

[DRAFT]

SEPTEMBER 8, 2016

114TH CONGRESS
2D SESSION**H. R.** _____

To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Georgia introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Help America Vote Act of 2002 to promote accuracy, integrity, and security in the administration of elections for Federal office, 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 “Election Integrity Act of 2016”.

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—INTEGRITY OF VOTING SYSTEMS AND BALLOTS

Subtitle A—Promoting Accuracy, Integrity, and Security Through Voter-Verified Permanent Paper Ballot

- Sec. 101. Moratorium on acquisition of certain direct recording electronic voting systems and certain other voting systems.
- Sec. 102. Paper ballot and manual counting requirements.
- Sec. 103. Accessibility and ballot verification for individuals with disabilities.

Subtitle B—Additional Voting System Requirements

- Sec. 111. Additional voting system requirements.

Subtitle C—Funding

- Sec. 121. Availability of additional funding to enable States to meet costs of revised requirements.
- Sec. 122. Grants for development of compliant systems.

Subtitle D—Effective Date

- Sec. 131. Effective date for new requirements.

TITLE II—REQUIREMENT FOR MANDATORY MANUAL AUDITS BY HAND COUNT

- Sec. 201. Mandatory manual audits.

“Subtitle C—Mandatory Manual Audits

- “Sec. 321. Requiring audits of results of elections.
- “Sec. 322. Number of ballots counted under audit.
- “Sec. 323. Process for administering audits.
- “Sec. 324. Selection of precincts.
- “Sec. 325. Publication of results.
- “Sec. 326. Payments to States.
- “Sec. 327. Exception for elections subject to recount under State law prior to certification.
- “Sec. 328. Effective date.
- Sec. 202. Availability of enforcement under Help America Vote Act of 2002.
- Sec. 203. Guidance on best practices for alternative audit mechanisms.
- Sec. 204. Clerical amendment.

TITLE III—OTHER REFORMS TO PROMOTE INTEGRITY OF ELECTIONS

Subtitle A—Integrity of Election Administration

- Sec. 301. Prohibition on campaign activities by chief State election administration officials.
- Sec. 302. Mandatory training for poll workers.
- Sec. 303. Due process requirements for individuals proposed to be removed from list of eligible voters.
- Sec. 304. Mandatory response by Attorney General to allegations of voter intimidation or suppression by law enforcement officers and other government officials.

Subtitle B—Removing Barriers to Voting

- Sec. 311. Requirements for counting provisional ballots; establishment of uniform and nondiscriminatory standards.
- Sec. 312. Prohibiting imposition of conditions on voting by mail.
- Sec. 313. Mandatory availability of early voting.
- Sec. 314. Requirements for availability of sufficient polling places, equipment, and resources.

TITLE IV—RULEMAKING AUTHORITY OF ELECTION ASSISTANCE COMMISSION

- Sec. 401. Permitting Election Assistance Commission to exercise rulemaking authority.

1 **TITLE I—INTEGRITY OF VOTING**
2 **SYSTEMS AND BALLOTS**
3 **Subtitle A—Promoting Accuracy,**
4 **Integrity, and Security Through**
5 **Voter-Verified Permanent Paper**
6 **Ballot**

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

11 Section 301 of the Help America Vote Act of 2002
12 (52 U.S.C. 21081) is amended—

13 (1) by redesignating subsections (c) and (d) as
14 subsections (d) and (e); and

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

17 “(c) MORATORIUM ON ACQUISITION OF CERTAIN DI-
18 RECT RECORDING ELECTRONIC VOTING SYSTEMS AND
19 CERTAIN OTHER VOTING SYSTEMS.—Beginning on the

1 date of the enactment of the Election Integrity Act of
2 2016, no State or jurisdiction may purchase or otherwise
3 acquire for use in an election for Federal office a direct
4 recording electronic voting system or other electronic vot-
5 ing system that does not produce a voter-verified paper
6 record as required by section 301(a)(2) (as amended by
7 such Act).”.

8 **SEC. 102. PAPER BALLOT AND MANUAL COUNTING RE-**
9 **QUIREMENTS.**

10 (a) IN GENERAL.—Section 301(a)(2) of the Help
11 America Vote Act of 2002 (52 U.S.C. 21081(a)(2)) is
12 amended to read as follows:

13 “(2) PAPER BALLOT REQUIREMENT.—

14 “(A) VOTER-VERIFIED PAPER BALLOTS.—

15 “(i) PAPER BALLOT REQUIREMENT.—

16 (I) The voting system shall require the use
17 of an individual, durable, voter-verified,
18 paper ballot of the voter’s vote that shall
19 be marked and made available for inspec-
20 tion and verification by the voter before
21 the voter’s vote is cast and counted, and
22 which shall be counted by hand or read by
23 an optical character recognition device or
24 other counting device. For purposes of this
25 subclause, the term ‘individual, durable,

1 voter-verified, paper ballot’ means a paper
2 ballot marked by the voter by hand or a
3 paper ballot marked through the use of a
4 nontabulating ballot marking device or sys-
5 tem, so long as the voter shall have the op-
6 tion to mark his or her ballot by hand.

7 “(II) The voting system shall provide
8 the voter with an opportunity to correct
9 any error on the paper ballot before the
10 permanent voter-verified paper ballot is
11 preserved in accordance with clause (ii).

12 “(III) The voting system shall not
13 preserve the voter-verified paper ballots in
14 any manner that makes it possible, at any
15 time after the ballot has been cast, to asso-
16 ciate a voter with the record of the voter’s
17 vote without the voter’s consent.

18 “(ii) PRESERVATION AS OFFICIAL
19 RECORD.—The individual, durable, voter-
20 verified, paper ballot used in accordance
21 with clause (i) shall constitute the official
22 ballot and shall be preserved and used as
23 the official ballot for purposes of any re-
24 count or audit conducted with respect to

1 any election for Federal office in which the
2 voting system is used.

3 “(iii) MANUAL COUNTING REQUIRE-
4 MENTS FOR RECOUNTS AND AUDITS.—(I)
5 Each paper ballot used pursuant to clause
6 (i) shall be suitable for a manual audit,
7 and shall be counted by hand in any re-
8 count or audit conducted with respect to
9 any election for Federal office.

10 “(II) In the event of any inconsist-
11 encies or irregularities between any elec-
12 tronic vote tallies and the vote tallies de-
13 termined by counting by hand the indi-
14 vidual, durable, voter-verified, paper ballots
15 used pursuant to clause (i), and subject to
16 subparagraph (B), the individual, durable,
17 voter-verified, paper ballots shall be the
18 true and correct record of the votes cast.

19 “(iv) APPLICATION TO ALL BAL-
20 LOTS.—The requirements of this subpara-
21 graph shall apply to all ballots cast in elec-
22 tions for Federal office, including ballots
23 cast by absent uniformed services voters
24 and overseas voters under the Uniformed

1 and Overseas Citizens Absentee Voting Act
2 and other absentee voters.

3 “(B) SPECIAL RULE FOR TREATMENT OF
4 DISPUTES WHEN PAPER BALLOTS HAVE BEEN
5 SHOWN TO BE COMPROMISED.—

6 “(i) IN GENERAL.—In the event
7 that—

8 “(I) there is any inconsistency
9 between any electronic vote tallies and
10 the vote tallies determined by count-
11 ing by hand the individual, durable,
12 voter-verified, paper ballots used pur-
13 suant to subparagraph (A)(i) with re-
14 spect to any election for Federal of-
15 fice; and

16 “(II) it is demonstrated by clear
17 and convincing evidence (as deter-
18 mined in accordance with the applica-
19 ble standards in the jurisdiction in-
20 volved) in any recount, audit, or con-
21 test of the result of the election that
22 the paper ballots have been com-
23 promised (by damage or mischief or
24 otherwise) and that a sufficient num-
25 ber of the ballots have been so com-

1 promised that the result of the elec-
2 tion could be changed,
3 the determination of the appropriate rem-
4 edy with respect to the election shall be
5 made in accordance with applicable State
6 law, except that the electronic tally shall
7 not be used as the exclusive basis for de-
8 termining the official certified result.

9 “(ii) RULE FOR CONSIDERATION OF
10 BALLOTS ASSOCIATED WITH EACH VOTING
11 MACHINE.—For purposes of clause (i),
12 only the paper ballots deemed com-
13 promised, if any, shall be considered in the
14 calculation of whether or not the result of
15 the election could be changed due to the
16 compromised paper ballots.”.

17 (b) CONFORMING AMENDMENT CLARIFYING APPLI-
18 CABILITY OF ALTERNATIVE LANGUAGE ACCESSIBILITY.—
19 Section 301(a)(4) of such Act (52 U.S.C. 21081(a)(4))
20 is amended by inserting “(including the paper ballots re-
21 quired to be used under paragraph (2))” after “voting sys-
22 tem”.

23 (c) OTHER CONFORMING AMENDMENTS.—Section
24 301(a)(1) of such Act (52 U.S.C. 21081(a)(1)) is amend-
25 ed—

1 (1) in subparagraph (A)(i), by striking “count-
2 ed” and inserting “counted, in accordance with
3 paragraphs (2) and (3)”;

4 (2) in subparagraph (A)(ii), by striking “count-
5 ed” and inserting “counted, in accordance with
6 paragraphs (2) and (3)”;

7 (3) in subparagraph (A)(iii), by striking “count-
8 ed” each place it appears and inserting “counted, in
9 accordance with paragraphs (2) and (3)”;

10 (4) in subparagraph (B)(ii), by striking “count-
11 ed” and inserting “counted, in accordance with
12 paragraphs (2) and (3)”.

13 **SEC. 103. ACCESSIBILITY AND BALLOT VERIFICATION FOR**
14 **INDIVIDUALS WITH DISABILITIES.**

15 (a) IN GENERAL.—Section 301(a)(3)(B) of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081(a)(3)(B)) is
17 amended to read as follows:

18 “(B)(i) satisfy the requirement of subpara-
19 graph (A) through the use of at least one voting
20 system equipped for individuals with disabili-
21 ties, including nonvisual and enhanced visual
22 accessibility for the blind and visually impaired,
23 and nonmanual and enhanced manual accessi-
24 bility for the mobility and dexterity impaired, at
25 each polling place; and

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

4 “(I) allows the voter to privately and
5 independently verify the permanent paper
6 ballot through the presentation, in acces-
7 sible form, of the printed or marked vote
8 selections from the same printed or
9 marked information that would be used for
10 any vote counting or auditing; and

11 “(II) allows the voter to privately and
12 independently verify and cast the perma-
13 nent paper ballot without requiring the
14 voter to manually handle the paper ballot;
15 and”.

16 (b) SPECIFIC REQUIREMENT OF STUDY, TESTING,
17 AND DEVELOPMENT OF ACCESSIBLE PAPER BALLOT
18 VERIFICATION MECHANISMS.—

19 (1) STUDY AND REPORTING.—Subtitle C of
20 title II of such Act (52 U.S.C. 21081 et seq.) is
21 amended—

22 (A) by redesignating section 247 as section
23 248; and

24 (B) by inserting after section 246 the fol-
25 lowing new section:

1 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE PAPER**
2 **BALLOT VERIFICATION MECHANISMS.**

3 “(a) **STUDY AND REPORT.**—The Director of the Na-
4 tional Science Foundation shall make grants to not fewer
5 than 3 eligible entities to study, test, and develop acces-
6 sible paper ballot voting, verification, and casting mecha-
7 nisms and devices and best practices to enhance the acces-
8 sibility of paper ballot voting and verification mechanisms
9 for individuals with disabilities, for voters whose primary
10 language is not English, and for voters with difficulties
11 in literacy, including best practices for the mechanisms
12 themselves and the processes through which the mecha-
13 nisms are used.

14 “(b) **ELIGIBILITY.**—An entity is eligible to receive a
15 grant under this part if it submits to the Director (at such
16 time and in such form as the Director may require) an
17 application containing—

18 “(1) certifications that the entity shall specifi-
19 cally investigate enhanced methods or devices, in-
20 cluding nonelectronic devices, that will assist such
21 individuals and voters in marking voter-verified
22 paper ballots and presenting or transmitting the in-
23 formation printed or marked on such ballots back to
24 such individuals and voters, and casting such ballots;

1 “(2) a certification that the entity shall com-
2 plete the activities carried out with the grant not
3 later than December 31, 2018; and

4 “(3) such other information and certifications
5 as the Director may require.

6 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
7 nology developed with the grants made under this section
8 shall be treated as nonproprietary and shall be made avail-
9 able to the public, including to manufacturers of voting
10 systems.

11 “(d) COORDINATION WITH GRANTS FOR TECH-
12 NOLOGY IMPROVEMENTS.—The Director shall carry out
13 this section so that the activities carried out with the
14 grants made under subsection (a) are coordinated with the
15 research conducted under the grant program carried out
16 by the Commission under section 271, to the extent that
17 the Director and Commission determine necessary to pro-
18 vide for the advancement of accessible voting technology.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out subsection
21 (a) \$5,000,000, to remain available until expended.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended—

24 (A) by redesignating the item relating to
25 section 247 as relating to section 248; and

1 (B) by inserting after the item relating to
2 section 246 the following new item:

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

3 (c) CLARIFICATION OF ACCESSIBILITY STANDARDS
4 UNDER VOLUNTARY VOTING SYSTEM GUIDANCE.—In
5 adopting any voluntary guidance under subtitle B of title
6 III of the Help America Vote Act of 2002 with respect
7 to the accessibility of the paper ballot verification require-
8 ments for individuals with disabilities, the Election Assist-
9 ance Commission shall include and apply the same accessi-
10 bility standards applicable under the voluntary guidance
11 adopted for accessible voting systems under such subtitle.

12 (d) PERMITTING USE OF FUNDS FOR PROTECTION
13 AND ADVOCACY SYSTEMS TO SUPPORT ACTIONS TO EN-
14 FORCE ELECTION-RELATED DISABILITY ACCESS.—Sec-
15 tion 292(a) of the Help America Vote Act of 2002 (52
16 U.S.C. 21062(a)) is amended by striking “; except that”
17 and all that follows and inserting a period.

18 **Subtitle B—Additional Voting**
19 **System Requirements**

20 **SEC. 111. ADDITIONAL VOTING SYSTEM REQUIREMENTS.**

21 (a) REQUIREMENTS DESCRIBED.—Section 301(a) of
22 the Help America Vote Act of 2002 (52 U.S.C. 21081(a))
23 is amended by adding at the end the following new para-
24 graphs:

1 “(7) REQUIRING AVAILABILITY OF PAPER BAL-
2 LOTS IN CASE OF EMERGENCY.—

3 “(A) IN GENERAL.—In the event of a fail-
4 ure of voting equipment or other circumstance
5 at a polling place in an election for Federal of-
6 fice that causes an unreasonable delay, the ap-
7 propriate election official at the polling place
8 shall—

9 “(i) immediately advise any individual
10 who is waiting at the polling place to cast
11 a ballot in the election at the time of the
12 failure that the individual has the right to
13 use an emergency paper ballot; and

14 “(ii) upon the individual’s request,
15 provide the individual with an emergency
16 paper ballot for the election and the sup-
17 plies necessary to mark the ballot.

18 “(B) TREATMENT OF BALLOTS.—Any
19 paper ballot which is cast by an individual
20 under this clause shall be counted and other-
21 wise treated as a regular ballot for all purposes
22 (including by incorporating it into the final un-
23 official vote count (as defined by the State) for
24 the precinct) and not as a provisional ballot,
25 unless the individual casting the ballot would

1 have otherwise been required to cast a provi-
2 sional ballot.

3 “(8) PROHIBITING USE OF UNCERTIFIED ELEC-
4 TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;
5 DISCLOSURE REQUIREMENTS.—

6 “(A) IN GENERAL.—A voting system used
7 in an election for Federal office in a State may
8 not at any time during the election contain or
9 use any election-dedicated voting system tech-
10 nology—

11 “(i) which has not been certified by
12 the State for use in the election; and

13 “(ii) which has not been deposited
14 with an accredited laboratory described in
15 section 231 to be held in escrow and dis-
16 closed in accordance with this section.

17 “(B) REQUIREMENT FOR DISCLOSURE AND
18 LIMITATION ON RESTRICTING DISCLOSURE.—

19 An accredited laboratory under section 231
20 with whom an election-dedicated voting system
21 technology has been deposited shall—

22 “(i) hold the technology in escrow;
23 and

1 “(ii) disclose technology and informa-
2 tion regarding the technology to another
3 person if—

4 “(I) the person is a qualified per-
5 son described in subparagraph (C)
6 who has entered into a nondisclosure
7 agreement with respect to the tech-
8 nology which meets the requirements
9 of subparagraph (D); or

10 “(II) the laboratory is permitted
11 or required to disclose the technology
12 to the person under State law, in ac-
13 cordance with the terms and condi-
14 tions applicable under such law.

15 “(C) QUALIFIED PERSONS DESCRIBED.—
16 With respect to the disclosure of election-dedi-
17 cated voting system technology by a laboratory
18 under subparagraph (B)(ii)(I), a ‘qualified per-
19 son’ is any of the following:

20 “(i) A governmental entity with re-
21 sponsibility for the administration of vot-
22 ing and election-related matters for pur-
23 poses of reviewing, analyzing, or reporting
24 on the technology.

1 “(ii) A party to pre- or postelection
2 litigation challenging the result of an elec-
3 tion or the administration or use of the
4 technology used in an election, including
5 but not limited to election contests or chal-
6 lenges to the certification of the tech-
7 nology, or an expert for a party to such
8 litigation, for purposes of reviewing or ana-
9 lyzing the technology to support or oppose
10 the litigation, and all parties to the litiga-
11 tion shall have access to the technology for
12 such purposes.

13 “(iii) A person not described in clause
14 (i) or (ii) who reviews, analyzes, or reports
15 on the technology solely for an academic,
16 scientific, technological, or other investiga-
17 tion or inquiry concerning the accuracy or
18 integrity of the technology.

19 “(D) REQUIREMENTS FOR NONDISCLO-
20 SURE AGREEMENTS.—A nondisclosure agree-
21 ment entered into with respect to an election-
22 dedicated voting system technology meets the
23 requirements of this subparagraph if the agree-
24 ment—

1 “(i) is limited in scope to coverage of
2 the technology disclosed under subpara-
3 graph (B) and any trade secrets and intel-
4 lectual property rights related thereto;

5 “(ii) does not prohibit a signatory
6 from entering into other nondisclosure
7 agreements to review other technologies
8 under this paragraph;

9 “(iii) exempts from coverage any in-
10 formation the signatory lawfully obtained
11 from another source or any information in
12 the public domain;

13 “(iv) remains in effect for not longer
14 than the life of any trade secret or other
15 intellectual property right related thereto;

16 “(v) prohibits the use of injunctions
17 barring a signatory from carrying out any
18 activity authorized under subparagraph
19 (C), including injunctions limited to the
20 period prior to a trial involving the tech-
21 nology;

22 “(vi) is silent as to damages awarded
23 for breach of the agreement, other than a
24 reference to damages available under appli-
25 cable law;

1 “(vii) allows disclosure of evidence of
2 crime, including in response to a subpoena
3 or warrant;

4 “(viii) allows the signatory to perform
5 analyses on the technology (including by
6 executing the technology), disclose reports
7 and analyses that describe operational
8 issues pertaining to the technology (includ-
9 ing vulnerabilities to tampering, errors,
10 risks associated with use, failures as a re-
11 sult of use, and other problems), and de-
12 scribe or explain why or how a voting sys-
13 tem failed or otherwise did not perform as
14 intended; and

15 “(ix) provides that the agreement
16 shall be governed by the trade secret laws
17 of the applicable State.

18 “(E) ELECTION-DEDICATED VOTING SYS-
19 TEM TECHNOLOGY DEFINED.—For purposes of
20 this paragraph:

21 “(i) IN GENERAL.—The term ‘elec-
22 tion-dedicated voting system technology’
23 means the following:

24 “(I) The source code used for the
25 trusted build and its file signatures.

1 “(II) A complete disk image of
2 the prebuild, build environment, and
3 any file signatures to validate that it
4 is unmodified.

5 “(III) A complete disk image of
6 the postbuild, build environment, and
7 any file signatures to validate that it
8 is unmodified.

9 “(IV) All executable code pro-
10 duced by the trusted build and any
11 file signatures to validate that it is
12 unmodified.

13 “(V) Installation devices and
14 software file signatures.

15 “(ii) EXCLUSION.—Such term does
16 not include ‘commercial-off-the-shelf’ soft-
17 ware and hardware defined under the 2015
18 voluntary voting system guidelines adopted
19 by the Commission under section 222.

20 “(9) PROHIBITION OF USE OF WIRELESS COM-
21 MUNICATIONS DEVICES IN SYSTEMS OR DEVICES.—
22 No system or device upon which ballots are marked
23 or votes are cast or tabulated shall contain, use, or
24 be accessible by any wireless, powerline, or concealed
25 communication device, except that enclosed infrared

1 communications devices which are certified for use
2 in such device by the State and which cannot be
3 used for any remote or wide area communications or
4 used without the knowledge of poll workers shall be
5 permitted.

6 “(10) PROHIBITING CONNECTION OF SYSTEM
7 TO THE INTERNET.—

8 “(A) IN GENERAL.—No system or device
9 upon which ballots are programmed or votes are
10 cast or tabulated shall be connected to the
11 Internet at any time.

12 “(B) PROHIBITING ACCEPTANCE OF BAL-
13 LOTS TRANSMITTED ONLINE.—The voting sys-
14 tem may not accept any voted ballot which is
15 transmitted to an election official online.

16 “(C) RULE OF CONSTRUCTION.—Nothing
17 contained in this paragraph shall be deemed to
18 prohibit the Commission from conducting the
19 studies under section 242 or to conduct other
20 similar studies under any other provision of law
21 in a manner consistent with this paragraph.

22 “(11) SECURITY STANDARDS FOR VOTING SYS-
23 TEMS USED IN FEDERAL ELECTIONS.—

24 “(A) IN GENERAL.—No voting system may
25 be used in an election for Federal office unless

1 the manufacturer of such system and the elec-
2 tion officials using such system meet the appli-
3 cable requirements described in subparagraph
4 (B).

5 “(B) REQUIREMENTS DESCRIBED.—The
6 requirements described in this subparagraph
7 are as follows:

8 “(i) The manufacturer and the elec-
9 tion officials shall document the secure
10 chain of custody for the handling of all
11 software, hardware, vote storage media,
12 blank ballots, and completed ballots used
13 in connection with voting systems, and
14 shall make the information available upon
15 request to the Commission.

16 “(ii) The manufacturer shall disclose
17 to an accredited laboratory under section
18 231 and to the appropriate election official
19 any information required to be disclosed
20 under paragraph (8).

21 “(iii) After the appropriate election
22 official has certified the election-dedicated
23 and other voting system software for use in
24 an election, the manufacturer may not—

25 “(I) alter such software; or

1 “(II) insert or use in the voting
2 system any software, software patch,
3 or other software modification not cer-
4 tified by the State for use in the elec-
5 tion.

6 “(iv) At the request of the Commis-
7 sion—

8 “(I) the appropriate election offi-
9 cial shall submit information to the
10 Commission regarding the State’s
11 compliance with this subparagraph;
12 and

13 “(II) the manufacturer shall sub-
14 mit information to the Commission re-
15 garding the manufacturer’s compli-
16 ance with this subparagraph.

17 “(C) DEVELOPMENT AND PUBLICATION OF
18 BEST PRACTICES OF SECURE CHAIN OF CUS-
19 TODY.—Not later than August 1, 2018, the
20 Commission shall develop and make publicly
21 available best practices regarding the require-
22 ment of subparagraph (B)(i) and (B)(iii), and
23 in the case of subparagraph (B)(iii), shall in-
24 clude best practices for certifying software

1 patches and minor software modifications under
2 short deadlines.

3 “(D) DISCLOSURE OF SECURE CHAIN OF
4 CUSTODY.—The Commission shall make infor-
5 mation provided to the Commission under sub-
6 paragraph (B)(i) available to any person upon
7 request.

8 “(12) DURABILITY AND READABILITY REQUIRE-
9 MENTS FOR BALLOTS.—

10 “(A) DURABILITY REQUIREMENTS FOR
11 PAPER BALLOTS.—

12 “(i) IN GENERAL.—All voter-verified
13 paper ballots required to be used under
14 this Act shall be marked or printed on du-
15 rable paper.

16 “(ii) DEFINITION.—For purposes of
17 this Act, paper is ‘durable’ if it is capable
18 of withstanding multiple counts and re-
19 counts by hand without compromising the
20 fundamental integrity of the ballots, and
21 capable of retaining the information
22 marked or printed on them for the full du-
23 ration of a retention and preservation pe-
24 riod of 22 months.

1 “(B) READABILITY REQUIREMENTS FOR
2 PAPER BALLOTS MARKED BY BALLOT MARKING
3 DEVICE.—All voter-verified paper ballots com-
4 pleted by the voter through the use of a ballot
5 marking device shall be clearly readable by the
6 voter without assistance (other than eyeglasses
7 or other personal vision-enhancing devices) and
8 by an optical character recognition device or
9 other device equipped for individuals with dis-
10 abilities.

11 “(13) REQUIREMENTS FOR PUBLICATION OF
12 POLL TAPES.—

13 “(A) REQUIREMENTS.—Each State shall
14 meet the following requirements:

15 “(i) Upon the closing of the polls at
16 each polling place, the appropriate election
17 official, under the observation of the cer-
18 tified tabulation observers admitted to the
19 polling place under subparagraph (E) (if
20 any), shall announce the vote orally, post a
21 copy of the poll tape reflecting the totals
22 from each voting machine upon which
23 votes were cast in the election at the poll-
24 ing place, and prepare and post a state-
25 ment of the total number of individuals

1 who appeared at the polling place to cast
2 ballots, determined by reference to the
3 number of signatures in a sign-in book or
4 other similar independent count. Such offi-
5 cials shall ensure that each of the certified
6 tabulation observers admitted to the poll-
7 ing place has full access to observe the
8 process by which the poll tapes and state-
9 ment are produced and a reasonable period
10 of time to review the poll tapes and state-
11 ment before the polling place is closed, and
12 (if feasible) shall provide such observers
13 with identical duplicate copies of the poll
14 tapes and statement.

15 “(ii) As soon as practicable, but in no
16 event later than noon of the day following
17 the date of the election, the appropriate
18 election official shall display (at a promi-
19 nent location accessible to the public dur-
20 ing regular business hours and in or within
21 reasonable proximity to the polling place) a
22 copy of each poll tape and statement pre-
23 pared under clause (i), and the information
24 shall be displayed on the official public
25 Web sites of the applicable local election

1 official and chief State election official, to-
2 gether with the name of the designated
3 voting official who entered the information
4 and the date and time the information was
5 entered.

6 “(iii) Each Web site on which infor-
7 mation is posted under clause (ii) shall in-
8 clude information on the procedures by
9 which discrepancies shall be reported to
10 election officials. If any discrepancy exists
11 between the posted information and the
12 relevant poll tape or statement, the appro-
13 priate election official shall display infor-
14 mation on the discrepancy on the Web site
15 on which the information is posted under
16 clause (ii) not later than 24 hours after
17 the official is made aware of the discrep-
18 ancy, and shall maintain the information
19 on the discrepancy and its resolution (if
20 applicable) on such website during the en-
21 tire period for which results of the election
22 are typically maintained on such Web site.

23 “(iv) The appropriate election official
24 shall preserve archived copies of the poll
25 tapes and statements prepared under

1 clause (i) and reports of discrepancies filed
2 by certified tabulation observers for the pe-
3 riod of time during which records and pa-
4 pers are required to be retained and pre-
5 served pursuant to title III of the Civil
6 Rights Act of 1960 (42 U.S.C. 1974 et
7 seq.) or for the same duration for which
8 archived copies of other records of the elec-
9 tion are required to be preserved under ap-
10 plicable State law, whichever is longer.

11 “(B) TREATMENT OF BALLOTS CAST AT
12 EARLY VOTING SITES.—

13 “(i) APPLICATION.—The requirements
14 of this subparagraph shall apply with re-
15 spect to poll tapes and statements of the
16 number of voters who voted in person at
17 designated sites prior to the date of the
18 election.

19 “(ii) DAILY COUNT OF VOTERS.—At
20 the close of business on each day on which
21 ballots described in clause (i) may be cast
22 prior to the date of the election, the appro-
23 priate election official at each such site
24 shall—

1 “(I) under the observation of cer-
2 tified tabulation observers admitted to
3 the site under subparagraph (E) (if
4 any), prepare and post a statement of
5 the total number of individuals who
6 appeared at the site to cast ballots,
7 determined by reference to the num-
8 ber of signatures in a sign-in book or
9 other similar independent count, and
10 the total number of ballots cast (ex-
11 cluding information on the votes re-
12 ceived by individual candidates), and
13 shall ensure that each of the certified
14 tabulation observers admitted to the
15 site has full access to observe the
16 process by which the statement is pro-
17 duced and a reasonable period of time
18 to review the statement before the site
19 is closed; and

20 “(II) display at the site during
21 regular business hours for the dura-
22 tion of the early voting period a paper
23 copy of the statement prepared under
24 subclause (I).

1 “(iii) APPLICATION OF GENERAL RE-
2 QUIREMENTS FOR POLL TAPES AND
3 STATEMENTS.—Upon the closing of the
4 polls on the date of the election, the appro-
5 priate election official at each designated
6 site described in this subparagraph shall
7 meet the requirements of subparagraph
8 (A) (including requirements relating to the
9 role of certified tabulation observers) in
10 the same manner as an election official at
11 a polling place.

12 “(C) TREATMENT OF ABSENTEE BAL-
13 LOTS.—

14 “(i) DAILY COUNT OF BALLOTS
15 MAILED AND RECEIVED.—At the close of
16 each business day on which a State mails
17 or accepts absentee ballots cast in an elec-
18 tion for Federal office prior to the date of
19 the election, the appropriate election offi-
20 cial shall—

21 “(I) under the observation of cer-
22 tified tabulation observers admitted
23 under subparagraph (E) to the site at
24 which the ballots are mailed and re-
25 ceived (if any), prepare and post a

1 statement of the total number of ab-
2 sentee ballots mailed and received by
3 the official during that day and a sep-
4 arate count of the number of absentee
5 ballots received but rejected (sepa-
6 rated into categories of the reasons
7 for rejection), and ensure that each of
8 the certified tabulation observers ad-
9 mitted to the site has full access to
10 observe the process by which the
11 statement is produced and a reason-
12 able period of time to review the
13 statement before the site is closed;
14 and

15 “(II) display at the site during
16 regular business hours for the dura-
17 tion of the period during which absen-
18 tee ballots are processed a paper copy
19 of the statement prepared under sub-
20 clause (I).

21 “(ii) APPLICATION OF GENERAL RE-
22 QUIREMENTS FOR POLL TAPES AND
23 STATEMENTS.—At the close of business on
24 the last day on which absentee ballots are
25 counted prior to the certification of the

1 election, the appropriate election official at
2 the site at which absentee ballots are re-
3 ceived and counted shall meet the require-
4 ments of subparagraph (A) (including re-
5 quirements relating to the role of certified
6 tabulation observers) in the same manner
7 as an election official at a polling place.

8 “(D) DAILY COUNT OF PROVISIONAL BAL-
9 LOTS.—At the close of business on the day on
10 which the appropriate election official deter-
11 mines whether or not provisional ballots cast in
12 an election for Federal office will be counted as
13 votes in the election (as described in section
14 302(a)(4)), the official shall—

15 “(i) under the observation of certified
16 tabulation observers admitted under sub-
17 paragraph (E) to the site at which the de-
18 termination is made (if any), prepare and
19 post a statement of the number of such
20 ballots for which a determination was
21 made, the number of ballots counted, and
22 the number of ballots rejected (separated
23 into categories of the reason for the rejec-
24 tion), and ensure that each of the certified
25 tabulation observers admitted to the site

1 has full access to observe the process by
2 which the statement is produced and a rea-
3 sonable period of time to review the state-
4 ment before the site is closed; and

5 “(ii) display at the site during regular
6 business hours for the duration of the pe-
7 riod during which provisional ballots are
8 processed a paper copy of the statement
9 prepared under clause (i).

10 “(E) ADMISSION OF CERTIFIED TABULA-
11 TION OBSERVERS.—

12 “(i) CERTIFIED TABULATION OB-
13 SERVER DEFINED.—In this paragraph, a
14 ‘certified tabulation observer’ is an indi-
15 vidual who is certified by an appropriate
16 election official as authorized to carry out
17 the responsibilities of a certified tabulation
18 observer under this paragraph.

19 “(ii) SELECTION.—In determining
20 which individuals to certify as tabulation
21 observers and admit to a polling place or
22 other location to serve as certified tabula-
23 tion observers with respect to an election
24 for Federal office, the election official shall
25 give preference to individuals who are af-

1 filiated with a candidate in the election, ex-
2 cept that—

3 “(I) the number of individuals
4 admitted who are affiliated with the
5 same candidate for Federal office may
6 not exceed one; and

7 “(II) the maximum number of in-
8 dividuals who may be admitted shall
9 equal the number of candidates in the
10 election plus 3, or such greater num-
11 ber as may be authorized under State
12 law.

13 “(iii) NO EFFECT ON ADMISSION OF
14 OTHER OBSERVERS.—Nothing in this sub-
15 paragraph may be construed to limit or
16 otherwise affect the authority of other indi-
17 viduals to enter and observe polling place
18 operations under any other law, including
19 international observers authorized under
20 any treaty or observers of the Federal Gov-
21 ernment authorized under the Voting
22 Rights Act of 1965.

23 “(F) NO EFFECT ON OTHER TABULATION
24 REQUIREMENTS.—Nothing in this Act may be
25 construed to supersede any requirement that an

1 election official at a polling place report vote to-
2 tals to a central tabulation facility and address
3 discrepancies the official finds in the aggrega-
4 tion of those totals with other vote totals.”.

5 (b) REQUIRING LABORATORIES TO MEET STAND-
6 ARDS PROHIBITING CONFLICTS OF INTEREST AS CONDI-
7 TION OF ACCREDITATION FOR TESTING OF VOTING SYS-
8 TEM HARDWARE AND SOFTWARE.—

9 (1) IN GENERAL.—Section 231(b) of such Act
10 (52 U.S.C. 20971(b)) is amended by adding at the
11 end the following new paragraphs:

12 “(3) PROHIBITING CONFLICTS OF INTEREST;
13 ENSURING AVAILABILITY OF RESULTS.—

14 “(A) IN GENERAL.—A laboratory may not
15 be accredited by the Commission for purposes
16 of this section unless—

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

1 “(ii) the laboratory meets such stand-
2 ards as the Commission shall establish
3 (after notice and opportunity for public
4 comment) to prevent the existence or ap-
5 pearance of any conflict of interest in the
6 testing carried out by the laboratory under
7 this section, including standards to ensure
8 that the laboratory does not have a finan-
9 cial interest in the manufacture, sale, and
10 distribution of voting system hardware and
11 software, and is sufficiently independent
12 from other persons with such an interest;

13 “(iii) the laboratory certifies that it
14 will permit an expert designated by the
15 Commission or by the State requiring cer-
16 tification of the system being tested to ob-
17 serve any testing the laboratory carries out
18 under this section; and

19 “(iv) the laboratory, upon completion
20 of any testing carried out under this sec-
21 tion, discloses the test protocols, results,
22 and all communication between the labora-
23 tory and the manufacturer to the Commis-
24 sion.

1 “(B) AVAILABILITY OF RESULTS.—Upon
2 receipt of information under subparagraph (A),
3 the Commission shall make the information
4 available promptly to election officials and the
5 public.

6 “(4) PROCEDURES FOR CONDUCTING TESTING;
7 PAYMENT OF USER FEES FOR COMPENSATION OF
8 ACCREDITED LABORATORIES.—

9 “(A) ESTABLISHMENT OF ESCROW AC-
10 COUNT.—The Commission shall establish an es-
11 crow account (to be known as the Testing Es-
12 crow Account) for making payments to accred-
13 ited laboratories for the costs of the testing car-
14 ried out in connection with the certification, de-
15 certification, and recertification of voting sys-
16 tem hardware and software.

17 “(B) SCHEDULE OF FEES.—In consulta-
18 tion with the accredited laboratories, the Com-
19 mission shall establish and regularly update a
20 schedule of fees for the testing carried out in
21 connection with the certification, decertification,
22 and recertification of voting system hardware
23 and software, based on the reasonable costs ex-
24 pected to be incurred by the accredited labora-

1 tories in carrying out the testing for various
2 types of hardware and software.

3 “(C) REQUESTS AND PAYMENTS BY MANU-
4 FACTURERS.—A manufacturer of voting system
5 hardware and software may not have the hard-
6 ware or software tested by an accredited labora-
7 tory under this section unless—

8 “(i) the manufacturer submits a de-
9 tailed request for the testing to the Com-
10 mission; and

11 “(ii) the manufacturer pays to the
12 Commission, for deposit into the Testing
13 Escrow Account established under sub-
14 paragraph (A), the applicable fee under the
15 schedule established and in effect under
16 subparagraph (B).

17 “(D) SELECTION OF LABORATORY.—Upon
18 receiving a request for testing and the payment
19 from a manufacturer required under subpara-
20 graph (C), the Commission shall select, from all
21 laboratories which are accredited under this
22 section to carry out the specific testing re-
23 quested by the manufacturer, an accredited lab-
24 oratory to carry out the testing.

1 “(E) PAYMENTS TO LABORATORIES.—
2 Upon receiving a certification from a laboratory
3 selected to carry out testing pursuant to sub-
4 paragraph (D) that the testing is completed,
5 along with a copy of the results of the test as
6 required under paragraph (3)(A)(iv), the Com-
7 mission shall make a payment to the laboratory
8 from the Testing Escrow Account established
9 under subparagraph (A) in an amount equal to
10 the applicable fee paid by the manufacturer
11 under subparagraph (C)(ii).

12 “(5) DISSEMINATION OF ADDITIONAL INFORMA-
13 TION ON ACCREDITED LABORATORIES.—

14 “(A) INFORMATION ON TESTING.—Upon
15 completion of the testing of a voting system
16 under this section, the Commission shall
17 promptly disseminate to the public the identi-
18 fication of the laboratory which carried out the
19 testing.

20 “(B) INFORMATION ON STATUS OF LAB-
21 ORATORIES.—The Commission shall promptly
22 notify Congress, the chief State election official
23 of each State, and the public whenever—

1 “(i) the Commission revokes, termi-
2 nates, or suspends the accreditation of a
3 laboratory under this section;

4 “(ii) the Commission restores the ac-
5 creditation of a laboratory under this sec-
6 tion which has been revoked, terminated,
7 or suspended; or

8 “(iii) the Commission has credible evi-
9 dence of significant security failure at an
10 accredited laboratory.”.

11 (2) CONFORMING AMENDMENTS.—Section 231
12 of such Act (52 U.S.C. 20971) is further amended—

13 (A) in subsection (a)(1), by striking “test-
14 ing, certification,” and all that follows and in-
15 serting the following: “testing of voting system
16 hardware and software by accredited labora-
17 tories in connection with the certification, de-
18 certification, and recertification of the hardware
19 and software for purposes of this Act.”;

20 (B) in subsection (a)(2), by striking “test-
21 ing, certification,” and all that follows and in-
22 serting the following: “testing of its voting sys-
23 tem hardware and software by the laboratories
24 accredited by the Commission under this section

1 in connection with certifying, decertifying, and
2 recertifying the hardware and software.”;

3 (C) in subsection (b)(1), by striking “test-
4 ing, certification, decertification, and recertifi-
5 cation” and inserting “testing”; and

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

9 (3) DEADLINE FOR ESTABLISHMENT OF
10 STANDARDS, ESCROW ACCOUNT, AND SCHEDULE OF
11 FEES.—The Election Assistance Commission shall
12 establish the standards described in section
13 231(b)(3) of the Help America Vote Act of 2002
14 and the Testing Escrow Account and schedule of
15 fees described in section 231(b)(4) of such Act (as
16 added by paragraph (1)) not later than January 1,
17 2018.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to the Elec-
20 tion Assistance Commission such sums as may be
21 necessary to carry out the Commission’s duties
22 under paragraphs (3) and (4) of section 231 of the
23 Help America Vote Act of 2002 (as added by para-
24 graph (1)).

1 (c) GRANTS FOR RESEARCH ON DEVELOPMENT OF
2 ELECTION-DEDICATED VOTING SYSTEM SOFTWARE.—

3 (1) IN GENERAL.—Subtitle D of title II of the
4 Help America Vote Act of 2002 (52 U.S.C. 21001
5 et seq.) is amended by adding at the end the fol-
6 lowing new part:

7 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**
8 **MENT OF ELECTION-DEDICATED VOTING**
9 **SYSTEM SOFTWARE**

10 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**
11 **ELECTION-DEDICATED VOTING SYSTEM**
12 **SOFTWARE.**

13 “(a) IN GENERAL.—The Director of the National
14 Science Foundation (hereafter in this part referred to as
15 the ‘Director’) shall make grants to not fewer than 3 eligi-
16 ble entities to conduct research on the development of elec-
17 tion-dedicated voting system software.

18 “(b) ELIGIBILITY.—An entity is eligible to receive a
19 grant under this part if it submits to the Director (at such
20 time and in such form as the Director may require) an
21 application containing—

22 “(1) certifications regarding the benefits of op-
23 erating voting systems on election-dedicated software
24 which is easily understandable and which is written
25 exclusively for the purpose of conducting elections;

1 “(2) certifications that the entity will use the
2 funds provided under the grant to carry out research
3 on how to develop voting systems that run on elec-
4 tion-dedicated software and that will meet the appli-
5 cable requirements for voting systems under title III;
6 and

7 “(3) such other information and certifications
8 as the Director may require.

9 “(c) AVAILABILITY OF TECHNOLOGY.—Any tech-
10 nology developed with the grants made under this section
11 shall be treated as nonproprietary and shall be made avail-
12 able to the public, including to manufacturers of voting
13 systems.

14 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
15 is authorized to be appropriated for grants under this sec-
16 tion \$1,500,000 for each of fiscal years 2017 and 2018,
17 to remain available until expended.”.

18 (2) CLERICAL AMENDMENT.—The table of con-
19 tents of such Act is amended by adding at the end
20 of the items relating to subtitle D of title II the fol-
21 lowing:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-
DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting sys-
tem software.”.

1 **Subtitle C—Funding**

2 **SEC. 121. AVAILABILITY OF ADDITIONAL FUNDING TO EN-**
3 **ABLE STATES TO MEET COSTS OF REVISED**
4 **REQUIREMENTS.**

5 (a) EXTENSION OF REQUIREMENTS PAYMENTS FOR
6 MEETING REVISED REQUIREMENTS.—Section 257(a) of
7 the Help America Vote Act of 2002 (52 U.S.C. 21007(a))
8 is amended by adding at the end the following new para-
9 graph:

10 “(5) For each of the fiscal years 2017 and
11 2018, \$600,000,000, except that any funds provided
12 under the authorization made by this paragraph
13 shall be used by a State only to meet the require-
14 ments of title III which are first imposed on the
15 State pursuant to the amendments made by title I
16 of the Election Integrity Act of 2016, or to other-
17 wise modify or replace its voting systems in response
18 to such amendments.”.

19 (b) USE OF REVISED FORMULA FOR ALLOCATION OF
20 FUNDS.—Section 252(b) of such Act (52 U.S.C.
21 21002(b)) is amended to read as follows:

22 “(b) STATE ALLOCATION PERCENTAGE DEFINED.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the ‘State allocation percentage’ for a

1 State is the amount (expressed as a percentage)
2 equal to the quotient of—

3 “(A) the voting age population of the State
4 (as reported in the most recent decennial cen-
5 sus); and

6 “(B) the total voting age population of all
7 States (as reported in the most recent decennial
8 census).

9 “(2) SPECIAL RULE FOR PAYMENTS USED TO
10 MEET REQUIREMENTS IMPOSED UNDER ELECTION
11 INTEGRITY ACT OF 2016.—

12 “(A) IN GENERAL.—In the case of the re-
13 quirements payment made to a State under the
14 authorization made by section 257(a)(5) for fis-
15 cal years 2017 or 2018, the ‘State allocation
16 percentage’ for a State is the amount (ex-
17 pressed as a percentage) equal to the quotient
18 of—

19 “(i) the sum of the number of non-
20 compliant precincts in the State and 50
21 percent of the number of partially non-
22 compliant precincts in the State; and

23 “(ii) the sum of the number of non-
24 compliant precincts in all States and 50

1 percent of the number of partially non-
2 compliant precincts in all States.

3 “(B) NONCOMPLIANT PRECINCT DE-
4 FINED.—In this paragraph, a ‘noncompliant
5 precinct’ means any precinct (or equivalent lo-
6 cation) within a State for which the voting sys-
7 tem used to administer the regularly scheduled
8 general election for Federal office held in No-
9 vember 2016 did not meet either of the require-
10 ments described in subparagraph (D).

11 “(C) PARTIALLY NONCOMPLIANT PRE-
12 CINCT DEFINED.—In this paragraph, a ‘par-
13 tially noncompliant precinct’ means any pre-
14 cinct (or equivalent location) within a State for
15 which the voting system used to administer the
16 regularly scheduled general election for Federal
17 office held in November 2016 met only one of
18 the requirements described in subparagraph
19 (D).

20 “(D) REQUIREMENTS DESCRIBED.—The
21 requirements described in this subparagraph
22 with respect to a voting system are as follows:

23 “(i) The primary voting system re-
24 quired the use of durable paper ballots (as
25 described in section 301(a)(2)(A)(i)(I) and

1 301 (a)(12)(A)), as amended or added by
2 the Election Integrity Act of 2016) for
3 every vote cast.

4 “(ii) The voting system allowed the
5 voter to privately and independently verify
6 the permanent paper ballot through the
7 presentation of the same printed or
8 marked information used for vote counting
9 and auditing and to privately and inde-
10 pendently cast the permanent paper ballot
11 without handling the ballot manually.”.

12 (c) REVISED CONDITIONS FOR RECEIPT OF
13 FUNDS.—Section 253 of such Act (52 U.S.C. 21003) is
14 amended—

15 (1) in subsection (a), by striking “A State is el-
16 igible” and inserting “Except as provided in sub-
17 section (f), a State is eligible”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(f) SPECIAL RULE FOR PAYMENTS USED TO MEET
21 REQUIREMENTS IMPOSED UNDER ELECTION INTEGRITY
22 ACT OF 2016.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of this part, a State is eligible to receive
25 a requirements payment under the authorization

1 made by section 257(a)(5) for fiscal years 2017 or
2 2018 if, not later than 90 days after the date of the
3 enactment of the Election Integrity Act of 2016, the
4 chief executive officer of the State, or designee, in
5 consultation and coordination with the chief State
6 election official—

7 “(A) certifies to the Commission the num-
8 ber of noncompliant and partially noncompliant
9 precincts in the State (as defined in section
10 252(b)(2));

11 “(B) certifies to the Commission that the
12 State will reimburse each unit of local govern-
13 ment in the State for any costs the unit incurs
14 in carrying out the activities for which the pay-
15 ment may be used; and

16 “(C) files a statement with the Commis-
17 sion describing the State’s need for the pay-
18 ment and how the State will use the payment
19 to meet the requirements of title III (in accord-
20 ance with the limitations applicable to the use
21 of the payment under section 257(a)(5)).

22 “(2) CERTIFICATIONS BY STATES THAT RE-
23 QUIRE CHANGES TO STATE LAW.—In the case of a
24 State that requires State legislation to carry out any
25 activity covered by any certification submitted under

1 this subsection, the State shall be permitted to make
2 the certification notwithstanding that the legislation
3 has not been enacted at the time the certification is
4 submitted and such State shall submit an additional
5 certification once such legislation is enacted.”.

6 (d) PERMITTING USE OF FUNDS FOR REIMBURSE-
7 MENT FOR COSTS PREVIOUSLY INCURRED.—Section
8 251(c)(1) of such Act (52 U.S.C. 21001(c)(1)) is amended
9 by striking the period at the end and inserting the fol-
10 lowing: “, or as a reimbursement for any costs incurred
11 after November 2016 in meeting the requirements of title
12 III which are imposed pursuant to the amendments made
13 by title I of the Election Integrity Act of 2016 or in other-
14 wise upgrading or replacing voting systems in a manner
15 consistent with such amendments (so long as the voting
16 systems meet any of the requirements that apply with re-
17 spect to elections for Federal office held in 2018 and each
18 succeeding year).”.

19 (e) RULE OF CONSTRUCTION REGARDING STATES
20 RECEIVING OTHER FUNDS FOR REPLACING PUNCH
21 CARD, LEVER, OR OTHER VOTING MACHINES.—Nothing
22 in the amendments made by this section or in any other
23 provision of the Help America Vote Act of 2002 may be
24 construed to prohibit a State which received or was au-
25 thorized to receive a payment under title I or II of such

1 Act for replacing punch card, lever, or other voting ma-
2 chines from receiving or using any funds which are made
3 available under the amendments made by this section.

4 (f) RULE OF CONSTRUCTION REGARDING USE OF
5 FUNDS RECEIVED IN PRIOR YEARS.—

6 (1) IN GENERAL.—Nothing contained in this
7 Act or the Help America Vote Act of 2002 may be
8 construed to prohibit a State from using funds re-
9 ceived under title I or II of the Help America Vote
10 Act of 2002 to purchase or acquire by other means
11 a voting system that meets the requirements of sec-
12 tion 301 of the Help America Vote Act of 2002 (as
13 amended by this Act) in order to replace voting sys-
14 tems purchased with funds received under the Help
15 America Vote Act of 2002 that do not meet such re-
16 quirements.

17 (2) WAIVER OF NOTICE AND COMMENT RE-
18 QUIREMENTS.—The requirements of subparagraphs
19 (A), (B), and (C) of section 254(a)(11) of the Help
20 America Vote Act of 2002 shall not apply to any
21 State using funds received under such Act for the
22 purposes described in paragraph (1)

23 **SEC. 122. GRANTS FOR DEVELOPMENT OF COMPLIANT SYS-**
24 **TEMS.**

25 (a) ESTABLISHMENT OF GRANT PROGRAM.—

1 (1) GRANTS TO DEVELOP VOTING SYSTEMS.—

2 The Election Assistance Commission (hereafter re-
3 ferred to as the “Commission”) shall establish and
4 operate a program under which the Commission
5 shall award grants to eligible entities for the devel-
6 opment of voting systems that meet the require-
7 ments of paragraph (2) and that may be used by
8 States and units of local government to administer
9 elections for Federal office.

10 (2) REQUIREMENTS FOR VOTING SYSTEMS.—

11 The requirements of this paragraph with respect to
12 voting systems are as follows:

13 (A) The system produces a voter-verified
14 paper record of each vote cast on the system.

15 (B) The system is demonstrably compat-
16 ible with commodity accessibility devices.

17 (C) The system is fully accessible for the
18 use of individuals with disabilities.

19 (b) ELIGIBILITY REQUIREMENTS FOR RECIPI-
20 ENTS.—An entity is eligible to receive a grant under the
21 program under this section if the entity submits to the
22 Commission, at such time and in such form as the Com-
23 mission may require, an application containing—

24 (1) a certification that any voting system devel-
25 oped with the funds provided under this section shall

1 meet the requirements of paragraph (2) of sub-
2 section (a); and

3 (2) such other information and assurances as
4 the Commission may require.

5 (c) APPLICABILITY OF REGULATIONS GOVERNING
6 PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
7 ASSISTANCE.—Any invention made by the recipient of a
8 grant under this section using funds provided under this
9 section shall be subject to chapter 18 of title 35, United
10 States Code (relating to patent rights in inventions made
11 with Federal assistance).

12 (d) REPORT.—

13 (1) IN GENERAL.—Each entity which receives a
14 grant under this section shall submit to the Commis-
15 sion a report describing the activities carried out
16 with the funds provided under the grant.

17 (2) DEADLINE.—An entity shall submit a re-
18 port required under paragraph (1) not later than 60
19 days after the end of the fiscal year for which the
20 entity received the grant which is the subject of the
21 report.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated for grants under this section
25 \$60,000,000 for fiscal year 2017.

1 (2) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to the authorization under this
3 subsection shall remain available, without fiscal year
4 limitation, until expended.

5 **Subtitle D—Effective Date**

6 **SEC. 131. EFFECTIVE DATE FOR NEW REQUIREMENTS.**

7 Section 301(d) of the Help America Vote Act of 2002
8 (52 U.S.C. 21081(d)) is amended to read as follows:

9 “(d) EFFECTIVE DATE.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), each State and jurisdiction shall be re-
12 quired to comply with the requirements of this sec-
13 tion on and after January 1, 2006.

14 “(2) SPECIAL RULE FOR CERTAIN REQUIRE-
15 MENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraphs (B) and (C), the requirements of
18 this section which are first imposed on a State
19 and jurisdiction pursuant to the amendments
20 made by title I of the Election Integrity Act of
21 2016 shall apply with respect to voting systems
22 used for the regularly scheduled general election
23 for Federal office held in 2018 and each suc-
24 ceeding election for Federal office.

1 “(B) 2-YEAR DELAY FOR JURISDICTIONS
2 USING CERTAIN PAPER RECORD PRINTERS OR
3 CERTAIN SYSTEMS USING OR PRODUCING
4 VOTER-VERIFIABLE PAPER RECORDS IN 2016.—

5 “(i) DELAY.—In the case of a juris-
6 diction described in clause (ii), subpara-
7 graph (A) shall apply to a voting system in
8 the jurisdiction as if the reference in such
9 subparagraph to ‘2018’ were a reference to
10 ‘2020’, but only with respect to the fol-
11 lowing requirements of this section:

12 “(I) Paragraph (2)(A)(i)(I) of
13 subsection (a) (relating to the use of
14 voter-marked paper ballots).

15 “(II) Paragraph (3)(B)(ii)(I) and
16 (II) of subsection (a) (relating to ac-
17 cess to verification from and casting
18 of the durable paper ballot).

19 “(III) Paragraph (12) of sub-
20 section (a) (relating to durability and
21 readability requirements for ballots).

22 “(ii) JURISDICTIONS DESCRIBED.—A
23 jurisdiction described in this clause is a ju-
24 risdiction—

1 “(I) which used voter verifiable
2 paper record printers attached to di-
3 rect recording electronic voting ma-
4 chines, or which used other voting
5 systems that used or produced paper
6 records of the vote verifiable by voters
7 but that are not in compliance with
8 paragraphs (2)(A)(i)(I), (3)(B)(ii)(I)
9 and (II), and (12) of subsection (a)
10 (as amended or added by the Election
11 Integrity Act of 2016), for the admin-
12 istration of the regularly scheduled
13 general election for Federal office held
14 in November 2016; and

15 “(II) which will continue to use
16 such printers or systems for the ad-
17 ministration of elections for Federal
18 office held prior to the regularly
19 scheduled general election for Federal
20 office held in 2018.

21 “(iii) MANDATORY AVAILABILITY OF
22 PAPER BALLOTS AT POLLING PLACES
23 USING GRANDFATHERED PRINTERS AND
24 SYSTEMS.—

1 “(I) REQUIRING BALLOTS TO BE
2 OFFERED AND PROVIDED.—The ap-
3 propriate election official at each poll-
4 ing place that uses a printer or sys-
5 tem described in clause (ii)(I) for the
6 administration of elections for Federal
7 office shall offer each individual who
8 is eligible to cast a vote in the election
9 at the polling place the opportunity to
10 cast the vote using a blank preprinted
11 paper ballot which the individual may
12 mark by hand and which is not pro-
13 duced by the direct recording elec-
14 tronic voting machine or other such
15 system. The official shall provide the
16 individual with the ballot and the sup-
17 plies necessary to mark the ballot, and
18 shall ensure (to the greatest extent
19 practicable) that the waiting period
20 for the individual to cast a vote is the
21 lesser of 30 minutes or the average
22 waiting period for an individual who
23 does not agree to cast the vote using
24 such a paper ballot under this clause.

1 “(II) TREATMENT OF BALLOT.—
2 Any paper ballot which is cast by an
3 individual under this clause shall be
4 counted and otherwise treated as a
5 regular ballot for all purposes (includ-
6 ing by incorporating it into the final
7 unofficial vote count (as defined by
8 the State) for the precinct) and not as
9 a provisional ballot, unless the indi-
10 vidual casting the ballot would have
11 otherwise been required to cast a pro-
12 visional ballot.

13 “(III) POSTING OF NOTICE.—
14 The appropriate election official shall
15 ensure there is prominently displayed
16 at each polling place a notice that de-
17 scribes the obligation of the official to
18 offer individuals the opportunity to
19 cast votes using a preprinted blank
20 paper ballot.

21 “(IV) TRAINING OF ELECTION
22 OFFICIALS.—The chief State election
23 official shall ensure that election offi-
24 cials at polling places in the State are
25 aware of the requirements of this

1 clause, including the requirement to
2 display a notice under subclause (III),
3 and are aware that it is a violation of
4 the requirements of this title for an
5 election official to fail to offer an indi-
6 vidual the opportunity to cast a vote
7 using a blank preprinted paper ballot.

8 “(V) PERIOD OF APPLICA-
9 BILITY.—The requirements of this
10 clause apply only during the period in
11 which the delay is in effect under
12 clause (i).

13 “(C) SPECIAL RULE FOR JURISDICTIONS
14 USING CERTAIN NONTABULATING BALLOT
15 MARKING DEVICES.—In the case of a jurisdic-
16 tion which uses a nontabulating ballot marking
17 device, subparagraph (A) shall apply to a voting
18 system in the jurisdiction as if the reference in
19 such subparagraph to ‘the regularly scheduled
20 general election for Federal office held in 2018’
21 were a reference to ‘the first election for Fed-
22 eral office held in 2020’, but only with respect
23 to paragraph (3)(B)(ii)(II) of subsection (a)
24 (relating to nonmanual casting of the durable
25 paper ballot).”.

1 **TITLE II—REQUIREMENT FOR**
2 **MANDATORY MANUAL AUDITS**
3 **BY HAND COUNT**

4 **SEC. 201. MANDATORY MANUAL AUDITS.**

5 Title III of the Help America Vote Act of 2002 (52
6 U.S.C. 21081 et seq.) is amended by adding at the end
7 the following new subtitle:

8 **“Subtitle C—Mandatory Manual**
9 **Audits**

10 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

11 **“(a) REQUIRING AUDITS.—**

12 **“(1) IN GENERAL.—**In accordance with this
13 subtitle, each State shall administer, without ad-
14 vance notice to the precincts or alternative audit
15 units selected, audits of the results of all elections
16 for Federal office held in the State (and, at the op-
17 tion of the State or jurisdiction involved, of elections
18 for State and local office held at the same time as
19 such election) consisting of random hand counts of
20 the voter-verified paper ballots required to be used
21 and preserved pursuant to section 301(a)(2).

22 **“(2) EXCEPTION FOR CERTAIN ELECTIONS.—**A

23 State shall not be required to administer an audit of
24 the results of an election for Federal office under

1 this subtitle if the winning candidate in the elec-
2 tion—

3 “(A) had no opposition on the ballot; or

4 “(B) received 80 percent or more of the
5 total number of votes cast in the election, as de-
6 termined on the basis of the final unofficial vote
7 count.

8 “(b) DETERMINATION OF ENTITY CONDUCTING AU-
9 DITS; APPLICATION OF GAO INDEPENDENCE STAND-
10 ARDS.—The State shall administer audits under this sub-
11 title through an entity selected for such purpose by the
12 State in accordance with such criteria as the State con-
13 siders appropriate consistent with the requirements of this
14 subtitle, except that the entity must meet the general
15 standards established by the Comptroller General and as
16 set forth in the Comptroller General’s Government Audit-
17 ing Standards to ensure the independence (including, ex-
18 cept as provided under section 323(b), the organizational
19 independence) of entities performing financial audits, at-
20 testation engagements, and performance audits.

21 “(c) REFERENCES TO ELECTION AUDITOR.—In this
22 subtitle, the term ‘Election Auditor’ means, with respect
23 to a State, the entity selected by the State under sub-
24 section (b).

1 **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), the number of voter-verified paper ballots which will
4 be subject to a hand count administered by the Election
5 Auditor of a State under this subtitle with respect to an
6 election shall be determined as follows:

7 “(1) In the event that the unofficial count as
8 described in section 323(a)(1) reveals that the mar-
9 gin of victory between the two candidates receiving
10 the largest number of votes in the election is less
11 than 1 percent of the total votes cast in that elec-
12 tion, the hand counts of the voter-verified paper bal-
13 lots shall occur in at least 10 percent of all precincts
14 or equivalent locations (or alternative audit units
15 used in accordance with the method provided for
16 under subsection (b)) in the congressional district
17 involved (in the case of an election for the House of
18 Representatives) or the State (in the case of any
19 other election for Federal office).

20 “(2) In the event that the unofficial count as
21 described in section 323(a)(1) reveals that the mar-
22 gin of victory between the two candidates receiving
23 the largest number of votes in the election is greater
24 than or equal to 1 percent but less than 2 percent
25 of the total votes cast in that election, the hand
26 counts of the voter-verified paper ballots shall occur

1 in at least 5 percent of all precincts or equivalent lo-
2 cations (or alternative audit units used in accord-
3 ance with the method provided for under subsection
4 (b)) in the congressional district involved (in the
5 case of an election for the House of Representatives)
6 or the State (in the case of any other election for
7 Federal office).

8 “(3) In the event that the unofficial count as
9 described in section 323(a)(1) reveals that the mar-
10 gin of victory between the two candidates receiving
11 the largest number of votes in the election is equal
12 to or greater than 2 percent of the total votes cast
13 in that election, the hand counts of the voter-verified
14 paper ballots shall occur in at least 3 percent of all
15 precincts or equivalent locations (or alternative audit
16 units used in accordance with the method provided
17 for under subsection (b)) in the congressional dis-
18 trict involved (in the case of an election for the
19 House of Representatives) or the State (in the case
20 of any other election for Federal office).

21 “(b) USE OF ALTERNATIVE MECHANISM.—

22 “(1) PERMITTING USE OF ALTERNATIVE MECH-
23 ANISM.—Notwithstanding subsection (a), a State
24 may adopt and apply an alternative mechanism to
25 determine the number of voter-verified paper ballots

1 which will be subject to the hand counts required
2 under this subtitle with respect to an election, so
3 long as the alternative mechanism uses the voter-
4 verified paper ballots to conduct the audit and the
5 National Institute of Standards and Technology de-
6 termines that the alternative mechanism is in ac-
7 cordance with the principles set forth in paragraph
8 (2).

9 “(2) PRINCIPLES FOR APPROVAL.—In approv-
10 ing an alternative mechanism under paragraph (1),
11 the National Institute of Standards and Technology
12 shall ensure that the audit procedure will have the
13 property that for each election—

14 “(A) the alternative mechanism will be at
15 least as statistically effective in ensuring the ac-
16 curacy of the election results as the procedures
17 under this subtitle; or

18 “(B) the alternative mechanism will
19 achieve at least a 95 percent confidence interval
20 (as determined in accordance with criteria set
21 forth by the National Institute of Standards
22 and Technology) with respect to the outcome of
23 the election.

24 “(3) DEADLINE FOR RESPONSE.—The Director
25 of the National Institute of Standards and Tech-

1 nology shall make a determination regarding a
2 State's request to approve an alternative mechanism
3 under paragraph (1) not later than 30 days after re-
4 ceiving the State's request.

5 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

6 “(a) IN GENERAL.—The Election Auditor of a State
7 shall administer an audit under this section of the results
8 of an election in accordance with the following procedures:

9 “(1) Within 24 hours after the State announces
10 the final unofficial vote count (as defined by the
11 State) in each precinct in the State, the Election
12 Auditor shall—

13 “(A) determine and then announce the
14 precincts or equivalent locations (or alternative
15 audit units used in accordance with the method
16 provided under section 322(b)) in the State in
17 which it will administer the audits; and

18 “(B) with respect to votes cast at the pre-
19 cinct or equivalent location on or before the
20 date of the election (other than provisional bal-
21 lots described in paragraph (2)), begin to ad-
22 minister the hand count of the votes on the
23 voter-verified paper ballots required to be used
24 and preserved under section 301(a)(2)(A) and
25 the comparison of the count of the votes on

1 those ballots with the final unofficial count of
2 such votes as announced by the State.

3 “(2) With respect to votes cast other than at
4 the precinct on the date of the election (other than
5 votes cast by provisional ballot on the date of the
6 election which are certified and counted by the State
7 on or after the date of the election), including votes
8 cast by absent uniformed services voters and over-
9 seas voters under the Uniformed and Overseas Citi-
10 zens Absentee Voting Act, the Election Auditor shall
11 administer the hand count of the votes on the appli-
12 cable voter-verified paper ballots required to be pro-
13 duced and preserved under section 301(a)(2)(A) and
14 the comparison of the count of the votes on those
15 ballots with the final unofficial count of such votes
16 as announced by the State.

17 “(b) USE OF PERSONNEL.—In administering the au-
18 dits, the Election Auditor may utilize the services of the
19 personnel of the State or jurisdiction, including election
20 administration personnel and poll workers, without regard
21 to whether or not the personnel have professional auditing
22 experience.

23 “(c) LOCATION.—The Election Auditor shall admin-
24 ister an audit of an election—

1 “(1) at the location where the ballots cast in
2 the election are stored and counted after the date of
3 the election or such other appropriate and secure lo-
4 cation agreed upon by the Election Auditor and the
5 individual that is responsible under State law for the
6 custody of the ballots; and

7 “(2) in the presence of the personnel who under
8 State law are responsible for the custody of the bal-
9 lots.

10 “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-
11 ING ABSENTEE VOTE COUNT.—In the case of a State in
12 which the final count of absentee and provisional votes is
13 not announced until after the date of the election, the
14 Election Auditor shall initiate the process described in
15 subsection (a) for administering the audit not later than
16 24 hours after the State announces the final unofficial
17 vote count for the votes cast at the precinct or equivalent
18 location on or before the date of the election, and shall
19 initiate the administration of the audit of the absentee and
20 provisional votes pursuant to subsection (a)(2) not later
21 than 24 hours after the State announces the final unoffi-
22 cial count of such votes.

23 “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

24 “(1) IN GENERAL.—If the Election Auditor
25 finds that any of the hand counts administered

1 under this section do not match the final unofficial
2 tally of the results of an election, the Election Audi-
3 tor shall administer hand counts under this section
4 of such additional precincts (or alternative audit
5 units) as the Election Auditor considers appropriate
6 to resolve any concerns resulting from the audit and
7 ensure the accuracy of the election results.

8 “(2) ESTABLISHMENT AND PUBLICATION OF
9 PROCEDURES GOVERNING ADDITIONAL AUDITS.—

10 Not later than August 1, 2019, each State shall es-
11 tablish and publish procedures for carrying out the
12 additional audits under this subsection, including the
13 means by which the State shall resolve any concerns
14 resulting from the audit with finality and ensure the
15 accuracy of the election results.

16 “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit
17 conducted under this section shall be conducted in a man-
18 ner that allows public observation of the entire process.

19 **“SEC. 324. SELECTION OF PRECINCTS.**

20 “(a) IN GENERAL.—Except as provided in subsection
21 (c), the selection of the precincts or alternative audit units
22 in the State in which the Election Auditor of the State
23 shall administer the hand counts under this subtitle shall
24 be made by the Election Auditor on a random basis, in
25 accordance with procedures adopted by the National Insti-

1 tute of Standards and Technology, except that at least one
2 precinct shall be selected at random in each county, with
3 additional precincts selected by the Election Auditor at the
4 Auditor’s discretion.

5 “(b) PUBLIC SELECTION.—The random selection of
6 precincts under subsection (a) shall be conducted in pub-
7 lic, at a time and place announced in advance.

8 “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-
9 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a
10 State does not sort absentee ballots by precinct and in-
11 clude those ballots in the hand count with respect to that
12 precinct, the State shall create absentee ballot precincts
13 or audit units which are of similar size to the average pre-
14 cinct or audit unit in the jurisdiction being audited, and
15 shall include those absentee precincts or audit units
16 among the precincts in the State in which the Election
17 Auditor shall administer the hand counts under this sub-
18 title.

19 “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY
20 COMMISSION.—The National Institute of Standards and
21 Technology shall adopt the procedures described in sub-
22 section (a) not later than March 31, 2019, and shall pub-
23 lish them in the Federal Register upon adoption.

1 **“SEC. 325. PUBLICATION OF RESULTS.**

2 “(a) SUBMISSION TO COMMISSION.—As soon as prac-
3 ticable after the completion of an audit under this subtitle,
4 the Election Auditor of a State shall submit to the Com-
5 mission the results of the audit, and shall include in the
6 submission a comparison of the results of the election in
7 the precinct as determined by the Election Auditor under
8 the audit and the final unofficial vote count in the precinct
9 as announced by the State and all undervotes, overvotes,
10 blank ballots, and spoiled, voided, or cancelled ballots, as
11 well as a list of any discrepancies discovered between the
12 initial, subsequent, and final hand counts administered by
13 the Election Auditor and such final unofficial vote count
14 and any explanation for such discrepancies, broken down
15 by the categories of votes described in paragraphs (1)(B)
16 and (2) of section 323(a).

17 “(b) PUBLICATION BY COMMISSION.—Immediately
18 after receiving the submission of the results of an audit
19 from the Election Auditor of a State under subsection (a),
20 the Commission shall publicly announce and publish the
21 information contained in the submission.

22 “(c) DELAY IN CERTIFICATION OF RESULTS BY
23 STATE.—

24 “(1) PROHIBITING CERTIFICATION UNTIL COM-
25 PLETION OF AUDITS.—No State may certify the re-

1 sults of any election which is subject to an audit
2 under this subtitle prior to—

3 “(A) the completion of the audit (and, if
4 required, any additional audit conducted under
5 section 323(e)(1)) and the announcement and
6 submission of the results of each such audit to
7 the Commission for publication of the informa-
8 tion required under this section; and

9 “(B) the completion of any procedure es-
10 tablished by the State pursuant to section
11 323(e)(2) to resolve discrepancies and ensure
12 the accuracy of results.

13 “(2) DEADLINE FOR COMPLETION OF AUDITS
14 OF PRESIDENTIAL ELECTIONS.—In the case of an
15 election for electors for President and Vice President
16 which is subject to an audit under this subtitle, the
17 State shall complete the audits and announce and
18 submit the results to the Commission for publication
19 of the information required under this section in
20 time for the State to certify the results of the elec-
21 tion and provide for the final determination of any
22 controversy or contest concerning the appointment
23 of such electors prior to the deadline described in
24 section 6 of title 3, United States Code.

1 **“SEC. 326. PAYMENTS TO STATES.**

2 “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-
3 DITS.—In accordance with the requirements and proce-
4 dures of this section, the Commission shall make a pay-
5 ment to a State to cover the costs incurred by the State
6 in carrying out this subtitle with respect to the elections
7 that are the subject of the audits conducted under this
8 subtitle.

9 “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-
10 PATED COSTS.—

11 “(1) CERTIFICATION REQUIRED.—In order to
12 receive a payment under this section, a State shall
13 submit to the Commission, in such form as the Com-
14 mission may require, a statement containing—

15 “(A) a certification that the State will con-
16 duct the audits required under this subtitle in
17 accordance with all of the requirements of this
18 subtitle;

19 “(B) a notice of the reasonable costs in-
20 curred or the reasonable costs anticipated to be
21 incurred by the State in carrying out this sub-
22 title with respect to the elections involved; and

23 “(C) such other information and assur-
24 ances as the Commission may require.

25 “(2) AMOUNT OF PAYMENT.—The amount of a
26 payment made to a State under this section shall be

1 equal to the reasonable costs incurred or the reason-
2 able costs anticipated to be incurred by the State in
3 carrying out this subtitle with respect to the elec-
4 tions involved, as set forth in the statement sub-
5 mitted under paragraph (1).

6 “(3) TIMING OF NOTICE.—The State may not
7 submit a notice under paragraph (1) until can-
8 didates have been selected to appear on the ballot
9 for all of the elections for Federal office which will
10 be the subject of the audits involved.

11 “(c) TIMING OF PAYMENTS.—The Commission shall
12 make the payment required under this section to a State
13 not later than 30 days after receiving the notice submitted
14 by the State under subsection (b).

15 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-
16 ment may be made to a State under this section unless
17 the State agrees to repay to the Commission the excess
18 (if any) of—

19 “(1) the amount of the payment received by the
20 State under this section with respect to the elections
21 involved; over

22 “(2) the actual costs incurred by the State in
23 carrying out this subtitle with respect to the elec-
24 tions involved.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Commission for
3 fiscal year 2020 and each succeeding fiscal year
4 \$100,000,000 for payments under this section.

5 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**
6 **COUNT UNDER STATE LAW PRIOR TO CER-**
7 **TIFICATION.**

8 “(a) EXCEPTION.—This subtitle does not apply to
9 any election for which a recount under State law will com-
10 mence prior to the certification of the results of the elec-
11 tion, including but not limited to a recount required auto-
12 matically because of the margin of victory between the 2
13 candidates receiving the largest number of votes in the
14 election, but only if each of the following applies to the
15 recount:

16 “(1) The recount commences prior to the deter-
17 mination and announcement by the Election Auditor
18 under section 323(a)(1) of the precincts in the State
19 in which it will administer the audits under this sub-
20 title.

21 “(2) If the recount would apply to fewer than
22 100 percent of the ballots cast in the election—

23 “(A) the number of ballots counted will be
24 at least as many as would be counted if an

1 audit were conducted with respect to the elec-
2 tion in accordance with this subtitle; and

3 “(B) the selection of the precincts in which
4 the recount will be conducted will be made in
5 accordance with the random selection proce-
6 dures applicable under section 324.

7 “(3) The recount for the election meets the re-
8 quirements of section 323(f) (relating to public ob-
9 servation).

10 “(4) The State meets the requirements of sec-
11 tion 325 (relating to the publication of results and
12 the delay in the certification of results) with respect
13 to the recount.

14 “(b) **CLARIFICATION OF EFFECT ON OTHER RE-**
15 **QUIREMENTS.**—Nothing in this section may be construed
16 to waive the application of any other provision of this Act
17 to any election (including the requirement set forth in sec-
18 tion 301(a)(2) that the voter-verified paper ballots serve
19 as the vote of record and shall be counted by hand in all
20 audits and recounts, including audits and recounts de-
21 scribed in this subtitle).

22 **“SEC. 328. EFFECTIVE DATE.**

23 “‘This subtitle shall apply with respect to elections for
24 Federal office held in 2020 or any succeeding year.’”.

1 **SEC. 202. AVAILABILITY OF ENFORCEMENT UNDER HELP**
2 **AMERICA VOTE ACT OF 2002.**

3 Section 401 of the Help America Vote Act of 2002
4 (52 U.S.C. 21111) is amended by striking “sections 301,
5 302, and 303” and inserting “title III”.

6 **SEC. 203. GUIDANCE ON BEST PRACTICES FOR ALTER-**
7 **NATIVE AUDIT MECHANISMS.**

8 (a) IN GENERAL.—Not later than May 1, 2019, the
9 Director of the National Institute for Standards and Tech-
10 nology shall establish guidance for States that wish to es-
11 tablish alternative audit mechanisms under section 322(b)
12 of the Help America Vote Act of 2002 (as added by section
13 201). Such guidance shall be based upon scientifically and
14 statistically reasonable assumptions for the purpose of cre-
15 ating an alternative audit mechanism that will be con-
16 sistent with the principles for approval described in section
17 322(b)(2) of such Act (as so added).

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out subsection (a)
20 \$100,000, to remain available until expended.

21 **SEC. 204. CLERICAL AMENDMENT.**

22 The table of contents of the Help America Vote Act
23 of 2002 is amended by adding at the end of the items
24 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to certification.

“Sec. 328. Effective date.”.

1 **TITLE III—OTHER REFORMS TO**
2 **PROMOTE INTEGRITY OF**
3 **ELECTIONS**

4 **Subtitle A—Integrity of Election**
5 **Administration**

6 **SEC. 301. PROHIBITION ON CAMPAIGN ACTIVITIES BY**
7 **CHIEF STATE ELECTION ADMINISTRATION**
8 **OFFICIALS.**

9 (a) IN GENERAL.—Title III of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
11 amended by inserting after section 319 the following new
12 section:

13 “CAMPAIGN ACTIVITIES BY CHIEF STATE ELECTION
14 ADMINISTRATION OFFICIALS

15 “SEC. 319A. (a) PROHIBITION.—It shall be unlawful
16 for a chief State election administration official to take
17 an active part in political management or in a political
18 campaign with respect to any election for Federal office
19 over which such official has supervisory authority.

20 “(b) CHIEF STATE ELECTION ADMINISTRATION OF-
21 FICIAL.—The term ‘chief State election administration of-
22 ficial’ means the highest State official with responsibility

1 for the administration of Federal elections under State
2 law.

3 “(c) ACTIVE PART IN POLITICAL MANAGEMENT OR
4 IN A POLITICAL CAMPAIGN.—The term ‘active part in po-
5 litical management or in a political campaign’ means—

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

8 “(2) the use of official authority or influence
9 for the purpose of interfering with or affecting the
10 result of an election for Federal office;

11 “(3) the solicitation, acceptance, or receipt of a
12 contribution from any person on behalf of a can-
13 didate for Federal office; and

14 “(4) any other act which would be prohibited
15 under paragraph (2) or (3) of section 7323(b) of
16 title 5, United States Code, if taken by an individual
17 to whom such paragraph applies (other than any
18 prohibition on running for public office).

19 “(d) EXCEPTION FOR CAMPAIGNS OF OFFICIAL OR
20 IMMEDIATE FAMILY MEMBERS.—

21 “(1) IN GENERAL.—This section does not apply
22 to a chief State election administration official with
23 respect to an election for Federal office in which the
24 official or an immediate family member of the offi-
25 cial is a candidate.

1 “(2) IMMEDIATE FAMILY MEMBER DEFINED.—
2 In paragraph (1), the term ‘immediate family mem-
3 ber’ means, with respect to a candidate, a father,
4 mother, son, daughter, brother, sister, husband,
5 wife, father-in-law, or mother-in-law.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall apply with respect to elections for
8 Federal office held after December 2016.

9 **SEC. 302. MANDATORY TRAINING FOR POLL WORKERS.**

10 (a) IN GENERAL.—Title III of the Help America
11 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

12 (1) by redesignating sections 304 and 305 as
13 sections 305 and 306; and

14 (2) by inserting after section 303 the following
15 new section:

16 **“SEC. 304. MANDATORY TRAINING FOR POLL WORKERS.**

17 “(a) TRAINING IN APPLICABLE ELECTION LAWS AND
18 PROCEDURES REQUIRED FOR ALL POLL WORKERS.—A
19 State may not assign an individual to serve as an election
20 official at a polling place for an election for Federal office,
21 including a location serving as a polling place on a day
22 other than the date of the election, unless the State cer-
23 tifies to the Commission that the individual has received
24 training in the election administration laws and proce-

1 dures applicable in the jurisdiction in which the polling
2 place is located.

3 “(b) EFFECTIVE DATE.—Each State shall be re-
4 quired to comply with the requirements of subsection (a)
5 for the regularly scheduled general election for Federal of-
6 fice occurring in November 2016 and for any subsequent
7 election for Federal office.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended—

10 (1) by redesignating the items relating to sec-
11 tions 304 and 305 as relating to sections 305 and
12 306; and

13 (2) by inserting after the item relating to sec-
14 tion 303 the following new item:

“Sec. 304. Mandatory training for poll workers.”.

15 **SEC. 303. DUE PROCESS REQUIREMENTS FOR INDIVIDUALS**
16 **PROPOSED TO BE REMOVED FROM LIST OF**
17 **ELIGIBLE VOTERS.**

18 (a) INTERNET POSTING OF LIST OF INDIVIDUALS
19 PROPOSED TO BE REMOVED FROM LIST.—Section 8 of
20 the National Voter Registration Act of 1993 (52 U.S.C.
21 20507) is amended—

22 (1) by redesignating subsection (j) as sub-
23 section (k); and

24 (2) by inserting after subsection (i) the fol-
25 lowing new subsection:

1 “(j) ADDITIONAL DUE PROCESS REQUIREMENTS
2 FOR INDIVIDUALS PROPOSED TO BE REMOVED FROM
3 LIST OF ELIGIBLE VOTERS.—

4 “(1) INTERNET POSTING OF NAMES.—On an
5 ongoing basis, the chief State election official shall
6 post on the Internet a list showing the name and ad-
7 dress of each individual whom the State intends to
8 remove from the official list of eligible voters in elec-
9 tions for Federal office in the State, together with
10 instructions on how an individual may challenge the
11 proposed removal of the individual’s name from the
12 list.

13 “(2) REQUIRING OPPORTUNITY TO CORRECT
14 RECORD.—The State may not remove any individual
15 from the official list of eligible voters in elections for
16 Federal office in the State until the expiration of the
17 60-day period which begins on the date the chief
18 State election official posts the individual’s name
19 and address on the Internet under paragraph (1).

20 “(3) PUBLICIZING INFORMATION ON DUE PROC-
21 ESS REQUIREMENTS.—The chief State election offi-
22 cial shall disseminate information to the general
23 public regarding the Internet posting of names and
24 addresses under paragraph (1) and the opportunity
25 for individuals to correct records under paragraph

1 (2), including by sending information to media out-
2 lets in the State and by preparing information for
3 distribution and display by offices of the State motor
4 vehicle authority.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to elections for
7 Federal office held during 2018 or any succeeding year.

8 **SEC. 304. MANDATORY RESPONSE BY ATTORNEY GENERAL**
9 **TO ALLEGATIONS OF VOTER INTIMIDATION**
10 **OR SUPPRESSION BY LAW ENFORCEMENT OF-**
11 **FICERS AND OTHER GOVERNMENT OFFI-**
12 **CIALS.**

13 (a) MANDATORY RESPONSE TO ALLEGATIONS.—

14 (1) IN GENERAL.—Not later than 30 days after
15 receiving an allegation described in subsection (b)
16 from any person, the Attorney General shall—

17 (A) initiate an investigation of the allega-
18 tion; or

19 (B) provide the person with a written
20 statement that the Attorney General will not in-
21 vestigate the allegation, and include in the
22 statement the Attorney General’s reasons for
23 not investigating the allegation.

24 (2) SPECIAL RULE FOR ALLEGATIONS RE-
25 CEIVED WITHIN 30 DAYS OF ELECTION.—If the At-

1 (1) by redesignating subsection (d) as sub-
2 section (f); and

3 (2) by inserting after subsection (c) the fol-
4 lowing new subsections:

5 “(d) STATEWIDE COUNTING OF PROVISIONAL BAL-
6 LOTS.—

7 “(1) IN GENERAL.—For purposes of subsection
8 (a)(4), notwithstanding the precinct or polling place
9 at which a provisional ballot is cast within the State,
10 the appropriate election official shall count each vote
11 on such ballot for each election in which the indi-
12 vidual who cast such ballot is eligible to vote.

13 “(2) EFFECTIVE DATE.—This subsection shall
14 apply with respect to elections held on or after Janu-
15 ary 1, 2017.

16 “(e) UNIFORM AND NONDISCRIMINATORY STAND-
17 ARDS.—

18 “(1) ESTABLISHMENT OF STANDARDS BY COM-
19 MISSION.—The Commission shall establish uniform
20 and nondiscriminatory standards for the issuance,
21 handling, and counting of provisional ballots, con-
22 sistent with the requirements of this section.

23 “(2) COMPLIANCE WITH STANDARDS.—Each
24 State shall comply with the standards established by
25 the Commission under this subsection.

1 “(3) EFFECTIVE DATE.—This subsection shall
2 apply with respect to elections held on or after Janu-
3 ary 1, 2017.”.

4 (b) CONFORMING AMENDMENT RELATING TO EF-
5 EFFECTIVE DATE.—Section 302(f) of such Act (52 U.S.C.
6 21082(f)), as redesignated by subsection (a), is amended
7 by striking “Each State” and inserting “Except as pro-
8 vided in subsections (d)(2) and (e)(3), each State”.

9 **SEC. 312. PROHIBITING IMPOSITION OF CONDITIONS ON**
10 **VOTING BY MAIL.**

11 (a) PROHIBITION.—Title III of the Help America
12 Vote Act of 2002 (52 U.S.C. 21081 et seq.), as amended
13 by section 201, is amended by adding at the end the fol-
14 lowing new subtitle:

15 **“Subtitle D—Other Requirements**
16 **to Remove Barriers to Voting**

17 **“SEC. 331. PROHIBITING IMPOSITION OF CONDITIONS ON**
18 **VOTING BY MAIL.**

19 “(a) IN GENERAL.—If an individual in a State is eli-
20 gible to cast a vote in an election for Federal office, the
21 State may not impose any additional conditions or require-
22 ments on the eligibility of the individual to cast the vote
23 in such election by mail (including by absentee ballot), ex-
24 cept as required under subsection (b) and except to the
25 extent that the State imposes a deadline for requesting

1 the ballot and related voting materials from the appro-
2 priate State or local election official and for returning the
3 ballot to the appropriate State or local election official.

4 “(b) REQUIRING SIGNATURE VERIFICATION.—A
5 State may not accept and process an absentee ballot sub-
6 mitted by any individual with respect to an election for
7 Federal office unless the State verifies the identification
8 of the individual by comparing the individual’s signature
9 on the absentee ballot with the individual’s signature on
10 the official list of registered voters in the State, in accord-
11 ance with such procedures as the State may adopt.

12 “(c) EFFECTIVE DATE.—This section shall apply
13 with respect to elections held on or after January 1,
14 2018.”.

15 (b) CONFORMING AMENDMENTS RELATING TO
16 ADOPTION OF VOLUNTARY GUIDANCE BY ELECTION AS-
17 SISTANCE COMMISSION.—

18 (1) APPLICABILITY OF VOLUNTARY GUID-
19 ANCE.—Section 311(a) of such Act (52 U.S.C.
20 21101(a)) is amended by striking “subtitle A” and
21 inserting “subtitle A and subtitle D”.

22 (2) DEADLINE FOR ADOPTION.—Section 311(b)
23 of such Act (52 U.S.C. 21101(b)) is amended—

24 (A) by striking “and” at the end of para-
25 graph (2);

1 (B) by striking the period at the end of
2 paragraph (3) and inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(4) in the case of the recommendations with
6 respect to subtitle D, June 30, 2017.”.

7 (c) CLERICAL AMENDMENT.—The table of contents
8 of such Act is amended by adding at the end of the items
9 relating to title III the following:

“Subtitle D—Other Requirements to Remove Barriers to Voting
“Sec. 331. Prohibiting imposition of conditions on voting by mail.”.

10 **SEC. 313. MANDATORY AVAILABILITY OF EARLY VOTING.**

11 (a) MANDATORY AVAILABILITY.—Subtitle D of title
12 III of the Help America Vote Act of 2002, as added by
13 section 312(a), is amended by adding at the end the fol-
14 lowing new section:

15 **“SEC. 332. MANDATORY AVAILABILITY OF EARLY VOTING.**

16 “(a) REQUIRING AVAILABILITY OF VOTING PRIOR TO
17 DATE OF ELECTION.—

18 “(1) IN GENERAL.—Each State shall allow indi-
19 viduals to vote in an election for Federal office dur-
20 ing an early voting period which occurs prior to the
21 date of the election.

22 “(2) LENGTH OF PERIOD.—The early voting
23 period required under this subsection with respect to
24 an election shall consist of a period of not fewer

1 than 14 consecutive days (including weekends) which
2 begins on the 17th day before the date of the elec-
3 tion (or, at the option of the State, on a day prior
4 to the 17th day before the date of the election) and
5 ends on the date of the election.

6 “(b) **MINIMUM EARLY VOTING REQUIREMENTS.**—
7 Each polling place which allows voting during an early vot-
8 ing period under subsection (a) shall—

9 “(1) allow such voting for no less than 12 hours
10 on each day, except that the polling place may allow
11 such voting for fewer than 12 hours on Sundays;
12 and

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

15 “(c) **LOCATION OF POLLING PLACES NEAR PUBLIC**
16 **TRANSPORTATION.**—To the greatest extent practicable, a
17 State shall ensure that each polling place which allows vot-
18 ing during an early voting period under subsection (a) is
19 located within walking distance of a stop on a public trans-
20 portation route.

21 “(d) **STANDARDS.**—

22 “(1) **IN GENERAL.**—The Commission shall issue
23 standards for the administration of voting prior to
24 the day scheduled for a Federal election. Such
25 standards shall include the nondiscriminatory geo-

1 graphic placement of polling places at which such
2 voting occurs.

3 “(2) DEVIATION.—The standards described in
4 paragraph (1) shall permit States, upon providing
5 adequate public notice, to deviate from any require-
6 ment in the case of unforeseen circumstances such
7 as a natural disaster, terrorist attack, or a change
8 in voter turnout.

9 “(e) EFFECTIVE DATE.—This section shall apply
10 with respect to elections held on or after January 1,
11 2018.”

12 (b) CLERICAL AMENDMENT.—The table of contents
13 of such Act, as amended by section 312(c), is amended
14 by adding at the end of the items relating to subtitle D
15 of title III the following:

“Sec. 332. Mandatory availability of early voting.”

16 **SEC. 314. REQUIREMENTS FOR AVAILABILITY OF SUFFI-**
17 **CIENT POLLING PLACES, EQUIPMENT, AND**
18 **RESOURCES.**

19 (a) REQUIRING STATES TO MEET REQUIREMENTS.—
20 Subtitle D of title III of the Help America Vote Act of
21 2002, as added by section 312(a) and as amended by sec-
22 tion 313(a), is amended by adding at the end the following
23 new section:

1 **“SEC. 333. AVAILABILITY OF SUFFICIENT POLLING PLACES,**
2 **EQUIPMENT, AND RESOURCES.**

3 “(a) IN GENERAL.—In accordance with the stand-
4 ards established under subsection (b), each State shall
5 provide for—

6 “(1) an appropriate number and geographic
7 distribution of voting sites on the day of any election
8 for Federal office and on any days during which
9 such State allows early voting in such elections; and

10 “(2) the minimum required number of voting
11 systems and other election resources (including all
12 other voting equipment and supplies) for each such
13 voting site.

14 “(b) STANDARDS.—

15 “(1) IN GENERAL.—Not later than June 30,
16 2017, the Commission shall conduct a study and, on
17 the basis of the findings of the study, issue stand-
18 ards for States to follow in establishing an appro-
19 priate number and geographic distribution of voting
20 sites in elections for Federal office on the day of any
21 Federal election and on any days during which the
22 State allows early voting in such elections, and in
23 providing for the minimum number of voting sys-
24 tems and other election resources (including all
25 other voting equipment and supplies) for each such
26 voting site.

1 “(2) DISTRIBUTION.—

2 “(A) IN GENERAL.—The standards de-
3 scribed in paragraph (1) shall provide for a uni-
4 form and nondiscriminatory distribution of such
5 sites, systems, and other resources, and, to the
6 extent possible, shall take into account, among
7 other factors, the following:

8 “(i) The voting age population.

9 “(ii) Voter turnout in past elections.

10 “(iii) The number of voters registered.

11 “(iv) The number of voters who have
12 registered since the most recent Federal
13 election.

14 “(v) Census data for the population
15 served by each voting site.

16 “(vi) The educational levels and socio-
17 economic factors of the population served
18 by each voting site.

19 “(vii) The needs and numbers of vot-
20 ers with disabilities and voters with limited
21 English proficiency.

22 “(viii) The type of voting systems
23 used.

24 “(B) NO FACTOR DISPOSITIVE.—The
25 standards shall provide that the distribution of

1 voting sites, systems, and resources should take
2 into account the totality of all relevant factors,
3 and no single factor shall be dispositive under
4 the standards.

5 “(C) PURPOSE.—To the extent possible,
6 the standards shall provide for a distribution of
7 voting sites, systems, and resources with the
8 goals of—

9 “(i) ensuring a fair and equitable
10 waiting time for all voters in the State;
11 and

12 “(ii) preventing a waiting time of over
13 1 hour at any voting site.

14 “(3) DEVIATION.—The standards described in
15 paragraph (1) shall permit States, upon giving rea-
16 sonable public notice, to deviate from any allocation
17 requirements in the case of unforeseen cir-
18 cumstances such as a natural disaster or terrorist
19 attack.

20 “(c) EFFECTIVE DATE.—This section shall apply
21 with respect to elections held on or after January 1,
22 2018.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by section 312(c) and section

1 313(b), is amended by adding at the end of the items re-
2 lating to subtitle D of title III the following:

“Sec. 333. Availability of sufficient polling places, equipment, and resources.”.

3 **TITLE IV—RULEMAKING AU-**
4 **THORITY OF ELECTION AS-**
5 **SISTANCE COMMISSION**

6 **SEC. 401. PERMITTING ELECTION ASSISTANCE COMMIS-**
7 **SION TO EXERCISE RULEMAKING AUTHOR-**
8 **ITY.**

9 (a) **RULEMAKING AUTHORITY.**—The Help America
10 Vote Act of 2002 is amended by striking section 209 (52
11 U.S.C. 20929).

12 (b) **CLERICAL AMENDMENT.**—The table of contents
13 of such Act is amended by striking the item relating to
14 section 209.