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. INOUYE, 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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Ballot Integrity Act of 2007”.

(b) Table of Contents.—The table of contents of 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.

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.
TITLE I—MORATORIUM ON, AND
REPLACEMENT AND RETRO-
FITTING OF, CERTAIN DIRECT
RECORDING ELECTRONIC
VOTING SYSTEMS

SEC. 101. MORATORIUM ON ACQUISITION OF CERTAIN DI-
RECT RECORDING ELECTRONIC VOTING SYS-
TEMS AND CERTAIN OTHER VOTING SYS-
TEMS.

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

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

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

“(c) MORATORIUM ON ACQUISITION OF DIRECT RE-
CORDING ELECTRONIC VOTING SYSTEMS AND CERTAIN
OTHER VOTING SYSTEMS.—Beginning on the date of en-
actment of the Ballot Integrity Act of 2007, no State or
jurisdiction may purchase or otherwise acquire for use in
an election for Federal office a direct recording electronic
voting system or other electronic voting system that does
not produce a voter-verified paper record as required by
section 301(a)(2) (as amended by such Act).”.
SEC. 102. GRANT PROGRAM TO REPLACE OR RETROFIT DIRECT RECORDING ELECTRONIC VOTING SYSTEMS.

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

“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.

“(a) Establishment of Program.—

“(1) In general.—The Election Assistance Commission shall make payments in an amount determined under subsection (c) to each State which meets the conditions described in subsection (b).

“(2) Use of funds.—A State shall use the funds provided under a payment under this section for (either directly or as reimbursement, including as reimbursement for costs incurred on or after January 1, 2007, under multiyear contracts) replacing or retrofitting any nonqualified voting systems in remedial precincts within that State with voting systems
(by purchase, lease, or such other arrangement as may be appropriate) that—

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

“(B) are not inconsistent with the requirements of the laws described in section 906.

“(b) Eligibility.—

“(1) In general.—A State is eligible to receive a payment under this section if it submits to the Commission, not later than 1 year after the date of the enactment of the Ballot Integrity Act of 2007—

“(A) a notice (in such form as the Commission may require) certifying the number of remedial precincts in the State; and

“(B) a statement made by the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official—

“(i) describing the State’s need for the payment and how the State will use the payment to meet the requirements of section 301(a)(2) (as amended by such Act);
“(ii) certifying that the State will continue to comply with the laws described in section 906;

“(iii) certifying that any voting systems which are replaced or retrofitted will meet the requirements of section 301 (as amended by such Act); and

“(iv) containing such other information and certifications as the Commission may require.

“(2) Compliance of States that require changes to State law.—In the case of a State that requires State legislation to carry out an activity covered by any certification submitted under this subsection, the State shall be permitted to make the certification notwithstanding that the legislation has not been enacted at the time the certification is submitted and such State shall submit an additional certification once such legislation is enacted.

“(c) Amount of payment.—

“(1) In general.—Subject to paragraph (3), the amount of payment made to a State under this section shall be equal to the product of—
“(A) the total amount appropriated for payments for the year pursuant to the authorization under subsection (e); and

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

“(2) STATE ALLOCATION PERCENTAGE DEFINED.—The ‘State allocation percentage’ for a State is the amount (expressed as a percentage) equal to the quotient of—

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

“(B) the total number of remedial precincts in all States.

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

“(A) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for requirements payments for the year under subsection (e); or

“(B) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.
“(4) Pro rata reductions.—The Commission shall make such pro rata reductions to the allocations determined under paragraph (1) as are necessary to comply with the requirements of paragraph (3).

“(5) Continuing availability of funds after appropriation.—Any payment made to a State under this part shall be available to the State without fiscal year limitation.

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

“(1) Nonqualified voting system.—The term ‘nonqualified voting system’ means a direct recording electronic voting system or other electronic voting system which does not meet the vote verification and audit capacity requirements of section 301(a)(2), as amended by the Ballot Integrity Act of 2007.

“(2) Remedial precinct defined.—The term ‘remedial precinct’ means any precinct (or equivalent location) within the State for which the voting system used to administer the regularly scheduled general election for Federal office held in November 2006—

“(A) was a nonqualifying voting system; or
“(B) did not provide that the entire process of vote verification was equipped for individuals with disabilities.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

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

“(2) AVAILABILITY.—Any amounts appropriated pursuant to the authority of paragraph (1) shall remain available without fiscal year limitation until expended.”.

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

(e) CLERICAL AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting 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.”.

SEC. 103. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS FOR THE DEVELOPMENT OF COMPLETELY ACCESSIBLE VOTING SYSTEMS.

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

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

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

(3) by inserting after subsection (b) the following new subsection:

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

“(1) IN GENERAL.—An entity shall be deemed to be eligible to receive a grant under this part if the entity submits a grant application to conduct research and develop voting systems that meet the verification and audit requirements of section 301(a)(2) using a voting system that is completely accessible for all individuals, including individuals with disabilities, language minorities described in
section 203 of the Voting Rights Act of 1965, and
individuals with difficulties in literacy.

“(2) Number of entities receiving a grant.—The Commission, in consultation with the Technical Guidelines Development Committee, shall make grants to not less than 3 entities, including academic, non-profit, and public and private entities, that are deemed to be eligible to receive a grant under paragraph (1).”.

(b) Authorization of Appropriations.—Section 273 of the Help America Vote Act of 2002 (42 U.S.C. 15443) is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

“(b) Accessible Voting Systems.—There are authorized to be appropriated for grants to entities deemed eligible under section 271(c) $3,000,000 for fiscal years 2008 and 2009.”; and

(3) in subsection (c), as redesignated by paragraph (1), by striking “authorization under this section” and inserting “authorizations under subsections (a) and (b)”.

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SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR ELECTION ASSISTANCE COMMISSION; ETC.

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

(b) Budget Requests.—

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

“SEC. 209A. SUBMISSION OF BUDGET REQUESTS.

“Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.”.

(2) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating to section 209 the following new item:

“Sec. 209A. Submission of budget requests.”.
(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) the Election Assistance Commission;”.

TITLE II—BALLOT INTEGRITY

SEC. 201. PROMOTING ACCURACY, INTEGRITY, AND SECURITY THROUGH INDIVIDUAL, DURABLE, VOTER-VERIFIED PAPER RECORDS.

(a) Vote Verification and Audit Capacity.—

(1) Voter-verifiable paper records.—

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

“(2) Vote verification and audit capacity.—

“(A) Voter-verifiable paper records.—

“(i) In general.—The voting system shall require the use of or produce an individual, durable, voter-verified paper record of the voter’s vote that shall be created by or made available for inspection and
verification by the voter before the voter’s vote is cast and counted. For purposes of this subclause, examples of such a record include a paper ballot marked by the voter for the purpose of being counted by hand or read by an optical scanner or other similar device, a paper ballot prepared by the voter to be mailed to an election official (whether from a domestic or overseas location), a paper ballot created through the use of a ballot marking device or system, or a paper record or ballot produced by a touch screen or other electronic voting system, so long as in each case the voter is permitted to verify the vote in a paper form in accordance with this subparagraph.

“(ii) VERIFICATION.—The voting system shall provide the voter with an opportunity to correct any error made by the system in the voter-verified paper record before the individual, durable, voter-verified paper record is preserved in accordance with subparagraph (C).
“(iii) Maintenance of secret ballot.—The voting system shall not preserve the voter-verified paper records in any manner that makes it possible, at any time after the vote has been cast, to associate a voter with the record of the voter’s vote.

“(B) Durability and readability requirements.—

“(i) Durability requirements.—The individual, durable, voter-verified paper record produced in accordance with subparagraph (A) shall be marked, printed, or recorded on durable paper capable of withstanding multiple counts and recounts without compromising the fundamental integrity of the records, and capable of retaining the information marked, printed, or recorded on them for the full duration of a retention and preservation period of 2 years.

“(ii) Readability requirements for machine-marked or printed voter-verified paper records.—All voter-verified paper records marked or
printed through the use of a marking or printing device shall be clearly readable by both the voter and by a scanner or other device equipped for voters with disabilities and for voters who are language minorities described in section 203 of the Voting Rights Act of 1965.

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

“(i) In the case of votes cast at the polling place on the date of the election, within the polling place in the manner or method in which paper ballots are preserved within such polling place.

“(ii) In any other case, including any case where no such manner or method has been established under clause (i), in the manner or method which is consistent with
the manner employed by the jurisdiction
for preserving paper ballots in general.

“(D) Manual Audit Capacity.—Each
paper record produced pursuant to subpara-
graph (A) shall be suitable for a manual audit
equivalent to that of a paper ballot voting sys-
tem, and shall be counted in any recount or
audit conducted with respect to any election for
Federal office.

“(E) Inconsistencies between
records and electronic vote tallies.—

“(i) In general.—Subject to clause
(ii), in the event of any inconsistencies or
irregularities between any electronic vote
tallies and the vote tallies determined by
counting by hand the individual, durable,
voter-verified paper records produced pur-
suant to subparagraph (A), the individual,
durable, voter-verified paper records shall
be the true and correct record of the votes
cast.

“(ii) Special rule for treatment
of disputes when voter-verified
paper records have been shown to
be compromised.—If, with respect to any
recount, audit, or contest proceeding with respect to an election for Federal office—

“(I) there is any inconsistency between any electronic vote tallies and the vote tallies determined by counting by hand the individual, durable, voter-verified paper records produced pursuant to subparagraph (A); and

“(II) it is determined that a sufficient number of voter-verified paper records were compromised (by damage or mischief or otherwise) before the start of such recount, audit, or contest proceeding such that the result of the election would be changed,

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

(B) CONFORMING AMENDMENTS.—Section 301(a)(1) of such Act (42 U.S.C. 15481(a)(1)) is amended—
(i) in subparagraph (A)(i), by striking “counted” and inserting “counted, in accordance with paragraph (2)(A)(i)”;

(ii) in subparagraph (A)(ii), by striking “counted” and inserting “counted, in accordance with paragraph (2)(A)(ii)”; and

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

(C) Special certification of voter-verified paper record durability and readability requirements for states not currently using voter-verified paper records.—If any of the voting systems used in a State for the regularly scheduled 2008 general elections for Federal office did not operate by having voters cast votes on paper ballots or otherwise produce or use a voter-verified paper record, the State shall certify to the Election Assistance Commission not later than July 1, 2009, that the State will be in compliance with the requirements of section 301(a)(2)(B) of the Help America Vote of 2002, as added by subparagraph (A), in accordance with the deadline established under this Act, and shall include in
the certification the methods by which the State will meet the requirements.

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

(A) MODIFICATION OF ACCESSIBILITY REQUIREMENT.—

(i) IN GENERAL.—Section 301(a)(3)(B) of such Act (42 U.S.C. 15481(a)(3)(B)) is amended to read as follows:

“(B)(i) satisfy the requirement of subparagraph (A) through the use of at least one voting system equipped for individuals with disabilities at each polling place; and

“(ii) meet the requirements of subparagraph (A) and paragraph (2)(A) by using a system that—

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

“(II) ensures that the entire process, including vote verification and vote casting,
is equipped for individuals with disabilities;
and

“(III) does not preclude the supplementary use of Braille or tactile ballots;
and”.

(ii) CONFORMING AMENDMENT.—Section 301(a)(3)(C) of such Act (42 U.S.C. 15481(a)(3)(C)) is amended by striking “January 1, 2007” and inserting “January 1, 2010”.

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

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

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

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

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

“(a) STUDY AND REPORT.—The Commission shall study, test, and develop best practices to enhance the accessibility of vote verification mechanisms for individuals
with disabilities, for language minorities described in section 203 of the Voting Rights Act of 1965, and for individuals with difficulties in literacy, including best practices for the mechanisms themselves and the processes through which the mechanisms are used. In carrying out this section, the Commission shall specifically investigate existing and potential methods or devices that will assist such individuals in creating voter-verified paper records and in presenting or transmitting the information printed or marked on such records back to such individuals for purposes of verification.

“(b) COORDINATION WITH GRANTS FOR TECHNOLOGY IMPROVEMENTS.—The Commission shall coordinate the study conducted under subsection (a) with the research conducted under the grant program under section 271 to the extent that the Commission determines necessary to provide for the uniform advancement of accessible voting technology.

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

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000, to remain available until expended.”.
(ii) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended—

(I) by redesignating the item relating to section 247 as relating to section 248; and

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

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

(C) **CLARIFICATION OF ACCESSIBILITY STANDARDS UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.**—In adopting any voluntary guidance under subtitle B of title III of the Help America Vote Act of 2002 with respect to the accessibility of the vote verification requirements under section 301(a)(2)(A)(ii) of such Act for individuals with disabilities, the Election Assistance Commission shall include and apply the same accessibility standards applicable under the voluntary guidance adopted for accessible voting systems under such subtitle.

(3) **MODIFICATION OF ALTERNATIVE LANGUAGE ACCESSIBILITY REQUIREMENTS.**—Paragraph (4) of section 301(a) of such Act (42 U.S.C. 15481(a)) is amended to read as follows:
“(4) ALTERNATIVE LANGUAGE ACCESSIBILITY.—The voting system (including the individual, durable, voter-verified paper record produced under paragraph (2))—

“(A) shall provide alternative language accessibility to individuals who are language minorities described in section 203 of the Voting Rights Act of 1965 in a manner that provides the same opportunity for access, participation, and private and independent inspection and verification as for other voters; and

“(B) shall be subject to the requirements of section 203 of the Voting Rights Act of 1965 to the extent such section is applicable to the State or jurisdiction in which such voting system used or in which such record is produced.”.

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

“(A) IN GENERAL.—The error rate of the voting system in counting votes (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the
voting systems standards issued and maintained by the Commission.

“(B) Residual ballot performance benchmark.—In addition to the error rate standards described in subparagraph (A), the Commission shall issue and maintain a uniform benchmark for the residual vote error rate that States may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in all Federal election contents on the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Commission shall base the benchmark issued and maintained under this subparagraph on evidence of best practices in representative jurisdictions.

“(C) Historically high intentional undervotes.—

“(i) Finding.—Congress finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting
in elections for Federal office, relative to
the rest of the Nation.

“(ii) TREATMENT OF CERTAIN DIS-
tINCT COMMUNITIES.—In establishing the
benchmark described in subparagraph (B),
the Commission shall—

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

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

(b) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

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

“(7) CERTIFICATION AND DISCLOSURE OF
SOFTWARE.—

“(A) CERTIFICATION.—
“(i) IN GENERAL.—No voting system shall at any time contain or use any software which has not been certified—

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

“(II) in the case of systems used in Federal elections on and after January 1, 2010, by the Commission under section 231.

“(ii) EMERGENCY SOFTWARE CERTIFICATION.—The Commission shall establish guidelines for the expedited and secure certification of any software additions or patches to existing voting systems—

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

“(II) the certification of which cannot be completed through the ordinary certification process in adequate time to allow the secure and accurate use of the voting system in the next election for Federal office.
“(iii) Exception.—The Commission may exempt commercial off-the-shelf software that is not election-dedicated software from the certification requirements of this subparagraph if the Commission determines such an exemption is appropriate.

“(B) Disclosure.—

“(i) Disclosure of election-dedicated software.—

“(I) In general.—No voting system shall at any time contain or use any election-dedicated software unless such software has been disclosed as provided under subclause (II).

“(II) Disclosure.—Software disclosed under this clause shall be disclosed to the Commission and to any State using such voting system in electronic form and shall include such information as necessary to assess the integrity and efficacy of such software.

“(ii) Disclosure of other software.—No voting system shall at any
time contain or use any software other than election-dedicated software unless the manufacturer of such software discloses in electronic form such information as the Commission determines appropriate to the Commission, the National Institute of Standards and Technology, and the Chief State election official of any State using such voting system.

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

“(iv) USE OF INFORMATION.—

“(I) IN GENERAL.—Information disclosed under this subparagraph may not be provided to any person except as provided in this clause.

“(II) DISCLOSURE TO GOVERNMENTAL ENTITIES.—Information disclosed under this subparagraph may be provided to the Commission, the National Institute of Standards and
Technology, the Chief State election official of any State using such electronic voting software in an voting system, or any other Federal or State governmental entity responsible for the administration or enforcement of election laws, but only for the purposes of administering or enforcing election laws, or for review, analysis, and reporting as provided in clause (v).

“(III) Disclosure to parties in litigation.—Information disclosed under this subparagraph may be provided to a party involved in litigation with respect to an election in which such electronic voting software is used, but only if such information is disclosed to all parties involved in such litigation and only to the extent necessary for the review and analysis of such information (as provided in clause (v)) for use in such litigation.

“(IV) Disclosure to other persons.—Information disclosed
under this subparagraph may be pro-
vided to independent technical experts
and other persons and entities con-
sistent with standards established by
the Commission, but only for purposes
of reviewing, analyzing, and reporting
on the operation of such software as
provided in clause (v).

“(v) Scope of Review, Analyses,
and Reporting.—The review, analysis,
and reporting of software permitted under
clause (iv) may only consist of the fol-
lowing:

“(I) In the case of election-dedi-
cated software, performing review and
analyses of the software, disclosing re-
ports and analyses that describe oper-
ational issues (including
vulnerabilities to tampering, errors,
risks associated with use, failures as a
result of use, and other operational
issues), and describing or explaining
why or how a voting system failed or
otherwise did not perform as in-
tended, but only if the information
published does not compromise the integrity of the software or result in the disclosure of trade secrets or other confidential commercial information, or violate intellectual property rights in such software.

“(II) In the case of software other than election-dedicated software, performing review and analyses of the software, and issuing reports that describe operational issues, but only if the information published does not compromise the integrity of the software or result in the disclosure of trade secrets or other confidential commercial information, or violate intellectual property rights in such software.

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

“(I) shall not compromise the integrity of the software with respect to which such information relates;
“(II) shall not disclose any trade secrets or other confidential commercial information with respect to such software; and

“(III) shall not violate any intellectual property rights in such software.

The Commission shall develop a process with manufacturers and holders of intellectual property to ensure compliance with the requirements of this clause.

“(C) ELECTION-DEDICATED SOFTWARE.—

For purposes of this paragraph, the term ‘election-dedicated software’ means software that—

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

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

“(8) PROHIBITION OF USE OF WIRELESS COMMUNICATIONS DEVICES IN VOTING SYSTEMS.—

“(A) IN GENERAL.—No voting system shall contain, use, or be accessible by any wireless, power-line, or concealed communication device.
“(B) Exception for certain systems using infrared technology.—Subparagraph (A) shall not apply to a voting system that uses software which is loaded using solely infrared technology if the infrared technology is certified as part of the voting system.

“(9) Prohibiting connection of system or transmission of system information over the internet.—No component of any voting device upon which votes are cast shall be connected to the Internet at any time. Nothing in this section shall be construed to prohibit any study on Internet voting required under this Act or any other provision of law.

“(10) Security standards for voting systems used in federal elections.—

“(A) In general.—No voting system may be used in an election for Federal office unless the manufacturer of such system and the election officials using such system meet the applicable requirements described in subparagraph (B).

“(B) Requirements described.—The requirements described in this subparagraph are as follows:
“(i) The chain of custody for the handling of all software, hardware, vote storage media, ballots, and voter-verified paper records used in connection with voting systems is documented by State election officials, under standards developed by the State, and made available to the Commission upon request.

“(ii) The manufacturer discloses to the Commission and to the appropriate election official any software or other information required to be disclosed under paragraph (7)(B).

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

“(I) alter such software; or

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

“(iv) At the request of the Commission, the appropriate election official submits information to the Commission re-
garding the State’s compliance with this
subparagraph.

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

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

“(B) DURABILITY OF EMERGENCY PAPER
BALLOTS.—Any emergency paper ballot used in
a Federal election shall be marked on durable
paper capable of withstanding multiple counts
and recounts without compromising the funda-
mental integrity of the ballot, and capable of re-
taining the information marked on it for the
full duration of a retention and preservation pe-
riod of 2 years.
“(C) COUNTING OF EMERGENCY PAPER BALLOTS.—Any emergency paper ballot which is cast by an individual under subparagraph (A) shall be counted and otherwise treated as a regular ballot and not as a provisional ballot, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot if the voting equipment at the polling place had not failed.

“(D) POSTING OF NOTICE.—The appropriate election official shall ensure that at each polling place a notice is displayed prominently which describes the right of an individual under this paragraph to be provided with a paper ballot for voting in the election.”.

(2) CONFORMING AMENDMENT.—

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

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

(c) REQUIRING LABORATORIES TO MEET STANDARDS PROHIBITING CONFLICTS OF INTEREST AS A CON-
tion of Accreditation for Testing of Voting System Hardware and Software.—

(1) In general.—Section 231(b) of such Act (42 U.S.C. 15371(b)) is amended by adding at the end the following new paragraphs:

“(3) Prohibiting conflicts of interest; ensuring availability of results.—

“(A) In general.—A laboratory may not be accredited by the Commission for purposes of this section unless—

“(i) the laboratory certifies that the only compensation it receives for the testing carried out in connection with the certification, decertification, and recertification of the manufacturer’s voting system hardware and software is the payment made from the Testing Escrow Account under paragraph (4);

“(ii) the laboratory meets such standards as the Commission shall establish (after notice and opportunity for public comment) to prevent the existence or appearance of any conflict of interest in the testing carried out by the laboratory under this section, including standards to ensure
that the laboratory does not have a financial interest in the manufacture, sale, and distribution of voting system hardware and software, and is sufficiently independent from other persons with such an interest;

“(iii) the laboratory certifies that it will permit an expert designated by the Commission to observe any testing the laboratory carries out under this section; and

“(iv) the laboratory, upon completion of any testing carried out under this section, discloses the test protocols, results, and all communication between the laboratory and the manufacturer to the Commission.

“(B) Availability of Results.—Upon receipt of information under subparagraph (A), the Commission shall make the information available promptly to election officials and the public.

“(4) Procedures for Conducting Testing; Payment of User Fees for Compensation of Accredited Laboratories.—

“(A) Establishment of Escrow Account.—The Commission shall establish an es-
crow account (to be known as the ‘Testing Escrow Account’) for making payments to accredited laboratories for the costs of testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software.

“(B) SCHEDULE OF FEES.—In consultation with the accredited laboratories, the Commission shall establish and regularly update a schedule of fees for testing carried out in connection with the certification, decertification, and recertification of voting system hardware and software, based on the reasonable costs expected to be incurred by the accredited laboratories in carrying out such testing for various types of hardware and software.

“(C) REQUESTS AND PAYMENTS BY MANUFACTURERS.—A manufacturer of voting system hardware and software may not have the hardware or software tested by an accredited laboratory under this section unless—

“(i) the manufacturer submits a detailed request for the testing to the Commission; and
“(ii) the manufacturer pays to the Commission, for deposit into the Testing Escrow Account established under subparagraph (A), the applicable fee under the schedule established and in effect under subparagraph (B).

“(D) SELECTION OF LABORATORY.—Upon receiving a request for testing and the payment from a manufacturer required under subparagraph (C), the Commission shall select at random, from all laboratories which are accredited under this section to carry out the specific testing requested by the manufacturer, an accredited laboratory to carry out the testing.

“(E) PAYMENTS TO LABORATORIES.—Upon receiving a certification from a laboratory selected to carry out testing pursuant to subparagraph (D) that testing is completed, along with a copy of the results of the test as required under paragraph (3)(A)(iv), the Commission shall make a payment to the laboratory from the Testing Escrow Account established under subparagraph (A) in an amount equal to the applicable fee paid by the manufacturer under subparagraph (C)(ii).
“(5) Dissemination of additional information on accredited laboratories.—

“(A) Information on testing.—Upon completion of the testing of a voting system under this section, the Commission shall promptly disseminate to the public the identification of the laboratory which carried out the testing.

“(B) Laboratories with accreditation revoked or suspended.—If the Commission revokes, terminates, or suspends the accreditation of a laboratory under this section, or if the Commission has credible evidence of significant security failures at accredited laboratories, the Commission shall promptly notify Congress, the chief State election official of each State, and the public.”.

(2) Conforming amendments.—Section 231 of such Act (42 U.S.C. 15371) is further amended—

(A) in subsection (a)(1), by striking “testing, certification,” and all that follows and inserting the following: “testing of voting system hardware and software by accredited laboratories in connection with the certification, de-
certification, and recertification of the hardware
and software for purposes of this Act.”;

(B) in subsection (a)(2), by striking “testing,
certification,” and all that follows and inser-
ting the following: “testing of its voting sys-
tem hardware and software by the laboratories
accredited by the Commission under this section
in connection with certifying, decertifying, and
recertifying such hardware.”;

(C) in subsection (b)(1), by striking “testing,
certification, decertification, and recerti-
fication” and inserting “testing”; and

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

(3) Deadline for establishment of
standards and escrow account.—The Election
Assistance Commission shall establish the standards
described in section 231(b)(3) of the Help America
Vote Act of 2002 and the Testing Escrow Account
described in section 231(b)(4) of such Act (as added
by subparagraph (A)) not later than January 1,
2008.
(d) Effective Date for New Requirements.—

Section 301(e) of such Act (42 U.S.C. 15481(d)), as redesignated by section 101, is amended to read as follows:

“(e) Effective Date.—

“(1) In General.—Except as provided in this subsection, each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1, 2006.

“(2) Special Rule for Certain Requirements.—Each State and jurisdiction shall be required to comply with the requirements of paragraphs (7), (8), (9), and (10) of subsection (a) on and after January 1, 2008.

“(3) Emergency Paper Ballots.—Each State and jurisdiction shall be required to comply with the requirements of subsection (a)(11) with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.

“(4) Vote Verification and Audit Capacity Requirements.—Each State and jurisdiction shall be required to comply with the requirements of this section which are first imposed pursuant to the amendments made by section 201(a) of the Ballot

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

SEC. 202. REQUIREMENT FOR MANDATORY MANUAL AUDITS.

(a) MANDATORY MANUAL AUDITS.—

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

“SEC. 304. MANDATORY ELECTION AUDITS.

“(a) STATE GUIDELINES.—

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

“(2) CONSIDERATION OF MODEL GUIDELINES.—In adopting the State guidelines and standards under paragraph (1), the State shall consider the model audit guidelines established under part 4 of subtitle A of title II.
“(b) Audits.—Each State shall require an audit of results for elections for Federal office that meets the following minimum requirements:

“(1) The audit shall be conducted—

“(A) at the same time as the official canvass of each Federal election; and

“(B) in a public and transparent manner, such that members of the public are able to observe the entire process.

“(2) The audit shall be of not less than 2 percent of precincts in the State.

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

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

“(c) Completion of Audits; Collection of Audit Results; Publication.—

“(1) State submission of report.—Each State shall submit to the Commission a report, in such form as the Commission may require, on the results of the audit conducted under this section.
“(2) COMMISSION ACTION.—The Commission may request additional information from each State based on the results of the audit conducted under this section.

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

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

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

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

(3) CLERICAL AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by striking the items relating to sections 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.”.

(b) COMMISSION GUIDANCE.—
(1) IN GENERAL.—Subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

“PART 4—MODEL AUDIT GUIDELINES.

“SEC. 223. AUDIT GUIDELINES DEVELOPMENT TASK FORCE.

“(a) ESTABLISHMENT.—The Commission shall establish an Audit Guidelines Development Task Force (hereafter in this part referred to as the ‘Task Force’).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall be composed of individuals who are experts in the fields of election audits, recounts, computer technology, and election management. The composition of the Task Force shall (to the extent possible) reflect the demographic composition of the voting age population of the United States.

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

“(A) the composition of the Task Force;

and

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

“(c) DUTIES.—
“(1) In general.—The Task Force shall assist the Commission in developing model audit guidelines for administrative and procedural practices to ensure efficient, transparent, and accurate audits and recounts of ballots cast in Federal elections.

“(2) Deadline for initial set of recommendations.—The Task Force shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 10 months after the Task Force is established.

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

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

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

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

“(4) the cost and burden on local election officials of conducting an audit; and

“(5) the personnel and management requirements of conducting audits.
“(e) Publication of Report.—The Task Force shall make its recommendations to the Commission public upon delivering them to the Commission.

“SEC. 224. PROCESS FOR ADOPTION.

“The Commission shall provide for publication of the recommendations from the Task Force, an opportunity for public comment on the proposed model audit guidelines, and an opportunity for a public hearing on the record. Final model audit guidelines shall be adopted by the Commission after a majority vote of the members of the Commission.”.

(2) Technical Amendment.—Section 202 of such Act (42 U.S.C. 15322) is amended by striking “and” at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting “; and”, and by adding at the end the following new paragraph:

“(7) carrying out the duties described in part 4 (relating to the adoption of model audit guidelines), including the maintenance of a clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in conducting audits in general.”.
(3) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 222 the following:

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PART 4—MODEL AUDIT GUIDELINES
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“Sec. 224. Process for adoption.”.

**TITLE III—IMPROVING FEDERAL ELECTIONS**

**Subtitle A—Additional Requirements for Federal Elections**

**SEC. 301. ABSENTEE VOTING.**

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

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“Subtitle C—Additional Requirements
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**SEC. 321. ABSENTEE VOTING.**

“(a) **ABSENTEE VOTING.**—Each State shall permit any person who is otherwise qualified to vote in an election for Federal office to vote in such election in a manner other than in person, and shall not impose any additional conditions or restrictions on absentee voting other than a reasonable deadline for requesting and returning the ballot.
“(b) Submission and Processing.—Any ballot cast under subsection (a) shall be submitted and processed in the manner provided for absentee ballots under State law.

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

SEC. 302. THIRD-PARTY VOTER REGISTRATION.

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

“SEC. 322. ALLOWANCE OF VOTER REGISTRATION ASSISTANCE.

“(a) In General.—No State shall refuse to register an individual to vote on the grounds that such individual’s voter registration application was submitted to the State by a third party.

“(b) Prohibition on Limiting Voter Registration Activity.—No State shall—

“(1) prohibit any person from assisting individuals in obtaining and completing, or from collecting or submitting, mail voter registration forms developed pursuant to sections 6(a)(2) and 9(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(a)(2); 1973gg–7(a)(2)) for the purpose of
registering those individuals to vote in elections for
Federal office; or
“(2) impose any burden on such assistance, or
on the collection or submission of such mail voter
registration forms.
“(c) RULE OF CONSTRUCTION.—Nothing in this sub-
section shall prevent any State from prohibiting or penal-
izing—
“(1) the intentional and knowing falsification of
voter registration forms;
“(2) the intentional and knowing destruction of
completed voter registration forms;
“(3) the failure to submit completed voter reg-
istration forms before a voter registration deadline
for an election for Federal office with the specific in-
tent of disenfranchising voters; or
“(4) the payment of any person to collect voter
registration forms based solely on the number of
forms collected.”.

SEC. 303. TRAINING OF POLL WORKERS.

(a) TRAINING REQUIREMENT.—Subtitle C of title III
of the Help America Vote Act of 2002, as added and
amended by this Act, is amended by adding at the end
the following new section:
“SEC. 323. INSTRUCTION OF POLL WORKERS.

“(a) Instruction of Poll Workers.—

“(1) Establishment of program.—Each State shall establish a program to ensure uniformity of, and establish minimum standards for, training poll workers.

“(2) Nondiscriminatory standards.—

“(A) In general.—The standards established under paragraph (1) shall be nondiscriminatory.

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

“(3) Development of curriculum.—The curriculum provided under such a program shall be developed—

“(A) in conjunction with election and education experts; and

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

“(4) Content of program.—

“(A) In general.—Under such a program, each State shall require that all poll workers successfully complete a curriculum under which the individual is trained—
“(i) in the applicable laws governing election administration in the State, including laws governing—

“(I) who is eligible to vote;

“(II) the rights and responsibilities of voters;

“(III) the casting and counting of votes;

“(IV) the rights of voters with disabilities and of voters who are language minorities described in section 203 of the Voting Rights Act of 1965;

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

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

“(ii) on the use and maintenance of any voting systems (including optical scan voting systems and direct recording electronic voting systems) used for the conduct of Federal elections in the State.
“(B) Development and distribution of manual for poll workers.—As part of such curriculum, each State shall—

“(i) develop a manual for poll workers;

“(ii) publish such manual not less than 4 weeks before each election for Federal office; and

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

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

“(II) ensure that all poll workers sign a certification that they have received and reviewed such manual.

“(b) Effective date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2008.”.


(a) In General.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:
SEC. 324. EQUITABLE ALLOCATION OF VOTING SYSTEMS, POLL WORKERS, AND ELECTION RESOURCES.

"(a) In General.—Each State shall provide for an equitable number of voting systems, poll workers, and other election resources (including all other physical resources) for each voting site on the day of any Federal election and on any days during which such State allows early voting for a Federal election. Such resources shall be adequate to address long lines, delays, technological failures, and other administrative circumstances.

"(b) Consideration and Deviation From Commission Benchmark.—

“(1) Consideration.—In providing for an equitable number of voting systems, poll workers, and other election resources in the State under subsection (a), each State shall consider the benchmark standards established by the Commission under section 299.

“(2) Explanation of Deviations.—If the number voting systems, poll workers, and other election resources provided by a State under subsection (a) materially deviates from the benchmarks standards established by the Commission under section 299, the State shall make publicly available a statement describing such differences and explaining the reasons for such differences.
“(c) VOTING SITE.—For purposes of this section and section 299, the term ‘voting site’ means a polling location, except that in the case of any polling location which serves more than 1 precinct, such term shall mean a precinct.

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

(b) STANDARDS.—

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

“Subtitle E—Guidance and Standards

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

“(a) IN GENERAL.—

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

“(2) STANDARDS.—Not later than January 1, 2009, the Commission shall issue standards based on the results of the study conducted under paragraph (1) that establish benchmarks for the dis-
tribution of an equitable number of voting systems, poll workers, and other election resources (including all other physical resources) for voting sites on the day of any Federal election and on any days during which early voting is allowed for a Federal election. “(b) DISTRIBUTION.—

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

“(A) voting patterns and voter turnout in prior Federal elections, including the differences between presidential elections and other elections;

“(B) voter registration counts;

“(C) current census data and demographic changes;

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

“(E) the accessibility of polling locations; and

“(F) available assistive voting technologies. “(2) PURPOSE.—To the extent possible, the standards shall provide for a distribution of voting
systems, poll workers, and other election resources
with the goals of —

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

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

(2) CONFORMING AMENDMENTS.—

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

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

(B) The table of contents of the Help
America Vote Act of 2002, as amended by this
Act, is amended by inserting before the item re-
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.”’
SEC. 305. PROHIBITION ON CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION OFFICIALS.

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

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

“(a) Prohibition.—Subject to subsection (c), no chief State election official shall take an active part in political management or in a political campaign with respect to any election for Federal office over which such official has supervisory authority.

“(b) Active Part in Political Management or in a Political Campaign.—The term ‘active part in political management or in a political campaign’ means—

“(1) serving as a member of an authorized committee of a candidate for Federal office;

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

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

“(4) the sharing of information concerning an official count, recount, or audit with respect to any primary, special, or general election for Federal of-
fice with a candidate for such office or with an au-

thorized committee of such a candidate, unless the
same information is provided to all other candidates
for such office in such election.

“(c) Exceptions.—

“(1) Chief state election official run-
nning as candidate.—In the case of a chief State
election official who is a candidate for Federal office,
the prohibition under subsection (a) shall not apply
with respect to the election for that Federal office.

“(2) Attendance at political campaign
events.—Nothing in this section shall be construed
to prohibit a chief State election official from serving
as a delegate to a national nominating convention of
a political party or from attending any political cam-
paign event.

“(d) Effective Date.—The requirements of this
section shall take effect on January 1, 2008.”.

SEC. 306. STANDARDS FOR PURGING VOTERS.

(a) Safeguards Against Accidental Re-
moval.—

(1) In general.—Subparagraph (B) of section
303(a)(4) of the Help America Vote Act of 2002 (42
U.S.C. 15483(a)(4)) is amended to read as follows:
“(B) SAFEGUARDS.—Uniform and non-discriminatory procedures that—

“(i) ensure that no voter is erroneously removed from or prevented from being added to the voter registration list, including for reasons related to—

“(I) errors or inconsistencies in data;

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

“(III) any other immaterial variation or inconsistency in voter registration information; and

“(ii) provide an opportunity for voters who have been erroneously removed from or prevented from being added to the voter registration list to be restored or registered.”.

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

(b) NOTICE REQUIREMENTS.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:
“SEC. 326. REMOVAL FROM VOTER REGISTRATION LIST.

“(a) Public Notice.—Not later than 90 days before any Federal election, each State shall publish in a public location and on the Internet—

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

“(2) the criteria, processes, and procedures used to determine which names were removed, including—

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

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

“(b) Notice to Voters Before Removal by Reason Other Than a Change in Residence.—

“(1) In general.—No individual shall be removed from the voter registration list of a State on any ground other than that the individual has changed residence unless such individual is first pro-
vided with a written notice to the voter’s address on file which meets the requirements of paragraph (2).

“(2) Requirements of notice.—The notice required under paragraph (1) shall—

“(A) be provided to each voter in a uniform and nondiscriminatory manner;

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

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

“(D) include a clear notice of the reason for which the voter will be removed, an opportunity to cure such removal, and the contact information for the office sending the notice.

“(c) Final Notice and Opportunity to Cure Removals by Reason of Change in Residence.—

“(1) In general.—Notwithstanding section 8(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)), no individual shall be removed from the voter registration list of a State on the ground that the individual has changed residence unless such individual is first provided with a written notice which meets the requirements of paragraph (3) and an opportunity to cure the removal.
“(2) **TIME FOR SENDING NOTICE.**—The notice described in paragraph (1) shall not be sent until after such individual—

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

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

“(3) **REQUIREMENTS OF NOTICE.**—The notice required under paragraph (1) shall be in the form and manner prescribed by the Election Assistance Commission and shall include a clear notice of the reason for which the voter will be removed, an opportunity to cure such removal, and the contact information for the office sending the notice.

“(d) **EFFECTIVE DATE.**—Each State shall be required to comply with the requirements of this section on and after January 1, 2008.”.
SEC. 307. ELECTION OBSERVERS.

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

"SEC. 327. ACCESS BY ACCREDITED ELECTION OBSERVERS.

"(a) ACCESS REQUIRED.—

"(1) IN GENERAL.—Each State shall promulgate uniform and nondiscriminatory procedures to allow access to polling places for purposes of observing a Federal election to international and domestic election observers who—

"(A) meet the accreditation standards developed by the Commission under section 299A; and

"(B) agree to—

"(i) accept election rules;

"(ii) not interfere with the election process; and

"(iii) accept the secrecy of the ballot.

"(2) OBSERVATION OF A FEDERAL ELECTION.—The procedures promulgated under paragraph (1) shall include access to any polling place for the purpose of observing the following:

"(A) Processing of any absentee or provisional ballots in an election for Federal office.
“(B) Counting of votes cast in an election for Federal office.

“(3) Public notice of any denial.—The State shall make publicly available a notice of any denial of a request to observe a Federal election under this section. Such notice shall include an explanation of the reasons for the denial and an opportunity to appeal such denial.

“(b) Effective date.—Each State and jurisdiction shall be required to comply with the requirements of this section on and after the date of the enactment of this section.”.

(b) Standards.—

(1) In general.—Subtitle E of title II of such Act, as added by this Act, is amended by adding at the end the following new section:

“SEC. 299A. ACCREDITATION OF ELECTION OBSERVERS.

“(a) In general.—The Commission shall develop nondiscriminatory and uniform standards for the accreditation of election observers.

“(b) Requirements.—Such standards shall provide for the accreditation of a wide range of domestic and international observers under this section.”.

(2) Clerical amendment.—The table of contents of such Act, as amended by this Act, is amend-
ed by inserting after the item relating to section 299
the following new item:

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

SEC. 308. EARLY VOTING.

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

“SEC. 328. EARLY VOTING.

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

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

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

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

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

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

"SEC. 299B. GUIDANCE FOR EARLY VOTING.

"The Commission shall issue guidance for the administration of voting prior to the day scheduled for a Federal election. Such guidance shall include the nondiscriminatory geographic placement of polling places at which such voting occurs."

(2) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by this Act, is amended by inserting after the item relating to section 299A the following new item:

"Sec. 299B. Standards for early voting."

SEC. 309. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot with respect to a vote for an election for a Federal office if the individual who cast such ballot is otherwise eligible to
vote for such office and has not voted in that Federal elec-
tion.”.

(b) **Effective Date.**—

(1) **In General.**—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

“(2) **Effective Date for Statewide Counting of Provisional Ballots.**—Each State shall be required to comply with the requirements of subsection (d) on and after the date of the enactment of this section.”.

(2) **Conforming Amendment.**—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking “Each” and inserting the following:

“(1) **In General.**—Except as provided in paragraph (2), each”.

**SEC. 310. CONFORMING AMENDMENTS.**

(a) **Voluntary Guidance.**—Section 311 of the Help America Vote Act of 2002 (42 U.S.C. 15501) is amended by striking “subtitle A” and inserting “subtitles A and C”.
(b) ENFORCEMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511), as amended by this Act, is amended by striking “and 304” and inserting “304, and subtitle C”.

(c) CLERICAL AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by adding 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 resources.
“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.”.

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 NON-ESSENTIAL REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:
“(e) Prohibiting Refusal To Accept Applications For Failure To Meet Nonesential Requirements.—A State shall accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required on the official post card form prescribed under section 101 (other than information which the Presidential designee, in consultation with the Election Assistance Commission, determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).”.

(b) Federal Write-In Absentee Ballot.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) Prohibiting Refusal To Accept Ballot for Failure To Meet Nonesential Requirements.—A State shall accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas


S 1487 18
voter that contains the information required to be submitted with such ballot by the Presidential designee (other than information which the Presidential designee, in consultation with the Election Assistance Commission, determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).”.

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

Section 103(c) of the Uniformed and Overseas Citizens Voting Act (42 U.S.C. 1973ff–2(c)) is amended—

(1) by striking paragraph (1), and

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