of this
21 section shall apply with respect to the regularly scheduled
22 general election for Federal office held in November 2008
23 and each succeeding election for Federal office.”.

24 (b) GUIDANCE FOR EARLY VOTING.—

1 (1) IN GENERAL.—Subtitle E of title II of such
2 Act, as added and amended by this Act, is amended
3 by adding at the end the following new section:

4 **“SEC. 299B. GUIDANCE FOR EARLY VOTING.**

5 “The Commission shall issue guidance for the admin-
6 istration of voting prior to the day scheduled for a Federal
7 election. Such guidance shall include the nondiscrim-
8 inatory geographic placement of polling places at which
9 such voting occurs.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents of such Act, as amended by this Act, is amend-
12 ed by inserting after the item relating to section
13 299A the following new item:

“Sec. 299B. Standards for early voting.”.

14 **SEC. 309. REQUIREMENTS FOR COUNTING PROVISIONAL**
15 **BALLOTS.**

16 (a) IN GENERAL.—Section 302 of the Help America
17 Vote Act of 2002 (42 U.S.C. 15482) is amended by redес-
18 ignating subsection (d) as subsection (e) and by inserting
19 after subsection (e) the following new subsection:

20 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
21 LOTS.—For purposes of subsection (a)(4), notwith-
22 standing at which polling place a provisional ballot is cast
23 within the State, the State shall count such ballot with
24 respect to a vote for an election for a Federal office if
25 the individual who cast such ballot is otherwise eligible to

1 vote for such office and has not voted in that Federal elec-
2 tion.”.

3 (b) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Subsection (e) of section
5 302 of the Help America Vote Act of 2002 (42
6 U.S.C. 15482(e)), as redesignated under subsection
7 (a), is amended by adding at the end the following:

8 “(2) EFFECTIVE DATE FOR STATEWIDE COUNT-
9 ING OF PROVISIONAL BALLOTS.—Each State shall be
10 required to comply with the requirements of sub-
11 section (d) on and after the date of the enactment
12 of this section.”.

13 (2) CONFORMING AMENDMENT.—Subsection (e)
14 of section 302 of the Help America Vote Act of
15 2002 (42 U.S.C. 15482(e)), as redesignated under
16 subsection (a), is amended by striking “Each” and
17 inserting the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), each”.

20 **SEC. 310. CONFORMING AMENDMENTS.**

21 (a) VOLUNTARY GUIDANCE.—Section 311 of the
22 Help America Vote Act of 2002 (42 U.S.C. 15501) is
23 amended by striking “subtitle A” and inserting “subtitles
24 A and C”.

1 (b) ENFORCEMENT.—Section 401 of the Help Amer-
 2 ica Vote Act of 2002 (42 U.S.C. 15511), as amended by
 3 this Act, is amended by striking “and 304” and inserting
 4 “304, and subtitle C”.

5 (c) CLERICAL AMENDMENT.—The table of contents
 6 of the Help America Vote Act of 2002 is amended by add-
 7 ing after the item relating to section 312 the following:

“Subtitle C—Additional Requirements

“Sec. 321. Absentee voting.

“Sec. 322. Allowance of voter registration assistance.

“Sec. 323. Instruction of poll workers.

“Sec. 324. Equitable allocation of voting systems, poll workers, and election re-
 sources.

“Sec. 325. Prohibition on campaign activities by chief State election officials.

“Sec. 326. Removal from voter registration list.

“Sec. 327. Access by accredited election observers.

“Sec. 328. Early voting.”.

8 **Subtitle B—Military and Overseas**
 9 **Voting**

10 **SEC. 311. PROHIBITING REFUSAL TO ACCEPT VOTER REG-**
 11 **ISTRATION AND ABSENTEE BALLOT APPLICA-**
 12 **TIONS AND FEDERAL WRITE-IN ABSENTEE**
 13 **BALLOT FOR FAILURE TO MEET NON-**
 14 **ESSENTIAL REQUIREMENTS.**

15 (a) VOTER REGISTRATION AND ABSENTEE BALLOT
 16 APPLICATIONS.—Section 102 of the Uniformed and Over-
 17 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1)
 18 is amended by adding at the end the following new sub-
 19 section:

1 “(e) PROHIBITING REFUSAL TO ACCEPT APPLICA-
 2 TIONS FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
 3 MENTS.—A State shall accept and process any otherwise
 4 valid voter registration application or absentee ballot ap-
 5 plication (including the official post card form prescribed
 6 under section 101) submitted in any manner by an absent
 7 uniformed services voter or overseas voter that contains
 8 the information required on the official post card form
 9 prescribed under section 101 (other than information
 10 which the Presidential designee, in consultation with the
 11 Election Assistance Commission, determines, under regu-
 12 lations promulgated by the Presidential designee, is not
 13 clearly necessary to prevent fraud in the conduct of elec-
 14 tions).”.

15 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-
 16 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

17 (1) by redesignating subsection (f) as sub-
 18 section (g); and

19 (2) by inserting after subsection (e) the fol-
 20 lowing new subsection:

21 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
 22 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
 23 MENTS.—A State shall accept and process any otherwise
 24 valid Federal write-in absentee ballot submitted in any
 25 manner by an absent uniformed services voter or overseas

1 voter that contains the information required to be sub-
2 mitted with such ballot by the Presidential designee (other
3 than information which the Presidential designee, in con-
4 sultation with the Election Assistance Commission, deter-
5 mines, under regulations promulgated by the Presidential
6 designee, is not clearly necessary to prevent fraud in the
7 conduct of elections).”.

8 **SEC. 312. FEDERAL WRITE-IN ABSENTEE BALLOTS CAST BY**
9 **OVERSEAS VOTERS LOCATED IN THE UNITED**
10 **STATES.**

11 Section 103(c) of the Uniformed and Overseas Citi-
12 zens Voting Act (42 U.S.C. 1973ff-2(c)) is amended—

13 (1) by striking paragraph (1), and

14 (2) by redesignating paragraphs (2) and (3) as
15 paragraphs (1) and (2), respectively.

○