

AMENDMENT TO SUBSTITUTE
OFFERED BY MR. EHLERS

Minority substitute

In lieu of the matter proposed to be inserted by the substitute, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Voting Enhancement
3 and Security Act of 2007”.

4 **SEC. 2. ESTABLISHMENT OF FEDERAL GUIDELINES FOR**
5 **ELECTRONIC VOTING EQUIPMENT.**

6 (a) ESTABLISHMENT OF GUIDELINES; SUPPORT
7 FROM NATIONAL INSTITUTE OF STANDARDS AND TECH-
8 NOLOGY.—Section 221 of the Help America Vote Act of
9 2002 (42 U.S.C. 15361 et seq.) is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection:

14 “(f) SPECIAL RULES FOR ESTABLISHMENT OF
15 GUIDELINES FOR ELECTRONIC VOTING EQUIPMENT.—

16 “(1) ESTABLISHMENT OF GUIDELINES.—In ad-
17 dition to any other guidelines developed under this
18 section, the Development Committee shall develop

1 specific guidelines for the operation of electronic vot-
2 ing equipment in elections for Federal office under
3 which the equipment will comply with each of the
4 following technologies:

5 “(A) A technology that allows a contem-
6 poraneous, redundant, and auditable trail of the
7 votes cast or recorded on such equipment. For
8 purposes of this subparagraph, a trail is ‘con-
9 temporaneous’ if it is created and recorded at
10 the same time as the original record.

11 “(B) A technology that allows each indi-
12 vidual who is eligible to vote in such an election
13 to verify the ballot before the individual’s vote
14 is cast into the equipment.

15 “(C) A technology that ensures reliable se-
16 curity of the equipment from tampering or im-
17 proper use.

18 “(D) A technology that ensures that indi-
19 viduals with disabilities who are eligible to vote
20 in the election can vote independently and with-
21 out assistance.

22 “(2) TECHNICAL SUPPORT FROM NIST.—The
23 Director of the National Institute of Standards and
24 Technology shall provide the Development Com-
25 mittee with technical support in the development of

1 the guidelines for electronic voting equipment under
2 this subsection, in the same manner as the technical
3 support provided under subsection (e).

4 “(3) DEADLINE.—The Director shall complete
5 the requirements of subsection (a) not later than
6 January 1, 2010.”.

7 (b) REQUIRING STATES TO MEET GUIDELINES.—

8 (1) REQUIREMENT.—

9 (A) IN GENERAL.—Section 301 of such
10 Act (42 U.S.C. 15481) is amended—

11 (i) by redesignating subsections (b)
12 through (d) as subsections (e) through (e);
13 and

14 (ii) by inserting after subsection (a)
15 the following new subsection:

16 “(b) SPECIAL REQUIREMENTS FOR ELECTRONIC
17 VOTING EQUIPMENT.—

18 “(1) IN GENERAL.—Any voting system which
19 consists in whole or in part of an electronic vote re-
20 cording device or an electronic vote tabulation device
21 shall meet the voting system guidelines applicable to
22 such devices which are adopted by the Commission
23 pursuant to section 222 (in accordance with the re-
24 quirements for the development of such guidelines
25 under section 221(f)).

1 “(2) DEFINITIONS.—In this subsection—

2 “(A) the term ‘vote recording device’
3 means the mechanism or medium used for re-
4 cording a voter’s ballot choices; and

5 “(B) the term ‘vote tabulation device’
6 means the mechanism or equipment used to
7 tabulate the votes recorded on the vote record-
8 ing device.

9 “(3) EFFECTIVE DATE.—Paragraph (1) shall
10 apply with respect to elections for Federal office held
11 in 2014 and each succeeding year.”.

12 (B) CONFORMING AMENDMENT.—Section
13 301(e) of such Act (42 U.S.C. 15481(e)), as re-
14 designated by subparagraph (A), is amended by
15 striking “Each State” and inserting “Except as
16 provided in subsection (b), each State”.

17 (2) AVAILABILITY OF FUNDING FOR MEETING
18 REQUIREMENTS.—Section 257(a) of such Act (42
19 U.S.C. 15407(a) is amended by adding at the end
20 the following new paragraph:

21 “(4) For fiscal year 2013, \$1,000,000,000, ex-
22 cept that any funds provided under the authoriza-
23 tion made by this paragraph shall be used by a
24 State only to meet the requirements of section

1 301(b), or to otherwise modify or replace its voting
2 systems in response to such requirements.”.

3 **SEC. 3. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

4 (a) REQUIRING STATES TO ADMINISTER AUDITS IN
5 ACCORDANCE WITH STATE PLAN.—Subtitle A of title III
6 of the Help America Vote Act of 2002 (42 U.S.C. 15481
7 et seq.) is amended by inserting after section 303 the fol-
8 lowing new section:

9 **“SEC. 303A. AUDITS OF RESULTS OF ELECTIONS.**

10 “(a) REQUIRING STATES TO ADMINISTER AUDITS IN
11 ACCORDANCE WITH STATE PLAN.—

12 “(1) IN GENERAL.—Each State shall admin-
13 ister audits of the results of elections for Federal of-
14 fice held in the State in accordance with a State
15 audit plan which describes the entity responsible for
16 administering the audits, the procedures for admin-
17 istering the audits, and the rules for determining
18 which elections will be subject to audits and the
19 number of tabulation units in which the audits will
20 occur.

21 “(2) TABULATION UNIT DEFINED.—In this sub-
22 section, the term ‘tabulation unit’ means, with re-
23 spect to an election, a unit established by the State
24 prior to the election (such as a precinct, polling loca-
25 tion, or particular type of voting device) in which the

1 votes tabulated by the voting system used in the unit
2 may be compared with the audit of the results of the
3 ballots cast in the unit.

4 “(3) SUBMISSION OF PLAN TO COMMISSION.—
5 Not later than January 1, 2009, the State shall sub-
6 mit its initial State audit plan under this section to
7 the Commission.

8 “(b) CERTIFICATION.—A State does not meet the re-
9 quirements of this section unless the chief executive of the
10 State and the chief election official of the State certify
11 that the State audit plan provides for the fair and effective
12 administration of audits under procedures that are trans-
13 parent and open to the public.

14 “(c) EFFECTIVE DATE.—This section shall apply
15 with respect to the regularly scheduled general elections
16 for Federal office held in November 2010 and each suc-
17 ceeding election for Federal office.”.

18 (b) AVAILABILITY OF ENFORCEMENT.—Section 401
19 of such Act (42 U.S.C. 15511) is amended by striking
20 “sections 301, 302, and 303” and inserting “subtitle A
21 of title III”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 of such Act is amended by inserting after the item relating
24 to section 303 the following:

“303A. Audits of results of elections.”.

1 **SEC. 4. REQUIRING STATES TO DEVELOP AND IMPLEMENT**
2 **ELECTION SECURITY PROTOCOLS AND CON-**
3 **TINGENCY PLANS.**

4 (a) IN GENERAL.—Subtitle A of title III of the Help
5 America Vote Act of 2002 (42 U.S.C. 15481 et seq.), as
6 amended by section 3(a), is further amended by inserting
7 after section 303A the following new section:

8 **“SEC. 303B. DEVELOPMENT AND IMPLEMENTATION OF**
9 **ELECTION SECURITY PROTOCOLS AND CON-**
10 **TINGENCY PLANS.**

11 “(a) REQUIREMENTS FOR STATES.—Each State and
12 jurisdiction which administers elections for Federal office
13 shall—

14 “(1) develop and implement security protocols
15 for protecting the voting equipment used in such
16 elections and for ensuring the security of the admin-
17 istration of such elections; and

18 “(2) develop and implement contingency plans
19 for addressing voting system failures and other
20 emergencies which may occur on the date of such an
21 election, including the protocols to be followed at
22 polling places and the protocols applicable to the use
23 of emergency ballots.

24 “(b) EFFECTIVE DATE.—This section shall apply
25 with respect to the regularly scheduled general election for

1 Federal office in November 2008 and each succeeding
2 election for Federal office.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act, as amended by section 3(c), is further amend-
5 ed by inserting after the item relating to section 303A the
6 following:

“303B. Development and implementation of election security protocols and con-
tingency plans.”.

Amend the title so as to read: “A bill to amend the Help America Vote Act of 2002 to require States to meet Federal guidelines for the operation of electronic voting equipment, and for other purposes.”.