

.....
(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

To direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits of the results of the general elections for Federal office to be held in November 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HOLT introduced the following bill; which was referred to the Committee
on _____

A BILL

To direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits of the results of the general elections for Federal office to be held in November 2008, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Confidence in Voting
3 Act of 2007”.

4 **SEC. 2. PAYMENTS TO CERTAIN JURISDICTIONS CON-**
5 **DUCTING 2008 GENERAL ELECTIONS.**

6 (a) REIMBURSEMENT FOR CONVERSION TO PAPER
7 BALLOT VOTING SYSTEM.—

8 (1) IN GENERAL.—The Administrator of Gen-
9 eral Services shall pay to each eligible jurisdiction an
10 amount equal to the sum of the following:

11 (A) The documented reasonable costs paid
12 or incurred by such jurisdiction to replace any
13 voting systems used to conduct the general elec-
14 tions for Federal office held in November 2006
15 that did not use or produce a paper ballot
16 verified by the voter or a paper ballot printout
17 verifiable by the voter at the time the vote is
18 cast with paper ballot voting systems.

19 (B) The documented reasonable costs paid
20 or incurred by such jurisdiction to obtain non-
21 tabulating ballot marking devices that are ac-
22 cessible for individuals with disabilities in ac-
23 cordance with the requirements of section
24 301(a)(3) of the Help America Vote Act of
25 2002.

1 (C) The documented reasonable costs paid
2 or incurred by such jurisdiction to obtain ballot
3 marking stations or voting booths for the pro-
4 tection of voter privacy.

5 (D) The documented reasonable costs paid
6 or incurred by such jurisdiction to obtain paper
7 ballots.

8 (2) ELIGIBLE JURISDICTION DEFINED.—In this
9 subsection, an “eligible jurisdiction” means a juris-
10 diction that submits to the Administrator (and, in
11 the case of a county or equivalent jurisdiction, pro-
12 vides a copy to the State), at such time and in such
13 form as the Administrator may require, an applica-
14 tion containing—

15 (A) assurances that the jurisdiction con-
16 ducted regularly scheduled general elections for
17 Federal office in November 2006 using (in
18 whole or in part) a voting system that did not
19 use or produce a paper ballot verified by the
20 voter or a paper ballot printout verifiable by the
21 voter at the time the vote is cast;

22 (B) assurances that the jurisdiction will
23 conduct the regularly scheduled general elec-
24 tions for Federal office to be held in November
25 2008 using only paper ballot voting systems;

1 (C) assurances that the jurisdiction has
2 obtained or will obtain a sufficient number of
3 non-tabulating ballot marking devices that are
4 accessible for individuals with disabilities in ac-
5 cordance with the requirements of section
6 301(a)(3) of the Help America Vote Act of
7 2002;

8 (D) assurances that the jurisdiction has
9 obtained or will obtain a sufficient number of
10 ballot marking stations or voting booths for the
11 protection of voter privacy;

12 (E) assurances that the jurisdiction has
13 obtained or will obtain a sufficient number of
14 paper ballots;

15 (F) such information and assurances as
16 the Administrator may require to make the de-
17 terminations under paragraph (1); and

18 (G) such other information and assurances
19 as the Administrator may require.

20 (3) DETERMINATIONS OF REASONABLENESS OF
21 COSTS.—The determinations under paragraph (1) of
22 whether costs paid or incurred by a jurisdiction are
23 reasonable shall be made by the Administrator in
24 consultation with the Election Assistance Commis-
25 sion.

1 (4) PAPER BALLOT VOTING SYSTEM DE-
2 FINED.—In this subsection, a “paper ballot voting
3 system” means a voting system that uses a paper
4 ballot marked by the voter by hand or a paper ballot
5 marked by the voter with the assistance of non-tab-
6 ulating ballot marking devices described in para-
7 graph (1)(B).

8 (b) REIMBURSEMENT FOR PROVISION OF EMER-
9 GENCY PAPER BALLOTS BY JURISDICTIONS USING DI-
10 RECT RECORDING ELECTRONIC VOTING SYSTEMS.—

11 (1) IN GENERAL.—The Administrator shall pay
12 to each eligible jurisdiction an amount equal to the
13 documented reasonable costs paid or incurred by
14 such jurisdiction to obtain emergency paper ballots
15 (and related supplies and equipment) that may be
16 used in the event of the failure of a direct recording
17 electronic voting system in the regularly scheduled
18 general elections for Federal office to be held in No-
19 vember 2008.

20 (2) ELIGIBLE JURISDICTION DEFINED.—In this
21 subsection, an “eligible jurisdiction” means a juris-
22 diction that submits to the Administrator (and, in
23 the case of a county or equivalent jurisdiction, pro-
24 vides a copy to the State), at such time and in such

1 form as the Administrator may require, an applica-
2 tion containing—

3 (A) assurances that the jurisdiction will
4 post, in a conspicuous manner at all polling
5 places at which a direct recording electronic
6 voting system will be used in such elections, a
7 notice stating that emergency paper ballots are
8 available at the polling place and that a voter
9 is entitled to use such a ballot upon the failure
10 of a voting machine;

11 (B) assurances that the jurisdiction counts
12 each such emergency paper ballot cast by a
13 voter as a regular ballot cast in the election,
14 and does not treat it (for eligibility purposes) as
15 a provisional ballot under section 302(a) of the
16 Help America Vote Act of 2002, unless the in-
17 dividual casting the ballot would have otherwise
18 been required to cast a provisional ballot;

19 (C) such information and assurances as
20 the Administrator may require to make the de-
21 terminations under paragraph (1); and

22 (D) such other information and assurances
23 as the Administrator may require.

24 (3) DETERMINATION OF REASONABLENESS OF
25 COSTS.—The determinations under paragraph (1) of

1 whether costs paid or incurred by a jurisdiction are
2 reasonable shall be made by the Administrator in
3 consultation with the Election Assistance Commis-
4 sion.

5 (c) AMOUNTS.—There are authorized to be appro-
6 priated to the Administrator \$500,000,000 for payments
7 under this section. Any amounts appropriated pursuant
8 to the authorization under this subsection shall remain
9 available until expended.

10 **SEC. 3. PAYMENTS FOR CONDUCTING MANUAL AUDITS OF**
11 **RESULTS OF 2008 GENERAL ELECTIONS.**

12 (a) PAYMENTS.—

13 (1) ELIGIBILITY FOR PAYMENTS.—If a State,
14 county, or equivalent location conducts manual au-
15 dits of the results of any of the regularly scheduled
16 general elections for Federal office in November
17 2008 (and, at the option of the State or jurisdiction
18 involved, conducts audits of elections for State and
19 local office held at the same time as such election)
20 in accordance with the requirements of this section,
21 the Administrator shall make a payment to the
22 State, county, or equivalent location in an amount
23 equal to the documented reasonable costs incurred
24 by the State, county, or equivalent location in con-
25 ducting the audits.

1 (2) CERTIFICATION OF COMPLIANCE AND
2 COSTS.—

3 (A) CERTIFICATION REQUIRED.—In order
4 to receive a payment under this section, a
5 State, county, or equivalent location shall sub-
6 mit to the Administrator (and, in the case of a
7 county or equivalent jurisdiction, shall provide a
8 copy to the State), in such form as the Admin-
9 istrator may require, a statement containing—

10 (i) a certification that the State, coun-
11 ty, or equivalent location conducted the au-
12 dits in accordance with all of the require-
13 ments of this section;

14 (ii) a statement of the reasonable
15 costs incurred by the State, county, or
16 equivalent location in conducting the au-
17 dits; and

18 (iii) such other information and assur-
19 ances as the Administrator may require.

20 (B) AMOUNT OF PAYMENT.—The amount
21 of a payment made to a State, county, or equiv-
22 alent location under this section shall be equal
23 to the reasonable costs incurred by the State,
24 county, or equivalent location in conducting the
25 audits.

1 (C) DETERMINATION OF REASONABLENESS
2 OF COSTS.—The determinations under this
3 paragraph of whether costs incurred by a State,
4 county, or equivalent location are reasonable
5 shall be made by the Administrator in consulta-
6 tion with the Election Assistance Commission.

7 (3) TIMING OF PAYMENTS.—The Administrator
8 shall make the payment required under this section
9 to a State, county, or equivalent location not later
10 than 30 days after receiving the statement sub-
11 mitted by the State, county, or equivalent location
12 under paragraph (2).

13 (4) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Ad-
15 ministrator \$100,000,000 for payments under this
16 section. Any amounts appropriated pursuant to the
17 authorization under this subsection shall remain
18 available until expended.

19 (b) AUDITS DESCRIBED.—

20 (1) IN GENERAL.—An audit conducted in ac-
21 cordance with this section is an audit administered
22 by a State, county, or equivalent location, without
23 advance notice of the precincts selected, consisting of
24 the random selection of precincts or alternative audit
25 units to be audited and hand counting of the votes

1 cast on the paper ballots used in the election (includ-
2 ing paper ballot printouts verifiable by the voter at
3 the time the vote is cast) attributable to those pre-
4 cinets or alternative audit units, and the comparison
5 of the results of those hand counts with the cor-
6 responding final unofficial vote count (as defined by
7 the State, county, or equivalent location) of the votes
8 cast in the election.

9 (2) COMPLETENESS.—With respect to each pre-
10 cinct or alternative audit unit audited in accordance
11 with the method selected under subsection (c)(2),
12 the State, county, or equivalent location shall ensure
13 that a voter verified paper ballot or paper ballot
14 printout verifiable by the voter at the time the vote
15 is cast is available for every vote cast in the precinct
16 or alternative audit unit, and that the tally produced
17 by counting all of those paper ballots by hand is
18 compared with the corresponding final unofficial
19 vote count (as defined by the State, county, or
20 equivalent location) announced with respect to that
21 precinct or audit unit in the election.

22 (3) DETERMINATION OF ENTITY CONDUCTING
23 AUDITS; INDEPENDENCE STANDARDS.—An audit ad-
24 ministered by a State, county, or equivalent location
25 in accordance with this section shall be overseen by

1 an entity selected for such purpose by the State,
2 county, or equivalent location in accordance with
3 such criteria as the State, county, or equivalent loca-
4 tion considers appropriate consistent with the re-
5 quirements of this section, except that the entity
6 must meet a general standard of independence as
7 defined by the State, county, or equivalent location.

8 (4) REFERENCES TO ELECTION AUDITOR.—In
9 this section, the term “Election Auditor” means,
10 with respect to a State, county, or equivalent loca-
11 tion, the entity selected by the State, county, or
12 equivalent location under paragraph (3).

13 (c) NUMBER OF BALLOTS COUNTED UNDER
14 AUDIT.—

15 (1) IN GENERAL.—The hand counts of the
16 paper ballots administered by the Election Auditor
17 of a State, county, or equivalent location under this
18 section with respect to an election shall occur in at
19 least 3 percent of all precincts or equivalent loca-
20 tions (or alternative audit units used in accordance
21 with the method provided for under paragraph (2)).

22 (2) USE OF ALTERNATIVE SAMPLING MECHA-
23 NISM.—Notwithstanding paragraph (1) (and subject
24 to the completeness requirement set forth in sub-
25 section (b)(2)), a State, county, or equivalent loca-

1 tion may adopt and apply an alternative sampling
2 mechanism to determine the number of paper ballots
3 which will be subject to hand counts in accordance
4 with this section with respect to an election, so long
5 as the alternative sampling mechanism uses the
6 paper ballots verified by voters or paper ballot print-
7 outs verifiable by voters at the time the vote is cast
8 to conduct the audit and the Director of the Na-
9 tional Institute of Standards and Technology deter-
10 mines that the alternative sampling mechanism will
11 be at least as statistically effective in ensuring the
12 accuracy of the election results as the sample size
13 specified under paragraph (1).

14 (d) PROCESS FOR ADMINISTERING AUDITS.—

15 (1) IN GENERAL.—The Election Auditor of a
16 State, county, or equivalent location shall oversee
17 the administration of an audit conducted under this
18 section in accordance with the following procedures:

19 (A) The Election Auditor shall commence
20 the audit within 24 hours after the State, coun-
21 ty, or equivalent location announces the final
22 unofficial vote count (as defined by the State,
23 county, or equivalent location) in each precinct
24 in which votes are cast in the election which is
25 the subject of the audit.

1 (B) The Election Auditor shall complete
2 the audit, resolve discrepancies discovered in
3 the audit, and submit the audit report required
4 under subsection (f)(1), prior to the certifi-
5 cation by the State, county, or equivalent loca-
6 tion of the results of the election.

7 (C) Within each precinct or alternative
8 audit unit, and subject to the completeness re-
9 quirement set forth in subsection (b)(2), the
10 audit shall include all ballots (including absen-
11 tee ballots in accordance with the procedure set
12 forth in subsection (e)(3) or otherwise, early
13 ballots, and provisional ballots) cast by all indi-
14 viduals who voted in or are under the jurisdic-
15 tion of the precinct or alternative audit unit
16 with respect to which the audit takes place,
17 without regard to the time, place, or manner in
18 which the votes were cast.

19 (2) USE OF ELECTION PERSONNEL.—In admin-
20 istering the audits, the Election Auditor may utilize
21 the services of jurisdiction personnel, including elec-
22 tion administration personnel and poll workers, with-
23 out regard to whether or not the personnel have pro-
24 fessional auditing experience.

1 (3) LOCATION.—The Election Auditor shall ad-
2 minister an audit conducted under this section at
3 the location where the ballots cast in the election are
4 stored and counted after the date of the election, or
5 such other appropriate and secure location agreed
6 upon by the Election Auditor and the individual who
7 is responsible under State law for the custody of the
8 ballots, and in the presence of the personnel who
9 under State law are responsible for the custody of
10 the ballots.

11 (4) ADDITIONAL AUDITS IF CAUSE SHOWN.—

12 (A) IN GENERAL.—If the Election Auditor
13 finds that any of the hand counts administered
14 under this section do not match the final unof-
15 ficial vote count of the results of an election,
16 the Election Auditor shall oversee the adminis-
17 tration of hand counts under this section of
18 such additional precincts (or equivalent jurisdic-
19 tions) as the Election Auditor considers appro-
20 priate (in accordance with the procedures de-
21 scribed in subparagraph (B)) to resolve any
22 concerns resulting from the audit and ensure
23 the accuracy of the results.

24 (B) ESTABLISHMENT AND PUBLICATION
25 OF PROCEDURES GOVERNING ADDITIONAL AU-

1 DITS.—Prior to the date of the regularly sched-
2 uled general election for Federal office held in
3 November 2008, a State, county, or equivalent
4 location shall establish and publish procedures
5 for carrying out the additional audits under this
6 subsection, including the means by which the
7 State, county, or equivalent location shall re-
8 solve any concerns resulting from the audit with
9 finality and ensure the accuracy of the results.

10 (5) PUBLIC OBSERVATION OF AUDITS.—Each
11 audit conducted under this section shall be con-
12 ducted in a manner that allows public observation of
13 the entire process sufficient to confirm but not inter-
14 fere with the proceedings.

15 (e) SELECTION OF PRECINCTS.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (3), the selection of the precincts in the State,
18 county, or equivalent location in which the Election
19 Auditor of the State, county, or equivalent location
20 shall oversee the administration of hand counts in
21 an audit conducted under this section shall be made
22 by the Election Auditor on an entirely random basis
23 using a uniform distribution in which all precincts in
24 the State, county, or equivalent location have an
25 equal chance of being selected, in accordance with

1 procedures adopted by the State, county, or equiva-
2 lent location, except that, consistent with the other
3 requirements of this paragraph, in the case of an
4 audit conducted by the State, at least one precinct
5 or alternative audit unit shall be selected at random
6 in each county or equivalent jurisdiction.

7 (2) PUBLIC SELECTION.—The random selection
8 of precincts under paragraph (1) shall be conducted
9 in public, at a time and place announced in advance.

10 (3) MANDATORY SELECTION OF PRECINCTS ES-
11 TABLISHED SPECIFICALLY FOR ABSENTEE BAL-
12 LOTS.—If a State, county, or equivalent location es-
13 tablishes a separate precinct for purposes of count-
14 ing the absentee ballots cast in an election and
15 treats all absentee ballots as having been cast in
16 that precinct, and if the State, county, or equivalent
17 location does not make absentee ballots sortable by
18 precinct and include those ballots in the hand count
19 administered with respect to that precinct, subject to
20 the completeness requirement set forth in subsection
21 (b)(2), the State, county, or equivalent location shall
22 divide absentee ballots into audit units approxi-
23 mately equal in size to the average precinct in the
24 State, county, or equivalent location in terms of the
25 number of ballots cast, and shall randomly select

1 and include at least 3 percent of those audit units
2 in the audit carried out in accordance with this sec-
3 tion.

4 (4) DEADLINE FOR ADOPTION OF PROCE-
5 DURES.—Prior to the date of the regularly scheduled
6 general election for Federal office held in November
7 2008, a State shall adopt and publish the procedures
8 described in paragraph (1).

9 (f) PUBLICATION OF RESULTS.—As soon as prac-
10 ticable after the completion of an audit conducted under
11 this section, the Election Auditor of a State, county, or
12 equivalent location shall submit to the Administrator the
13 results of the audit, and shall include in the submission
14 a comparison of the results of the election in the precinct
15 as determined by the Election Auditor under the audit and
16 the final unofficial vote count in the precinct as announced
17 by the State, county, or equivalent location and all under-
18 votes, overvotes, blank ballots, and spoiled, voided or can-
19 celled ballots, as well as a list of any discrepancies discov-
20 ered between the initial, subsequent, and final hand counts
21 overseen by the Election Auditor and such final unofficial
22 vote count and any explanation for such discrepancies,
23 broken down by the types of ballots which were subject
24 to the audit.

1 (g) REPORTS BY ADMINISTRATOR.—The Adminis-
2 trator shall publish promptly all reports on the results of
3 audits conducted under this section that are submitted
4 pursuant to this section.

5 (h) DEADLINE FOR APPROVAL OF ALTERNATIVE
6 BALLOT SAMPLING METHODS BY NATIONAL INSTITUTE
7 OF STANDARDS AND TECHNOLOGY.—The Director of the
8 National Institute of Standards and Technology shall, not
9 later than 30 days after receiving a request by a State,
10 county, or equivalent location for approval of an alter-
11 native ballot sampling method under subsection (e)(2), re-
12 spond to the State, county, or equivalent location with con-
13 firmation as to whether or not the method is at least as
14 statistically effective in ensuring the accuracy of the elec-
15 tion results as the procedure described in subsection
16 (c)(1).

17 **SEC. 4. STUDY, TESTING, AND DEVELOPMENT OF PROD-**
18 **UCTS AND PRACTICES TO ENSURE ACCESSI-**
19 **BILITY OF PAPER BALLOT VERIFICATION**
20 **AND CASTING FOR CERTAIN INDIVIDUALS.**

21 (a) STUDY, TESTING, AND DEVELOPMENT.—The Di-
22 rector of the National Institute of Standards and Tech-
23 nology (hereafter in this section referred to as the “Direc-
24 tor”) shall study, test, and develop products and practices
25 that ensure the accessibility of paper ballot verification

1 and casting for individuals with disabilities, for voters
2 whose primary language is not English, and for voters
3 with difficulties in literacy, including the mechanisms
4 themselves and the processes through which the mecha-
5 nisms are used. In carrying out this subsection, the Di-
6 rector shall specifically investigate existing and potential
7 methods or devices, including non-electronic devices, that
8 will assist such individuals and voters in creating voter-
9 verified paper ballots, presenting or transmitting the infor-
10 mation printed or marked on such ballots back to such
11 individuals and voters in an accessible form, and enabling
12 the voters to cast the ballots.

13 (b) REPORT.—Not later than June 30, 2009, the Di-
14 rector shall submit a report to Congress on the results
15 of the studying, testing, and development of products and
16 practices under subsection (a).

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Director to carry
19 out this section \$3,000,000, to remain available until ex-
20 pended.

21 **SEC. 5. DEFINITIONS.**

22 In this Act—

23 (1) the term “Administrator” means the Ad-
24 ministrator of General Services; and

1 (2) the term “State” includes the District of
2 Columbia, the Commonwealth of Puerto Rico,
3 Guam, American Samoa, and the United States Vir-
4 gin Islands.