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## ELECTION SECURITY ACT OF 2019

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**Section 1. Short title; table of contents.** Declares that this title may be called the “Election Security Act of 2019,” offers a table of contents.

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### TITLE I – Financial Support for Election Infrastructure

- Overview: Establishes standards for voting systems and election vendors and expands the Election Assistance Commission’s ability to issue grants to harden our nation’s election infrastructure and ensure the accuracy and integrity of elections.

#### Subtitle A – Voting System Security Improvement Grants

Part I – Promoting accuracy, integrity, and security through voter-verified permanent paper ballot

**Section 101. Short title.** This subtitle may be cited as the “Voter Confidence and Increased Accessibility Act of 2019”.

**Section 102. Paper ballot and manual counting requirements.** Requires individual, durable, voter-verified, paper ballots. Votes must be counted by hand or optical character recognition device. Provides voter an opportunity to correct ballot. Ballots are not preserved in any manner that makes it possible to associate a voter to the ballot without the voter’s consent. Paper ballot constitutes official ballot and shall be used for any recount or audit. Applies paper ballot requirement to all ballots cast in elections for Federal office, including ballots cast by absent uniformed services voters and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act and other absentee voters. Provides a special rule for treatment of disputes when paper ballots have been shown, by clear and convincing evidence, to be compromised, and in such numbers that the results of the election could be changed. Provides that the appropriate remedy shall be made in accordance with applicable State law, except that the electronic tally may not be used as the exclusive basis for determining the official certified result.

**Section 103. Accessibility and ballot verification for individuals with disabilities.** Ensures that individuals with disabilities and others are given an equivalent opportunity to vote, including with privacy and independence, in a manner that produces a voter-verified paper ballot as for other voters. At each polling place, requires usage of at least one voting system equipped for individuals with disabilities, including nonvisual and enhanced visual accessibility for the blind and visually impaired, and nonmanual and enhanced manual accessibility for the mobility and dexterity impaired. Requires systems that allow the voter to privately and independently verify

the permanent paper ballot through the presentation, in accessible form, of the printed or marked vote selections from the same printed or marked information that would be used for any vote counting or auditing, and allows the voter to privately and independently verify and cast the permanent paper ballot without requiring the voter to manually handle the paper ballot.

Authorizes \$5,000,000 for the Director of the National Science Foundation to make grants to at least three entities to study, test, and develop accessible paper ballot voting, verification, and casting mechanisms, and best practices to enhance accessibility for voters with disabilities, voters whose primary language is not English, and/ or voters who have difficulties with literacy. Establishes grant eligibility requirements and notes that any technology developed under these grants shall be treated as non-proprietary and made available to the public. Requires that when adopting any voluntary guidance regarding accessibility of the paper ballot verification requirements for individuals with disabilities, the Election Assistance Commission shall apply the same accessibility standards applicable under this subtitle. Permits use of funds for protection and advocacy systems to support actions to enforce election-related disability access.

**Section 104. Durability and readability requirements for ballots.** Requires that all voter-verified ballots are printed on durable paper that is able to maintain the accuracy and integrity of the ballot over repeated handling, including retaining and preserving information printed on the ballot for a period of 22 months. Requires all voter-verified paper ballots completed through the use of a ballot marking device shall be clearly readable by the voter without assistance (other than eyeglasses or other personal vision enhancing devices) and by an optical character recognition device or other device equipped for individuals with disabilities.

**Section 105. Paper ballot printing requirements.** Requires that all paper ballots used in an election for federal office shall be printed in the United States on recycled paper manufactured in the United States.

**Section 106. Study and report on optimal ballot design.** Requires the Election Assistance Commission to conduct a study of the best ways to design election ballots, including paper ballots and electronic or digital ballots, to minimize confusion and user errors.

**Section 107. Effective date for new requirements.** Maintains that each state and jurisdiction shall be required to comply with Help America Vote Act of 2002 requirements on and after January 1, 2006, with exceptions for new requirements including that new requirements first imposed on a state or jurisdiction by the Voter Confidence and Increased Accessibility Act of 2019 shall apply to voting systems used for federal elections in 2020 and after, and that jurisdictions using certain systems such as certain paper record printers may also delay to 2022 regarding

select requirements, so long as certain contingencies are in place during the delay, including the option of having voters cast a vote using a blank pre-printed paper ballot, and notice of such option.

## Part 2 – Grants to carry out improvements

**Section 111. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.** Amends Subtitle D of Title II of the Help America Vote Act of 2002 by adding the following parts:

Part 7 – Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.

**Section 297. Grants for obtaining compliant paper ballot voting systems and carrying out voting system security improvements.** Directs the Election Assistance Commission to make available grants for eligible states to 1) replace voting systems that are not compliant paper ballot voting systems under the Voter Confidence and Increased Accessibility Act of 2019, or those which do not meet the most recent voluntary voting system guidelines promulgated by the Commission prior to the November 2020 federal elections, as well as 2) carry out voting system security improvements, and 3) implement and model best practices for ballot design, ballot instructions, and ballot testing.

Establishes that grants made to states under this section shall be of an amount the Commission determines to be appropriate, except that a state shall not receive 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. In the event that Congress appropriates insufficient funds to provide states the amount directed per the above, the Commission shall make a pro rata reduction to ensure that the entire appropriated amount is distributed to the states. Provides factors for the Commission to consider in awarding excess funds to a state in the event of a surplus of appropriated funds. Also provides that, to the greatest extent practicable, an eligible State which receives a grant to replace a voting system under this section shall ensure such replacement system is capable of administering a system of ranked choice voting.

**Section 297A. Voting system security improvements described.** Defines voting system security improvements as: (1) The acquisition of goods and services from qualified election infrastructure vendors by purchase, lease, or such other arrangements as may be appropriate; (2) Cyber and risk mitigation training; (3) A security risk and vulnerability

assessment of the State's election infrastructure which is carried out by a provider of cybersecurity services under a contract entered into between the chief State election official and the provider; (4) The maintenance of election infrastructure, including addressing risks and vulnerabilities which are identified under either of the security risk and vulnerability assessments described in paragraph (3), except that none of the funds provided under this part may be used to renovate or replace a building or facility which is used primarily for purposes other than the administration of elections for public office; (5) Providing increased technical support for any information technology infrastructure that the chief State election official deems to be part of the State's election infrastructure or designates as critical to the operation of the State's election infrastructure; (6) Enhancing the cybersecurity and operations of the information technology infrastructure described in paragraph (4); and (7) Enhancing the cybersecurity of voter registration systems.

Defines a "qualified election infrastructure vendor" as any person who provides, supports, or maintains, or who seeks to provide, support, or maintain, election infrastructure on behalf of a State, unit of local government, or election agency who meets certain criteria established by the Chair of the Election Assistance Commission and the Secretary of Homeland Security.

Directs the Chair of the Election Assistance Commission and the Secretary of Homeland Security to include the following in the criteria a person must meet to be considered a "qualified election infrastructure vendor": (A) the vendor must be owned and controlled by a citizen or permanent resident of the United States; (B) the vendor must disclose to the Chairman and the Secretary, and to the chief State election official of any State to which the vendor provides any goods and services with funds provided under this part, of any sourcing outside the United States for parts of the election infrastructure; (C) the vendor agrees to ensure that the election infrastructure will be developed and maintained in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee; (D) the vendor agrees to maintain its information technology infrastructure in a manner that is consistent with the cybersecurity best practices issued by the Technical Guidelines Development Committee; (E) the vendor agrees to meet the notification requirement defined herein with respect to any known or suspected cybersecurity incidents involving any of the goods and services provided by the vendor pursuant to a grant under this part; and (F) the vendor agrees to permit independent security testing by the Commission and by the Secretary of the goods and services provided by the vendor pursuant to a grant under this part.

Establishes cybersecurity incident reporting requirements that a vendor meets if, upon learning of a potential cybersecurity incident involving any of the goods and services provided by the vendor, the vendor promptly assesses whether such incident occurred and notifies the Chair of the Election Assistance Commission and the Secretary of Homeland Security as soon as practicable but not later than three days after becoming aware of the potential incident. The vendor must also inform any potentially impacted election agency within three days and cooperate with the agency in providing any further notifications necessary. The vendor must provide ongoing updates to the Chair of the Election Assistance Commission, the Secretary of Homeland Security, and the affected election security agency.

The notification the vendor must provide the Chair of the Election Assistance Commission, the Secretary of Homeland Security, and the affected election security agency must include the following: (1) the date, time, and time zone when the election cybersecurity incident began, if known; (2) the date, time, and time zone when the election cybersecurity incident was detected; (3) The date, time, and duration of the election cybersecurity incident; (4) the circumstances of the election cybersecurity incident, including the specific election infrastructure systems believed to have been accessed and information acquired, if any; (5) Any planned and implemented technical measures to respond to and recover from the incident; (6) In the case of any notification which is an update to a prior notification; any additional material information relating to the incident, including technical data, as it becomes available.

**Section 297B. Eligibility of States.** To be eligible for a grant, in its application the Election Assistance Commission, a state must: (1) describe how it will use the grant to carry out the activities authorized under this part; (2) certify and assure that, not later than 5 years after receiving the grant, the State will implement risk limiting audits and carry out voting system security improvements; and (3) provide other information and assurances as the Commission may require.

**Section 297C. Reports to Congress.** Requires the Election Assistance Commission to, not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the appropriate congressional committees, including the Committees on Homeland Security, House Administration, and the Judiciary of the House of Representatives and the Committees on Homeland Security and Governmental Affairs, the Judiciary, and Rules and Administration of the Senate, on the activities carried out with the funds provided under this part.

**Section 297D. Authorization of Appropriations.** Authorizes \$1 billion for FY 2019. Authorizes \$175 million for FY 2020, 2022, 2024, and 2026. Allows that any amounts appropriated here shall remain available until expended.

**Section 112. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.** Adds the Secretary of Homeland Security or the Secretary's designee to the Board of Advisors of the Election Assistance Commission. Adds a Representative from the Department of Homeland Security to the Technical Guidelines Development Committee.

Directs the Election Assistance Commission to consult with the Department of Homeland Security in conducting periodic studies on election administration and adds to the objectives of the periodic studies ensuring the integrity of elections against interference through cyber means.

Amends the allowable uses of requirements payments under the Help America Vote Act of 2002 to include voting system security improvements, including cyber training for election officials, technical support, enhancing cybersecurity of information systems, and enhancing cybersecurity of voter registration databases. Requires states to include protection of election infrastructure into their state plans developed pursuant to 52 U.S.C. 21004.

Requires the Committee responsible for composing the state plans developed pursuant to 52 U.S.C. 21004 be composed of a representative group from the state's counties, cities, towns, Indian tribes, and represent rural as well as urban areas.

Requires States to undertake measures to prevent and deter cybersecurity incidents, as identified by the Commission, the Secretary of Homeland Security, and the Technical Guidelines Development Committee, of computerized voter registration databases.

**Section 113. Incorporation of definitions.** Amends the Help America Vote Act to include the definitions of "cybersecurity incident" (6 U.S.C. 148), "election infrastructure" (Election Security Act), and "State" (States, D.C., Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, Northern Mariana Islands).

#### Subtitle B – Grants for Risk-Limiting Audits of Results of Elections

**Section 121. Grants to states for conducting risk-limiting audits of results of elections.** Amends Subtitle D of Title II of the Help America Vote Act of 2002 by adding the following parts:

Part 8— Grants for conducting risk-limiting audits of results of elections

**Section 298. Grants for conducting risk-limiting audits of results of elections.** Establishes that the Election Assistance Commission will make grants to eligible states to conduct risk-limiting audits with respect to 2020 federal elections and elections thereafter. Describes risk-limiting audit as post-election process, conducted according to rules and procedures established by chief state election official and this title, under which, if the reported outcome of the election is incorrect, there is at least a predetermined percentage chance that the audit will replace the incorrect outcome with the correct outcome, as determined by a full, hand-to-eye tabulation of all votes validly cast in that election, when such tabulation ascertains voter intent manually and directly from voter-verifiable paper records. Further establishes requirements for rules and procedures and offers definitions related to audits.

**Section 298A. Eligibility of States.** Establishes guidelines for eligibility of States to receive funding, including requiring States to certify that: (1) it will conduct risk-limiting audits of the results of elections for Federal offices within five years; (2) the Chief election official of the State will establish rules and procedures for performing risk-limiting audits within one year of enactment; (3) the audit will be completed by the time the State certifies election results; (4) the State will publish a report on the results of the audit; (5) if the audit leads to a full manual tally of an election, State law requires the manual tally to be the official results of the election; and (6) any other information the Election Assistance Commission requires.

**Section 298B. Authorization of appropriations.** Authorizes \$20 million in grants for the Election Assistance Commission to provide to States to implement risk-limiting audits for regularly scheduled general elections for Federal office, to remain available until expended.

**Section 122. GAO analysis of effects of audits.** No later than 6 months after first federal election held after grants are first awarded, requires the Government Accountability Office to do an analysis of the extent to which risk-limiting audits have improved election administration and the security of election infrastructure in states that received grants. Directs Comptroller General to submit a report to relevant Congressional committees regarding such analysis.

#### Subtitle C – Election Infrastructure Innovation Grant Program

**Section 131. Election infrastructure innovation grant program.** Directs the Secretary of Homeland Security, acting through the Under Secretary for Science and Technology, and in

coordination with the Chair of the Election Assistance Commission, and in consultation with the National Science Foundation and the Director of the National Institute of Standards and Technology, to establish a competitive grant program to award grants to eligible entities for research and development that could improve the security (including cybersecurity), quality, reliability, accuracy, accessibility, and affordability of election infrastructure, and increase voter participation.

Directs the Department of Homeland Security to report to Congress 90 days after the end of each fiscal year describing the grants and what impact, if any, they have had on improving the security and operation of election infrastructure and on voter participation.

Authorizes to be appropriated to the Secretary \$20,000,000 for each of fiscal years 2019-2027.

Defines eligible entities as institutions of high education, 501(c)(3)s, and for-profit organizations.

Defines “election infrastructure” as storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office, as well as related information and communications technology, including voter registration databases, voting machines, electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results), and other systems used to manage the election process and to report and display election results on behalf of an election agency.

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## TITLE II – Security Measures

- **Overview:** Requires the Department of Homeland Security to maintain the designation of election infrastructure as critical. Requires the Department of Homeland Security to provide timely threat information and security clearance assistance, as well as security risk and vulnerability assessments to chief state election officials.

**Section 201. Election infrastructure designation.** Amends the Homeland Security Act of 2002 to include “election infrastructure” as a subsector of the “government facilities” critical infrastructure sector.



**Section 202. Timely threat information.** Amends the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to provide timely threat information regarding election infrastructure to the chief state election official of the state with respect to which such information pertains.

**Section 203. Security clearance assistance for election officials.** Authorizes the Secretary of Homeland Security to expedite security clearances for chief State election officials and other appropriate State personnel involved in the administration of elections, sponsor security clearances for election officials, and facilitate temporary clearances for State election officials, as necessary.

**Section 204. Security risk and vulnerability assessments.** Clarifies that the Department of Homeland Security shall provide “risk and vulnerability assessments” as a component of “risk management support.” Directs the Secretary to provide within 90 days a risk and vulnerability assessment on election infrastructure to any State that requests one in writing. The Secretary must notify the State if the Department of Homeland Security is unable to commence the risk and vulnerability assessment within 90 days.

**Section 205. Annual reports.** The Secretary of Homeland Security must report to appropriate congressional committees, within one year of enactment and annually thereafter through 2026, information on the Department of Homeland Security’s efforts to assist States in security clearance assistance for election officials, including which States it helped, how many officials it helped, how many clearances it sponsored in each State, including temporary clearances, and information on efforts to carry out risk and vulnerability assessments, including which states were helped, dates of requests received, dates assessments were commenced, and dates on which the Secretary transmitted a required notification, among other things.

The Secretary of Homeland Security and the Director of National Intelligence, in coordination with the heads of appropriate Federal agencies, shall, not later than 90 days after the end of each fiscal year, provide to appropriate congressional committees a joint report on foreign threats to elections, including physical and cybersecurity threats. The Secretary of Homeland Security must solicit and consider information from states (offered voluntarily and at the discretion of the state) for purposes of preparing the reports required under this section.

**Section 206. Pre-election threat assessments.** Requires the Director of National Intelligence, not later than 180 days before a regularly-scheduled general election, to submit an assessment of the full scope of threats to election infrastructure, including cybersecurity threats as posed by state actors and terrorist groups, and recommendations to address said threats, as developed by the

Chairman of the Election Assistance Commission and the Secretary of Homeland Security. Assessment is submitted to the chief state election official of each state, and Committees on Homeland Security and House Administration in the House and Committees on Homeland Security and Governmental Affairs and Rules and Administration in the Senate, as well as any other appropriate congressional committees. Provides for updates to the initial assessment should the Director of National Intelligence determine an update is warranted based on new information, and provides definitions.

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### TITLE III – Enhancing Protection for United States Democratic Institutions

- Overview: Requires the President and appropriate officials to produce a national strategy for protecting U.S. democratic institutions. Creates National Commission to Protect United States Democratic Institutions to counter threats.

**Section 301. National strategy to protect United States democratic institutions.** Not later than one year after enactment, requires the President, acting through the Secretary of Homeland Security, in consultation with the Chairman of the Election Assistance Commission, Secretary of Defense, the Secretary of State, the Attorney General, the Secretary of Education, the Director of National Intelligence, the Chairman of the Federal Election Commission, and the heads of any other appropriate Federal agency, to issue a national strategy to protect against cyber-attacks, influence operations, disinformation campaigns, and other activities that could undermine the security and integrity of United States democratic institutions.

Requires the national strategy to consider: (1) the threat of a foreign state actor, foreign terrorist organization (as designated pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)), or a domestic actor carrying out a cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions; (2) the extent to which United States democratic institutions are vulnerable to a cyber-attack influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such democratic institutions; (3) consequences, such as an erosion of public trust or an undermining of the rule of law that could result from a successful cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of United States democratic institutions; (4) lessons learned from other Western governments the institutions of which were subject to a cyber-attack, influence operation, disinformation campaign, or other activity aimed at undermining the security and integrity of such institutions, as well as actions that could be taken by the United States Government to bolster collaboration with foreign partners to detect, deter,

prevent, and counter such activities; (5) potential impacts such as an erosion of public trust in democratic institutions as could be associated with a successful cyber breach or other activity negatively-affecting election infrastructure; (6) roles and responsibilities of the Secretary of Homeland Security, the Chairman, and the heads of other federal entities and non-federal entities, including chief state election officials and representatives of multi-state information sharing and analysis center; and (7) any findings, conclusions, and recommendations to strengthen protections for United States democratic institutions that have been agreed to by a majority of Commission members on the National Commission to Protect United States Democratic Institutions, authorized pursuant to section 302 below.

Requires the president, acting through the Secretary of Homeland Security, in coordination with the Chair of the Election Assistance Commission, to issue an implementation plan of the national strategy within 90 days of the strategy's issuance, which includes the following: (1) strategic objectives and corresponding tasks; (2) projected timelines and costs; and (3) metrics to evaluate performance. Requires the strategy to be unclassified and requires the Privacy and Civil Liberties Oversight Board to review and report on potential privacy and civil liberties impacts.

**Section 302. National Commission to Protect United States Democratic Institutions.** Establishes within the legislative branch the National Commission to Protect United States Democratic Institutions to counter efforts to undermine democratic institutions within the United States. Describes the composition of the Commission as including 10 members appointed for the life of the Commission as follows: (A) one member appointed by the Secretary of Homeland Security; (B) one member appointed by the Chairman; (C) two members appointed by the majority leader of the Senate, in consultation with the respective chairmen of the Committee on Homeland Security and Governmental Affairs, Committee on the Judiciary, and the Committee on Rules and Administration; (D) two members shall be appointed by the minority leader of the Senate, in consultation with the respective ranking members of the Committee on Homeland Security and Governmental Affairs, Committee on the Judiciary, and the Committee on Rules and Administration; (E) two members shall be appointed by the Speaker of the House of Representatives, in consultation with the respective chairmen of the Committee on Homeland Security, the Committee on House Administration; and Committee on the Judiciary (6) two members shall be appointed by the minority leader of the House of Representatives, in consultation with the respective ranking members of the Committee on Homeland Security, the Committee on House Administration; and Committee on the Judiciary.

Establishes that individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to cybersecurity, national security, and the

Constitution of the United States. Bars members from receiving compensation for service on the Commission but permits reimbursement of certain expenses. Requires members to be appointed by 60 days after the date of the enactment. Provides that a vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs. Establishes that a majority of members constitutes a quorum, and that the body shall meet no later than 30 days after all members have been appointed.

Establishes the powers of the Commission, including the authority to hold hearings and receive evidence, take testimony and administer oaths, enter into contracts to enable the Commission to perform its responsibilities, and receive support on a reimbursable basis from the Administrator of General Services and other Federal agencies. Requires any public meetings to be held in a manner that protects the information provided or developed by the Commission. Directs Federal agencies to provide Commission members and staff appropriate clearances expeditiously. Authorizes the Commission to provide to the President and Congress interim reports. Requires the Commission to Provide a final report to the President and Congress within 18 months of enactment. Provides that the Commission shall terminate 60 days after the Commission submits its final report.

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#### Title IV – Promoting Cybersecurity Through Improvements in Election Administration

- Overview: Requires the testing of voting systems not later than nine months before the date of each regularly scheduled general election for federal office. Defines electronic poll books as part of voting systems and requires pre-election reports on voting system usage.

**Section 401. Testing of existing voting systems to ensure compliance with election cybersecurity guidelines and other guidelines.** Amends the Helps America Vote Act to require the Commission to provide, not later than nine months before regularly scheduled federal elections, for the testing by accredited laboratories under this section of the voting system hardware and software certified for use in the most recent such election, on the basis of the most recent voting system guidelines applicable to such hardware or software (including election cybersecurity guidelines) issued under this Act. Requires the Election Assistance Commission to decertify any hardware or software the Commission determines does not meet the most recent guidelines. This section applies to the regularly scheduled general election for Federal office held in November 2020 and each succeeding regularly scheduled general election for Federal office.

Amends the Help America Vote Act to require the Technical Guidelines Development Committee within the Election Assistance Commission to, within six months of enactment, issue election cybersecurity guidelines, including standards and best practices for procuring, maintaining, testing, operating, and updating election systems to prevent and deter cybersecurity incidents.

**Section 402. Treatment of electronic poll books as part of voting systems.** Amends the Help America Vote Act of 2002 to include Electronic Poll Books as part of Voting Systems. Defines electronic poll book as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used: (1) to retain the list of registered voters at a polling location, or vote center, or other location at which voters cast votes in an election for Federal office; and (2) to identify registered voters who are eligible to vote in an election.

**Section 403. Pre-election reports on voting system usage.** Requires the Chief State Election Official of each state to submit a report to the Election Assistance Commission containing a detailed voting system usage plan for each jurisdiction which will administer an election, including a plan for usage of electronic poll books and other system components, no later than 120 days prior to any regularly scheduled election for federal office.

**Section 404. Streamlining collection of election information.** Waives certain federal information policy requirements of subchapter I of chapter 35 of title 44, United States Code for purposes of maintaining the clearinghouse described in this section.

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## Title V – Preventing Election Hacking

- Overview: Establishes the ‘Election Security Bug Bounty Program’ to encourage independent assessments of election systems by technical experts.

**Section 501. Short title.** Declares that this subtitle may be called the “Prevent Election Hacking Act of 2019”.

**Section 502. Election Security Bug Bounty Program.** Requires the Secretary to establish the “Election ‘Security Bug Bounty Program’” (hereafter in this subtitle referred to as the “Program”) to improve the cybersecurity of the systems used to administer elections for federal office by facilitating and encouraging assessments by independent technical experts, in cooperation with

State and local election officials and election service providers, to identify and report election cybersecurity vulnerabilities.

Provides that participation in the Program shall be entirely voluntary for state and local election officials and election service providers. Requires the Secretary of Homeland Security to solicit the input from election officials in developing the program, and encourage their participation.

Requires the Secretary of Homeland Security to: (1) establish a process for State and local election officials and election service providers to voluntarily participate in the Program; (2) designate appropriate information systems to be included in the Program; (3) provide compensation to eligible individuals, organizations, and companies for reports of previously unidentified security vulnerabilities within the information systems included and establish criteria for individuals, organizations, and companies to be considered eligible for such compensation in compliance with Federal laws; (4) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the Program are protected from prosecution under section 1030 of title 18, United States Code, governing “Fraud and related activity in connection with computers” and similar provisions of law, and from liability under civil actions for specific activities authorized under the Program; (5) consult with the Secretary of Defense and the heads of other departments and agencies that have implemented similar programs regarding lessons that may be applied from such programs; (6) develop an expeditious process by which an individual, organization, or company can register with the Department, submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the Program; and (7) engage qualified interested persons, including representatives of private entities, about the structure of the Program and, to the extent practicable, establish a recurring competition for independent technical experts to assess election systems for the purpose of identifying and reporting election cybersecurity vulnerabilities. Authorizes the Secretary of Homeland Security to enter into a competitive contract to manage the Program.

**Section 503. Definitions.** Provides definitions for key terms with reference to other parts of federal law.

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## TITLE VI – Election Security Grants Advisory Committee

- Overview: Establishes the Election Security Grants Advisory Committee to review grant applications to the Election Assistance Commission and make recommendations regarding their disposition.

**Section 601. Establishment of advisory committee.** Amends Subtitle A of Title II of the Help America Vote Act of 2002 to establish an advisory committee to assist the Election Assistance Commission with awarding grants to states for the purpose of election security. Requires the Committee to review grant applications and make recommendations to the Election Assistance Commission, having considered several factors with respect to the applicant, including their record of HAVA compliance, adoption of the Commission’s voluntary guidelines, and the goals and requirements of election security. Establishes that the Committee is 15 individuals with election security expertise appointed by the executive director of the Commission, that Committee members are uncompensated but for travel expenses accrued for Committee services, and that the section takes effect one year after enactment of this Act.

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#### TITLE VII – Use of Voting Machines Manufactured in the United States

- Overview: Seeks to ensure that voting machines used in the United States for federal elections are manufactured in the United States.

**Section 701. Use of voting machines manufactured in the United States.** Amends the Help America Vote Act of 2002 by establishing that, not later than the regularly scheduled general election for federal office of 2022, each state shall seek to ensure that any voting machine used in that election and any election thereafter is manufactured in the United States.

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#### TITLE VIII – Miscellaneous Provisions

- Overview: Requires analysis of whether sufficient funds are provided for implementation of the Act.

**Section 801. Definitions.** Provides definitions for key terms with reference other parts of federal law.

**Section 802. Initial report on adequacy of resources available for implementation.** Requires the Secretary of Homeland Security and the Chair of the Election Assistance Commission to, within 120 days of enactment of this Act, submit to the appropriate committees of Congress an assessment analyzing the adequacy of funding, resources, and personnel available to carry out this Act.

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## TITLE IX – Severability

- Overview: Clarifies that if any provision of this title or amendment made by this title is held unconstitutional, the remainder of the title shall not be affected by the holding.

**Section 901. Severability.** Establishes severability such that the application of the provisions of this title and amendments made by this title shall not be affected by a holding finding any provision of the title or amendment made by the title unconstitutional.

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