

Fundamental Provisions of H.R. 811

The Voter Confidence and Increased Accessibility Act of 2008

- A voter-verified paper ballot must be produced for every vote cast beginning with the November 2008 elections.
- Paper-based voting systems (including thermal reel-to-reel systems and systems accessible to voters with disabilities that also used or produced a paper ballot) used in 2006 can be used until 2012; *only* systems that used no paper ballots at all must be replaced or upgraded by November 2008. Durable, scannable, accessible paper ballots must be used by 2012.
- Upgrade requirements mean that, by 2012:
 - where ballot marking devices are used, they must be able to deposit the ballots “automatically” into a “secure container” for mobility access, and
 - where direct recording electronic machines (DREs) are used, a mechanism must be provided that allows disabled voters to privately and independently verify the contents of the paper ballot printed by the DRE printer.
- The paper ballot is the vote of record in all recounts and audits, as a check on electronic tallies.
- In 2008, all voters are entitled to vote by paper ballot if the voting machine in their jurisdiction is broken, and in 2010 and after, for any reason.
- Routine random audits must be conducted by hand count in 3% of the precincts in all Federal elections, and 5% or 10% in very close races (but races decided by 80% or more need not be audited).
- Wireless devices, Internet connections, uncertified software and undisclosed software are banned in voting and tabulating machines.
- \$1 billion in funding is authorized for system replacement and upgrading in FY 2008, with additional upgrades authorized in FY 2009.
- \$100 million each fiscal year is authorized to fund the audits.
- An arms-length relationship is established between test labs and voting machine vendors.
- The bill is silent on re-authorizing the Election Assistance Commission (EAC) and does not address military and overseas balloting.