

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.

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## 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

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## 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 SECUR-** 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.

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