



The Election Security Act—H.R. 2660

Introduced by Representatives Bennie Thompson (D-Miss.), Zoe Lofgren (D-Calif.) and John Sarbanes (D-Md.)

Summary of relevant sections prepared by NCSL Staff

Title I—Financial Support for Election Infrastructure

Sec. 102. Requires that states use paper ballots in all federal elections.

- Voter must be able to correct ballot by hand.
- Voter verified paper ballot shall be used in recounts.
- Paper ballots must be suitable for a manual audit and must be counted by hand.
- If there is a discrepancy between electronic vote tally and paper ballots or if there is clear and convincing evidence that paper ballots have been compromised, state law shall determine the remedy.

Sec. 103. People with disabilities shall be able to cast a private, independent vote in a manner that produces a voter verified paper ballot.

- The National Science Foundation shall make grants to three eligible entities to develop a paper ballot that can be used by people with disabilities.
- Provides \$5 million in authorized appropriation.

Sec. 104. Ballots must be printed on durable papers, which means they must be capable of withstanding multiple counts and re-counts by hand and must be able to maintain the information printed on them for a period of 22 months.

Sec. 105. Ballots must be printed on recycled paper.

Sec. 106. The Election Assistance Commission (EAC) shall study ballot design and submit a report to Congress by January 2020.

Sec. 107. The requirements of this bill shall apply to states in any federal election held in 2020 and beyond.

- The delay date of 2022 is for states with voter verified paper printers attached to direct-recording electronic voting machines (DRE), but that are not in compliance with the requirements of this legislation.
- Voters at polling places with DRE printers must be offered the opportunity to vote with a paper ballot.

- Election officials must post availability of paper ballots.

Sec. 111. Grants to states requirements. Grants can be used for:

- Replacement of non-compliant voting systems with compliant ones,
- Security improvements,
- Ballot design improvements and testing,
- Grant amount is determined by the EAC in the amount determined by the EAC to be sufficient; however, the grant amount may not be less than the product of \$1 and the average of the number of individuals who cast votes in any of the two most recent regularly scheduled general elections for federal office held in the state,
- Leftover grant funds shall be awarded to states based on that state's record for activities toward compliance with this legislation, a state's efforts regarding voting system security, whether there is evidence that a state collaborated with local election officials and other stakeholders regarding grant distribution, and whether a state plan exists to evaluate grant activities,
- States that receive a grant to replace a voting system must have ranked-choice voting capabilities on that new system,
- A voting system security improvement as contemplated by this bill includes cybersecurity,
- Vendors who provides, supports, or maintains voting system infrastructure must be a U.S. vendor and must disclose the source of goods or services that come from outside the U.S.,
- Vendors must report cyber incidents,
- A state is eligible to receive grant money if it submits a description of how it will use the grant funding, certifies that within five years it will carry out risk-limiting audits and voting system security improvements.

Sec. 112. \$1 billion is authorized for FY2019 and \$175 million for each year FY2020-2026.

- Requirements payments under the Help America Vote Act can be used for cybersecurity purposes.
- There shall be a state plan committee comprised of a state's cities, counties, towns, and Indian tribes and shall represent urban and rural interests.

Sec. 121. The EAC shall make grants to states to conduct risk-limiting audits, \$20 million is authorized.

- Risk-limiting audit is defined as a post-election process that complies with rules and procedures set out by the state and under which there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct one.
- States can receive this grant if they certify that they will conduct a risk-limiting audit not later than five years after receipt of grant funds, that not later than one year after enactment the chief state election official has established or will establish the rules and procedures for such audit, that the audit will be conducted not later than the date that the state certifies the election, that the state shall publish the results of the audit to

confirm it was done correctly, and that if a full manual tally is required by a state, that result shall be the result of the election.

Sec. 131. Competitive election infrastructure innovation grants are established, a \$20 million authorized appropriation.

- Awarded on a competitive basis to eligible entities for research and development.
- Eligible entity is defined as an institution of higher education, a 501(c)(3), an organization, association or for-profit business.

Title II. Security Measures

Sec. 202. Department of Homeland Security (DHS) must report threat information to the chief state election official in a timely manner.

Sec. 203. DHS has the authority to expedite security clearances for chief state election officials and other appropriate state personnel.

Sec. 204. DHS has 90 days after receiving a request from a chief state election official to conduct a risk and vulnerability assessment.

Sec. 205. The secretary of DHS must submit a written report to the appropriate congressional committees on the agencies efforts to carry out the requirements of sections 203 and 204 (above).

Sec. 206. Not later than 180 days before a regularly scheduled general election for federal office, the director of National Intelligence (director) shall submit an assessment of the full scope of threats to election infrastructure and recommendations to mitigate these threats.

- The director shall submit the threat information to the chief state election official in each state and various congressional committees.

Title III. Enhancing Protections for United States Democratic Institutions.

Sec. 301. Not later than one year after enactment, the president and appropriate administration officials shall issue a national strategy to protect against cyber-attacks, influence operations, disinformation campaigns, and other activities that could undermine the security and integrity of U.S. democratic institutions.

Sec. 302. Establishes a National Commission to Protect United States Democratic Institutions (commission).

- Purpose is to counter efforts to undermine U.S. democratic institutions.
- Comprised of 10 members appointed for life. Bipartisan composition.

Title IV. Promoting Cybersecurity Through Improvements in Election Administration.

Sec. 401. Voting system hardware must be tested not later than nine months before an election for federal office.

- The Technical Guidelines Development Committee shall issue election cybersecurity guidelines not later than 6 months after the date of enactment of this bill.

Sec. 402. Electronic pollbooks are to be treated as part of the voting system.

Sec. 403. The chief state election official shall submit a report to the commission not later than 120 days before an election for federal office containing the voting system usage plan for each jurisdiction in the state that shall administer the election.

Title V. Preventing Election Hacking

Sec. 502. Calls for the establishment of an Election Security Bug Bounty Program.

- Voluntary for state and local election officials and election service providers.
- Goal is to ID and report cyber vulnerabilities in election systems.

Title VI. Election Security Grants Advisory Committee

Sec. 601. Committee would have 15 members appointed by the Election Assistance Commission (EAC).

- Purpose is to assist the EAC with the administration of grants to states.
- Comprised of 15 members appointed by the executive director of the EAC who have expertise in election security.

Title VII. Use of Voting Machines Manufactured in the United States.

Sec. 701. Any voting machine used in general election for federal office must be manufactured in the U.S.

Title VIII. Miscellaneous Provisions

Sec. 801. Definitions

Sec. 802. Not later than 120 days after enactment of this Act, the chairman of the EAC and the secretary of Homeland Security shall submit a report to the appropriate congressional committees analyzing the adequacy of funding, resources, and personnel to carry out the provisions of this Act.

Title IX. Severability

Sec. 901. If any provision of this Act is deemed to be unconstitutional or otherwise invalid, the remainder of this Act shall not be affected.