

**AMENDMENT TO H.R. 811, AS REPORTED**  
**OFFERED BY M\_\_.** \_\_\_\_\_

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Voter Confidence and  
3 Increased Accessibility Act of 2007”.

4 **SEC. 2. PROMOTING ACCURACY, INTEGRITY, AND SECU-**  
5                                 **RITY THROUGH VOTER-VERIFIED PERMA-**  
6                                 **NENT PAPER BALLOT.**

7       (a) **BALLOT VERIFICATION AND AUDIT CAPACITY.—**

8                 (1) **IN GENERAL.—**Section 301(a)(2) of the  
9 Help America Vote Act of 2002 (42 U.S.C.  
10 15481(a)(2)) is amended to read as follows:

11                 “(2) **BALLOT VERIFICATION AND AUDIT CAPAC-**  
12 **ITY.—**

13                         “(A) **VOTER-VERIFIED PAPER BALLOTS.—**

14                                 “(i) **VERIFICATION.—**(I) The voting  
15 system shall require the use of or produce  
16 an individual voter-verified paper ballot of  
17 the voter’s vote that shall be created by or  
18 made available for inspection and  
19 verification by the individual voter before

1 the voter's vote is cast and counted. For  
2 purposes of this subclause, an individual  
3 voter-verified paper ballot includes (but is  
4 not limited to) a paper ballot marked by  
5 the voter for the purpose of being counted  
6 by hand or read by an optical scanner or  
7 other similar device, a paper ballot pre-  
8 pared by the voter to be mailed to an elec-  
9 tion official (whether from a domestic or  
10 overseas location), a paper ballot created  
11 through the use of a ballot marking device  
12 or system, or a paper ballot produced by a  
13 touch screen or other electronic voting ma-  
14 chine, so long as in each case the voter is  
15 permitted to verify the ballot in a paper  
16 form in accordance with this subpara-  
17 graph.

18 “(II) The voting system shall provide  
19 the voter with an opportunity to correct  
20 any error made by the system in the voter-  
21 verified paper ballot before the permanent  
22 voter-verified paper ballot is preserved in  
23 accordance with clause (ii).

24 “(III) The voting system shall not  
25 preserve the voter-verified paper ballots in

1 any manner that makes it possible, at any  
2 time after the ballot has been cast, to asso-  
3 ciate a voter with the record of the voter's  
4 vote.

5 “(IV) The requirement of subclause  
6 (I) that the voting system produce an indi-  
7 vidual voter-verified paper ballot may not  
8 be construed to prohibit a jurisdiction from  
9 meeting the requirement through the use  
10 of a thermal reel-to-reel voter verified  
11 paper ballot printer attached to a direct re-  
12 cording electronic voting machine in the  
13 case of elections held prior to 2012.

14 “(ii) PRESERVATION.—The voter-  
15 verified paper ballot produced in accord-  
16 ance with clause (i) shall be used as the of-  
17 ficial ballot for purposes of any recount or  
18 audit conducted with respect to any elec-  
19 tion for Federal office in which the voting  
20 system is used, and shall be preserved—

21 “(I) in the case of votes cast at  
22 the polling place on the date of the  
23 election, within the polling place in a  
24 secure manner on such date; or

1                   “(II) in any other case, in a se-  
2                   cure manner which is consistent with  
3                   the manner employed by the jurisdic-  
4                   tion for preserving such ballots in  
5                   general.

6                   “(iii) MANUAL AUDIT CAPACITY.—(I)  
7                   Each paper ballot produced pursuant to  
8                   clause (i) shall be suitable for a manual  
9                   audit equivalent to that of a paper ballot  
10                  voting system, and shall be counted by  
11                  hand in any recount or audit conducted  
12                  with respect to any election for Federal of-  
13                  fice.

14                  “(II) In the event of any inconsist-  
15                  encies or irregularities between any elec-  
16                  tronic vote tallies and the vote tallies de-  
17                  termined by counting by hand the voter-  
18                  verified paper ballots produced pursuant to  
19                  clause (i), and subject to subparagraph  
20                  (B), the voter-verified paper ballots shall  
21                  be the true and correct record of the votes  
22                  cast.

23                  “(B) SPECIAL RULE FOR TREATMENT OF  
24                  DISPUTES WHEN PAPER BALLOTS HAVE BEEN  
25                  SHOWN TO BE COMPROMISED.—

1                   “(i) IN GENERAL.—In the event  
2                   that—

3                   “(I) there is any inconsistency  
4                   between any electronic vote tallies and  
5                   the vote tallies determined by count-  
6                   ing by hand the voter-verified paper  
7                   ballots produced pursuant to subpara-  
8                   graph (A)(i) with respect to any elec-  
9                   tion for Federal office; and

10                   “(II) it is demonstrated by clear  
11                   and convincing evidence (as deter-  
12                   mined in accordance with the applica-  
13                   ble standards in the jurisdiction in-  
14                   volved) in any recount, audit, or con-  
15                   test of the result of the election that  
16                   the paper ballots have been com-  
17                   promised (by damage or mischief or  
18                   otherwise) and that a sufficient num-  
19                   ber of the ballots have been so com-  
20                   promised that the result of the elec-  
21                   tion could be changed,

22                   the determination of the appropriate rem-  
23                   edy with respect to the election shall be  
24                   made in accordance with applicable State  
25                   law, except that the electronic tally shall

1 not be used as the exclusive basis for de-  
2 termining the official certified vote tally.

3 “(ii) RULE FOR CONSIDERATION OF  
4 BALLOTS ASSOCIATED WITH EACH VOTING  
5 MACHINE.—For purposes of clause (i),  
6 only the paper ballots deemed com-  
7 promised, if any, shall be considered in the  
8 calculation of whether or not the result of  
9 the election could be changed due to the  
10 compromised paper ballots.”

11 (2) CONFORMING AMENDMENT CLARIFYING AP-  
12 PPLICABILITY OF ALTERNATIVE LANGUAGE ACCESSI-  
13 BILITY.—Section 301(a)(4) of such Act (42 U.S.C.  
14 15481(a)(4)) is amended by inserting “(including  
15 the paper ballots required to be produced under  
16 paragraph (2) and the notices required under para-  
17 graphs (7) and (13)(C))” after “voting system”.

18 (3) OTHER CONFORMING AMENDMENTS.—Sec-  
19 tion 301(a)(1) of such Act (42 U.S.C. 15481(a)(1))  
20 is amended—

21 (A) in subparagraph (A)(i), by striking  
22 “counted” and inserting “counted, in accord-  
23 ance with paragraphs (2) and (3)”;

1 (B) in subparagraph (A)(ii), by striking  
2 “counted” and inserting “counted, in accord-  
3 ance with paragraphs (2) and (3)”;

4 (C) in subparagraph (A)(iii), by striking  
5 “counted” each place it appears and inserting  
6 “counted, in accordance with paragraphs (2)  
7 and (3)”;

8 (D) in subparagraph (B)(ii), by striking  
9 “counted” and inserting “counted, in accord-  
10 ance with paragraphs (2) and (3)”.

11 (b) ACCESSIBILITY AND BALLOT VERIFICATION FOR  
12 INDIVIDUALS WITH DISABILITIES.—

13 (1) IN GENERAL.—Section 301(a)(3)(B) of  
14 such Act (42 U.S.C. 15481(a)(3)(B)) is amended to  
15 read as follows:

16 “(B)(i) satisfy the requirement of subpara-  
17 graph (A) through the use of at least one voting  
18 system equipped for individuals with disabil-  
19 ities, including nonvisual and enhanced visual  
20 accessibility for the blind and visually impaired,  
21 at each polling place; and

22 “(ii) meet the requirements of subpara-  
23 graph (A) and paragraph (2)(A) by using a sys-  
24 tem that—

1           “(I) allows the voter to privately and  
2           independently verify the paper ballot  
3           through the conversion of the printed or  
4           marked vote selections into accessible form,  
5           including nonvisual and enhanced visual  
6           forms,

7           “(II) ensures that the entire process  
8           of ballot verification and vote casting is  
9           equipped for individuals with disabilities,  
10          including nonvisual and enhanced visual  
11          accessibility for the blind and visually im-  
12          paired and through mechanisms that do  
13          not require a voter to manually handle the  
14          paper ballot, which may include the use of  
15          mechanisms that provide voters with the  
16          option of automatically placing the ballot  
17          into a secure container for subsequent  
18          counting, and

19          “(III) does not preclude the supple-  
20          mentary use of Braille or tactile ballots;  
21          and”.

22               (2) SPECIFIC REQUIREMENT OF STUDY, TEST-  
23               ING, AND DEVELOPMENT OF ACCESSIBLE BALLOT  
24               VERIFICATION MECHANISMS.—



1 (A) STUDY AND REPORTING.—Subtitle C  
2 of title II of such Act (42 U.S.C. 15381 et seq.)  
3 is amended—

4 (i) by redesignating section 247 as  
5 section 248; and

6 (ii) by inserting after section 246 the  
7 following new section:

8 **“SEC. 247. STUDY AND REPORT ON ACCESSIBLE BALLOT**  
9 **VERIFICATION MECHANISMS.**

10 “(a) STUDY AND REPORT.—The Director of the Na-  
11 tional Institute of Standards and Technology shall study,  
12 test, and develop best practices to enhance the accessibility  
13 of ballot verification mechanisms for individuals with dis-  
14 abilities, for voters whose primary language is not English,  
15 and for voters with difficulties in literacy, including best  
16 practices for the mechanisms themselves and the processes  
17 through which the mechanisms are used. In carrying out  
18 this section, the Director shall specifically investigate ex-  
19 isting and potential methods or devices, including non-  
20 electronic devices, that will assist such individuals and vot-  
21 ers in creating voter-verified paper ballots and presenting  
22 or transmitting the information printed or marked on such  
23 ballots back to such individuals and voters.

24 “(b) COORDINATION WITH GRANTS FOR TECH-  
25 NOLOGY IMPROVEMENTS.—The Director shall coordinate

1 the activities carried out under subsection (a) with the re-  
2 search conducted under the grant program carried out by  
3 the Commission under section 271, to the extent that the  
4 Director and Commission determine necessary to provide  
5 for the advancement of accessible voting technology.

6 “(c) DEADLINE.—The Director shall complete the re-  
7 quirements of subsection (a) not later than December 31,  
8 2008.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out subsection  
11 (a) \$3,000,000, to remain available until expended.”.

12 (B) CLERICAL AMENDMENT.—The table of  
13 contents of such Act is amended—

14 (i) by redesignating the item relating  
15 to section 247 as relating to section 248;  
16 and

17 (ii) by inserting after the item relating  
18 to section 246 the following new item:

“Sec. 247. Study and report on accessible ballot verification mechanisms.”.

19 (3) REQUIRING ONGOING REVIEW OF PROGRESS  
20 MADE IN DEVELOPING VOTING SYSTEMS MEETING  
21 NEW ACCESSIBILITY AND BALLOT VERIFICATION RE-  
22 QUIREMENTS.—

23 (A) REVIEW.—Not later than January 1 of  
24 2009, 2010, and 2011, the Election Assistance  
25 Commission—

1 (i) shall conduct a review of the  
2 progress made by manufacturers of voting  
3 systems in developing systems which meet  
4 the accessibility and ballot verification re-  
5 quirements which will take effect beginning  
6 in 2012 under section 301(a)(3)(B) of the  
7 Help America Vote Act of 2002, as amend-  
8 ed by paragraph (1), or in developing tech-  
9 nologies which enable existing systems to  
10 be upgraded to meet such requirements;  
11 and

12 (ii) shall publish and disseminate its  
13 findings by posting them on the public  
14 Internet site of the Commission and  
15 through such other methods as the Com-  
16 mission considers appropriate.

17 (B) ASSESSMENT OF PROGRESS OF INDI-  
18 VIDUAL VOTING SYSTEMS.—In conducting the  
19 review required under this paragraph, the Com-  
20 mission shall include a separate, individual as-  
21 sessment with respect to each voting system, in-  
22 cluding a statement of the specific accessibility  
23 and ballot verification features available at the  
24 time of the review for each such system.

1 (C) CONSULTATION.—The Election Assist-  
2 ance Commission shall carry out its responsibil-  
3 ities under this paragraph in consultation with  
4 the Association of Assistive Technology Act  
5 Programs and representatives of experts in the  
6 area of electronic voting security.

7 (4) CLARIFICATION OF ACCESSIBILITY STAND-  
8 ARDS UNDER VOLUNTARY VOTING SYSTEM GUID-  
9 ANCE.—In adopting any voluntary guidance under  
10 subtitle B of title III of the Help America Vote Act  
11 with respect to the accessibility of the paper ballot  
12 verification requirements for individuals with disabil-  
13 ities, the Election Assistance Commission shall in-  
14 clude and apply the same accessibility standards ap-  
15 plicable under the voluntary guidance adopted for  
16 accessible voting systems under such subtitle.

17 (c) ADDITIONAL VOTING SYSTEM REQUIREMENTS.—

18 (1) REQUIREMENTS DESCRIBED.—Section  
19 301(a) of such Act (42 U.S.C. 15481(a)) is amend-  
20 ed by adding at the end the following new para-  
21 graphs:

22 “(7) INSTRUCTION REMINDING VOTERS OF IM-  
23 PORTANCE OF VERIFYING PAPER BALLOT.—

24 “(A) IN GENERAL.—The appropriate elec-  
25 tion official at each polling place shall cause to

1 be placed in a prominent location in the polling  
2 place which is clearly visible from the voting  
3 booths a notice, in large font print accessible to  
4 the visually impaired, advising voters that the  
5 paper ballots representing their votes shall serve  
6 as the vote of record in all audits and recounts  
7 in elections for Federal office, and that they  
8 should not leave the voting booth until con-  
9 firming that such paper ballots accurately  
10 record their vote.

11 “(B) SYSTEMS FOR INDIVIDUALS WITH  
12 DISABILITIES.—All voting systems equipped for  
13 individuals with disabilities shall present or  
14 transmit in accessible form the statement re-  
15 ferred to in subparagraph (A), as well as an ex-  
16 planation of the verification process described  
17 in paragraph (3)(B)(ii).

18 “(8) PROHIBITING USE OF UNCERTIFIED ELEC-  
19 TION-DEDICATED VOTING SYSTEM TECHNOLOGIES;  
20 DISCLOSURE REQUIREMENTS.—

21 “(A) IN GENERAL.—A voting system used  
22 in an election for Federal office in a State may  
23 not at any time during the election contain or  
24 use any election-dedicated voting system tech-  
25 nology which has not been certified by the State

1 for use in the election and which has not been  
2 deposited with an accredited laboratory de-  
3 scribed in section 231 to be held in escrow and  
4 disclosed in accordance with this section.

5 “(B) REQUIREMENT FOR AND RESTRIC-  
6 TIONS ON DISCLOSURE.—An accredited labora-  
7 tory under section 231 with whom an election-  
8 dedicated voting system technology has been de-  
9 posited shall—

10 “(i) hold the technology in escrow;

11 and

12 “(ii) disclose technology and informa-  
13 tion regarding the technology to another  
14 person if—

15 “(I) the person is a qualified per-  
16 son described in subparagraph (C)  
17 who has entered into a nondisclosure  
18 agreement with respect to the tech-  
19 nology which meets the requirements  
20 of subparagraph (D); or

21 “(II) the laboratory is required to  
22 disclose the technology to the person  
23 under State law, in accordance with  
24 the terms and conditions applicable  
25 under such law.

1                   “(C) QUALIFIED PERSONS DESCRIBED.—

2                   With respect to the disclosure of election-dedi-  
3                   cated voting system technology by a laboratory  
4                   under subparagraph (B)(ii)(I), a ‘qualified per-  
5                   son’ is any of the following:

6                   “(i) A governmental entity with re-  
7                   sponsibility for the administration of vot-  
8                   ing and election-related matters for pur-  
9                   poses of reviewing, analyzing, or reporting  
10                  on the technology.

11                  “(ii) A party to pre- or post-election  
12                  litigation challenging the result of an elec-  
13                  tion or the administration or use of the  
14                  technology used in an election, including  
15                  but not limited to election contests or chal-  
16                  lenges to the certification of the tech-  
17                  nology, or an expert for a party to such  
18                  litigation, for purposes of reviewing or ana-  
19                  lyzing the technology to support or oppose  
20                  the litigation, and all parties to the litiga-  
21                  tion shall have access to the technology for  
22                  such purposes.

23                  “(iii) A person not described in clause  
24                  (i) or (ii) who reviews, analyzes, or reports  
25                  on the technology solely for an academic,

1 scientific, technological, or other investiga-  
2 tion or inquiry concerning the accuracy or  
3 integrity of the technology.

4 “(D) REQUIREMENTS FOR NONDISCLO-  
5 SURE AGREEMENTS.—A nondisclosure agree-  
6 ment entered into with respect to an election-  
7 dedicated voting system technology meets the  
8 requirements of this subparagraph if the agree-  
9 ment—

10 “(i) is limited in scope to coverage of  
11 the technology disclosed under subpara-  
12 graph (B) and any trade secrets and intel-  
13 lectual property rights related thereto;

14 “(ii) does not prohibit a signatory  
15 from entering into other nondisclosure  
16 agreements to review other technologies  
17 under this paragraph;

18 “(iii) exempts from coverage any in-  
19 formation the signatory lawfully obtained  
20 from another source or any information in  
21 the public domain;

22 “(iv) remains in effect for not longer  
23 than the life of any trade secret or other  
24 intellectual property right related thereto;



1 “(v) prohibits the use of injunctions  
2 barring a signatory from carrying out any  
3 activity authorized under subparagraph  
4 (C), including injunctions limited to the  
5 period prior to a trial involving the tech-  
6 nology;

7 “(vi) is silent as to damages awarded  
8 for breach of the agreement, other than a  
9 reference to damages available under appli-  
10 cable law;

11 “(vii) allows disclosure of evidence of  
12 crime, including in response to a subpoena  
13 or warrant;

14 “(viii) allows the signatory to perform  
15 analyses on the technology (including by  
16 executing the technology), disclose reports  
17 and analyses that describe operational  
18 issues pertaining to the technology (includ-  
19 ing vulnerabilities to tampering, errors,  
20 risks associated with use, failures as a re-  
21 sult of use, and other problems), and de-  
22 scribe or explain why or how a voting sys-  
23 tem failed or otherwise did not perform as  
24 intended; and

1                   “(ix) provides that the agreement  
2                   shall be governed by the trade secret laws  
3                   of the applicable State.

4                   “(E) ELECTION-DEDICATED VOTING SYS-  
5                   TEM TECHNOLOGY DEFINED.—For purposes of  
6                   this paragraph, ‘election-dedicated voting sys-  
7                   tem technology’ means ‘voting system software’  
8                   as defined under the 2005 voluntary voting sys-  
9                   tem guidelines adopted by the Commission  
10                  under section 222, but excludes ‘commercial-  
11                  off-the-shelf’ software and hardware defined  
12                  under those guidelines.

13                  “(9) PROHIBITION OF USE OF WIRELESS COM-  
14                  MUNICATIONS DEVICES IN VOTING SYSTEMS.—No  
15                  voting system shall contain, use, or be accessible by  
16                  any wireless, power-line, or concealed communication  
17                  device, except that enclosed infrared communications  
18                  devices which are certified for use in the voting sys-  
19                  tem by the State and which cannot be used for any  
20                  remote or wide area communications or used without  
21                  the knowledge of poll workers shall be permitted.

22                  “(10) PROHIBITING CONNECTION OF SYSTEM  
23                  OR TRANSMISSION OF SYSTEM INFORMATION OVER  
24                  THE INTERNET.—No component of any voting de-  
25                  vice upon which ballots are programmed or votes are

1 cast or tabulated shall be connected to the Internet  
2 at any time.

3 “(11) SECURITY STANDARDS FOR VOTING SYS-  
4 TEMS USED IN FEDERAL ELECTIONS.—

5 “(A) IN GENERAL.—No voting system may  
6 be used in an election for Federal office unless  
7 the manufacturer of such system and the elec-  
8 tion officials using such system meet the appli-  
9 cable requirements described in subparagraph  
10 (B).

11 “(B) REQUIREMENTS DESCRIBED.—The  
12 requirements described in this subparagraph  
13 are as follows:

14 “(i) The manufacturer and the elec-  
15 tion officials shall document the secure  
16 chain of custody for the handling of all  
17 software, hardware, vote storage media,  
18 ballots, and voter-verified ballots used in  
19 connection with voting systems, and shall  
20 make the information available upon re-  
21 quest to the Commission.

22 “(ii) The manufacturer shall disclose  
23 to an accredited laboratory under section  
24 231 and to the appropriate election official

1 any information required to be disclosed  
2 under paragraph (8).

3 “(iii) After the appropriate election  
4 official has certified the election-dedicated  
5 and other voting system software for use in  
6 an election, the manufacturer may not—

7 “(I) alter such software; or

8 “(II) insert or use in the voting  
9 system any software not certified by  
10 the State for use in the election.

11 “(iv) At the request of the Commis-  
12 sion—

13 “(I) the appropriate election offi-  
14 cial shall submit information to the  
15 Commission regarding the State’s  
16 compliance with this subparagraph;  
17 and

18 “(II) the manufacturer shall sub-  
19 mit information to the Commission re-  
20 garding the manufacturer’s compli-  
21 ance with this subparagraph.

22 “(C) DEVELOPMENT AND PUBLICATION OF  
23 BEST PRACTICES ON DOCUMENTATION OF SE-  
24 CURE CHAIN OF CUSTODY.—Not later than Au-  
25 gust 1, 2008, the Commission shall develop and

1           make publicly available best practices regarding  
2           the requirement of subparagraph (B)(i).

3           “(D) DISCLOSURE OF SECURE CHAIN OF  
4           CUSTODY.—The Commission shall make infor-  
5           mation provided to the Commission under sub-  
6           paragraph (B)(i) available to any person upon  
7           request.

8           “(12) DURABILITY AND READABILITY REQUIRE-  
9           MENTS FOR BALLOTS.—

10           “(A) DURABILITY REQUIREMENTS FOR  
11           PAPER BALLOTS.—

12           “(i) IN GENERAL.—All voter-verified  
13           paper ballots required to be used under  
14           this Act (including the paper ballots pro-  
15           vided to voters under paragraph (13)) shall  
16           be individual ballots which are marked,  
17           printed, or recorded on durable paper.

18           “(ii) DEFINITION.—For purposes of  
19           this Act, paper is ‘durable’ if it is capable  
20           of withstanding multiple counts and re-  
21           counts by hand without compromising the  
22           fundamental integrity of the ballots, and  
23           capable of retaining the information  
24           marked, printed, or recorded on them for

1                   the full duration of a retention and preser-  
2                   vation period of 22 months.

3                   “(B) READABILITY REQUIREMENTS FOR  
4                   MACHINE-MARKED OR PRINTED PAPER BAL-  
5                   LOTS.—All voter-verified paper ballots com-  
6                   pleted by the voter through the use of a mark-  
7                   ing or printing device shall be clearly readable  
8                   by the voter without assistance (other than eye-  
9                   glasses or other personal vision enhancing de-  
10                  vices) and by a scanner or other device  
11                  equipped for individuals with disabilities.

12                  “(13) MANDATORY AVAILABILITY OF PAPER  
13                  BALLOTS AT POLLING PLACE.—

14                  “(A) REQUIRING BALLOTS TO BE OF-  
15                  FERED AND PROVIDED.—The appropriate elec-  
16                  tion official at each polling place in an election  
17                  for Federal office shall offer each individual  
18                  who is eligible to cast a vote in the election at  
19                  the polling place the opportunity to cast the  
20                  vote using a pre-printed paper ballot which the  
21                  individual may mark by hand and which is not  
22                  produced by a direct recording electronic voting  
23                  machine. If the individual accepts the offer to  
24                  cast the vote using such a ballot, the official  
25                  shall provide the individual with the ballot and

1 the supplies necessary to mark the ballot, and  
2 shall ensure (to the greatest extent practicable)  
3 that the waiting period for the individual to  
4 cast a vote is not greater than the waiting pe-  
5 riod for an individual who does not agree to  
6 cast the vote using such a paper ballot under  
7 this paragraph.

8 “(B) TREATMENT OF BALLOT.—Any paper  
9 ballot which is cast by an individual under this  
10 paragraph shall be counted and otherwise treat-  
11 ed as a regular ballot for all purposes (includ-  
12 ing by incorporating it into the final unofficial  
13 vote count (as defined by the State) for the pre-  
14 cinct) and not as a provisional ballot, unless the  
15 individual casting the ballot would have other-  
16 wise been required to cast a provisional ballot  
17 if the individual had not accepted the offer to  
18 cast the vote using a paper ballot under this  
19 paragraph.

20 “(C) POSTING OF NOTICE.—The appro-  
21 priate election official shall ensure that at each  
22 polling place a notice is displayed prominently  
23 which describes the obligation of the official to  
24 offer individuals the opportunity to cast votes

1 using a pre-printed paper ballot under this  
2 paragraph.

3 “(D) TRAINING OF ELECTION OFFI-  
4 CIALS.—The chief State election official shall  
5 ensure that election officials at polling places in  
6 the State are aware of the requirements of this  
7 paragraph, including the requirement to display  
8 a notice under subparagraph (C), and are  
9 aware that it is a violation of the requirements  
10 of this title for an election official to fail to  
11 offer an individual the opportunity to cast a  
12 vote using a pre-printed paper ballot under this  
13 paragraph.

14 “(E) EFFECTIVE DATE.—

15 “(i) APPLICATION PRIOR TO 2010.—  
16 This paragraph shall apply with respect to  
17 the regularly scheduled general election for  
18 Federal office in November 2008 and any  
19 subsequent election for Federal office held  
20 prior to 2010, but only in the event of the  
21 failure of the voting system in use at the  
22 polling place.

23 “(ii) RULE FOR 2010 AND SUC-  
24 CEEDING YEARS.—This paragraph shall  
25 apply with respect to elections for Federal



1 office held in 2010 and any succeeding  
2 year, except that in the case of a polling  
3 place in operation prior to the date of the  
4 election, during days prior to the date of  
5 the election this paragraph shall apply only  
6 in the event of the failure of the voting  
7 system.”.

8 (2) REQUIRING LABORATORIES TO MEET  
9 STANDARDS PROHIBITING CONFLICTS OF INTEREST  
10 AS CONDITION OF ACCREDITATION FOR TESTING OF  
11 VOTING SYSTEM HARDWARE AND SOFTWARE.—

12 (A) IN GENERAL.—Section 231(b) of such  
13 Act (42 U.S.C. 15371(b)) is amended by add-  
14 ing at the end the following new paragraphs:

15 “(3) PROHIBITING CONFLICTS OF INTEREST;  
16 ENSURING AVAILABILITY OF RESULTS.—

17 “(A) IN GENERAL.—A laboratory may not  
18 be accredited by the Commission for purposes  
19 of this section unless—

20 “(i) the laboratory certifies that the  
21 only compensation it receives for the test-  
22 ing carried out in connection with the cer-  
23 tification, decertification, and recertifi-  
24 cation of the manufacturer’s voting system  
25 hardware and software is the payment

1 made from the Testing Escrow Account  
2 under paragraph (4);

3 “(ii) the laboratory meets such stand-  
4 ards as the Commission shall establish  
5 (after notice and opportunity for public  
6 comment) to prevent the existence or ap-  
7 pearance of any conflict of interest in the  
8 testing carried out by the laboratory under  
9 this section, including standards to ensure  
10 that the laboratory does not have a finan-  
11 cial interest in the manufacture, sale, and  
12 distribution of voting system hardware and  
13 software, and is sufficiently independent  
14 from other persons with such an interest;

15 “(iii) the laboratory certifies that it  
16 will permit an expert designated by the  
17 Commission to observe any testing the lab-  
18 oratory carries out under this section; and

19 “(iv) the laboratory, upon completion  
20 of any testing carried out under this sec-  
21 tion, discloses the test protocols, plans,  
22 documentation, results, and all commu-  
23 nication between the laboratory and the  
24 manufacturer to the Commission.

1           “(B) AVAILABILITY OF RESULTS.—Upon  
2 receipt of information under subparagraph (A),  
3 the Commission shall make the information  
4 available promptly to election officials and the  
5 public.

6           “(4) PROCEDURES FOR CONDUCTING TESTING;  
7 PAYMENT OF USER FEES FOR COMPENSATION OF  
8 ACCREDITED LABORATORIES.—

9           “(A) ESTABLISHMENT OF ESCROW AC-  
10 COUNT.—The Commission shall establish an es-  
11 crow account (to be known as the ‘Testing Es-  
12 crow Account’) for making payments to accred-  
13 ited laboratories for the costs of the testing car-  
14 ried out in connection with the certification, de-  
15 certification, and recertification of voting sys-  
16 tem hardware and software.

17           “(B) SCHEDULE OF FEES.—In consulta-  
18 tion with the accredited laboratories, the Com-  
19 mission shall establish and regularly update a  
20 schedule of fees for the testing carried out in  
21 connection with the certification, decertification,  
22 and recertification of voting system hardware  
23 and software, based on the reasonable costs ex-  
24 pected to be incurred by the accredited labora-

1           tories in carrying out the testing for various  
2           types of hardware and software.

3           “(C) REQUESTS AND PAYMENTS BY MANU-  
4           FACTURERS.—A manufacturer of voting system  
5           hardware and software may not have the hard-  
6           ware or software tested by an accredited labora-  
7           tory under this section unless—

8                   “(i) the manufacturer submits a de-  
9                   tailed request for the testing to the Com-  
10                  mission; and

11                   “(ii) the manufacturer pays to the  
12                  Commission, for deposit into the Testing  
13                  Escrow Account established under sub-  
14                  paragraph (A), the applicable fee under the  
15                  schedule established and in effect under  
16                  subparagraph (B).

17           “(D) SELECTION OF LABORATORY.—Upon  
18           receiving a request for testing and the payment  
19           from a manufacturer required under subpara-  
20           graph (C), the Commission shall select at ran-  
21           dom (to the greatest extent practicable), from  
22           all laboratories which are accredited under this  
23           section to carry out the specific testing re-  
24           quested by the manufacturer, an accredited lab-  
25           oratory to carry out the testing.

1           “(E) PAYMENTS TO LABORATORIES.—  
2           Upon receiving a certification from a laboratory  
3           selected to carry out testing pursuant to sub-  
4           paragraph (D) that the testing is completed,  
5           along with a copy of the results of the test as  
6           required under paragraph (3)(A)(iv), the Com-  
7           mission shall make a payment to the laboratory  
8           from the Testing Escrow Account established  
9           under subparagraph (A) in an amount equal to  
10          the applicable fee paid by the manufacturer  
11          under subparagraph (C)(ii).

12          “(5) DISSEMINATION OF ADDITIONAL INFORMA-  
13          TION ON ACCREDITED LABORATORIES.—

14                 “(A) INFORMATION ON TESTING.—Upon  
15                 completion of the testing of a voting system  
16                 under this section, the Commission shall  
17                 promptly disseminate to the public the identi-  
18                 fication of the laboratory which carried out the  
19                 testing.

20                 “(B) INFORMATION ON STATUS OF LAB-  
21                 ORATORIES.—The Commission shall promptly  
22                 notify Congress, the chief State election official  
23                 of each State, and the public whenever—

1 “(i) the Commission revokes, termi-  
2 nates, or suspends the accreditation of a  
3 laboratory under this section;

4 “(ii) the Commission restores the ac-  
5 creditation of a laboratory under this sec-  
6 tion which has been revoked, terminated,  
7 or suspended; or

8 “(iii) the Commission has credible evi-  
9 dence of significant security failure at an  
10 accredited laboratory.”.

11 (B) CONFORMING AMENDMENTS.—Section  
12 231 of such Act (42 U.S.C. 15371) is further  
13 amended—

14 (i) in subsection (a)(1), by striking  
15 “testing, certification,” and all that follows  
16 and inserting the following: “testing of vot-  
17 ing system hardware and software by ac-  
18 credited laboratories in connection with the  
19 certification, decertification, and recertifi-  
20 cation of the hardware and software for  
21 purposes of this Act.”;

22 (ii) in subsection (a)(2), by striking  
23 “testing, certification,” and all that follows  
24 and inserting the following: “testing of its  
25 voting system hardware and software by

1 the laboratories accredited by the Commis-  
2 sion under this section in connection with  
3 certifying, decertifying, and recertifying  
4 the hardware and software.”;

5 (iii) in subsection (b)(1), by striking  
6 “testing, certification, decertification, and  
7 recertification” and inserting “testing”;  
8 and

9 (iv) in subsection (d), by striking  
10 “testing, certification, decertification, and  
11 recertification” each place it appears and  
12 inserting “testing”.

13 (C) DEADLINE FOR ESTABLISHMENT OF  
14 STANDARDS, ESCROW ACCOUNT, AND SCHED-  
15 ULE OF FEES.—The Election Assistance Com-  
16 mission shall establish the standards described  
17 in section 231(b)(3) of the Help America Vote  
18 Act of 2002 and the Testing Escrow Account  
19 and schedule of fees described in section  
20 231(b)(4) of such Act (as added by subpara-  
21 graph (A)) not later than January 1, 2008.

22 (D) AUTHORIZATION OF APPROPRIA-  
23 TIONS.—There are authorized to be appro-  
24 priated to the Election Assistance Commission  
25 such sums as may be necessary to carry out the

1 Commission's duties under paragraphs (3) and  
2 (4) of section 231 of the Help America Vote  
3 Act of 2002 (as added by subparagraph (A)).

4 (3) SPECIAL CERTIFICATION OF BALLOT DURA-  
5 BILITY AND READABILITY AND DISABILITY ACCESS  
6 REQUIREMENTS FOR STATES NOT CURRENTLY  
7 USING DURABLE PAPER BALLOTS.—

8 (A) IN GENERAL.—If any of the voting  
9 systems used in a State for the regularly sched-  
10 uled 2006 general elections for Federal office  
11 did not require the use of or produce durable  
12 paper ballots, or did not provide for a process  
13 of paper ballot verification and casting which  
14 was accessible for individuals with disabilities,  
15 the State shall certify to the Election Assist-  
16 ance Commission not later than 90 days after  
17 the date of the enactment of this Act that the  
18 State will be in compliance with the require-  
19 ments of sections 301(a)(2), 301(a)(3), and  
20 301(a)(12) of the Help America Vote of 2002,  
21 as added or amended by this subsection, in ac-  
22 cordance with the deadlines established under  
23 this Act, and shall include in the certification  
24 the methods by which the State will meet the  
25 requirements.



1                   (B) CERTIFICATIONS BY STATES THAT RE-  
2                   QUIRE CHANGES TO STATE LAW.—In the case  
3                   of a State that requires State legislation to  
4                   carry out an activity covered by any certifi-  
5                   cation submitted under this paragraph, the  
6                   State shall be permitted to make the certifi-  
7                   cation notwithstanding that legislation has not  
8                   been enacted at the time the certification is  
9                   submitted and such State shall submit an addi-  
10                  tional certification once such legislation is en-  
11                  acted.

12                  (4) GRANTS FOR RESEARCH ON DEVELOPMENT  
13                  OF ELECTION-DEDICATED VOTING SYSTEM SOFT-  
14                  WARE.—

15                  (A) IN GENERAL.—Subtitle D of title II of  
16                  the Help America Vote Act of 2002 (42 U.S.C.  
17                  15401 et seq.) is amended by adding at the end  
18                  the following new part:

1 **“PART 7—GRANTS FOR RESEARCH ON DEVELOP-**  
2 **MENT OF ELECTION-DEDICATED VOTING**  
3 **SYSTEM SOFTWARE**

4 **“SEC. 297. GRANTS FOR RESEARCH ON DEVELOPMENT OF**  
5 **ELECTION-DEDICATED VOTING SYSTEM**  
6 **SOFTWARE.**

7 “(a) IN GENERAL.—The Director of the National  
8 Science Foundation (hereafter in this part referred to as  
9 the ‘Director’) shall carry out a program to award grants  
10 for research related to the development of election-dedi-  
11 cated voting system software.

12 “(b) MERIT REVIEW.—Grants shall be provided  
13 under this section on a competitive, merit-reviewed basis.

14 “(c) APPLICATION.—An applicant seeking funding  
15 under this section shall submit an application to the Direc-  
16 tor at such time, in such manner, and containing such  
17 information as the Director may require.

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated for grants under this  
20 section \$1,500,000 for each of fiscal years 2008 and  
21 2009.”.

22 (B) CLERICAL AMENDMENT.—The table of  
23 contents of such Act is amended by adding at  
24 the end of the items relating to subtitle D of  
25 title II the following:

“PART 7—GRANTS FOR RESEARCH ON DEVELOPMENT OF ELECTION-  
DEDICATED VOTING SYSTEM SOFTWARE

“Sec. 297. Grants for research on development of election-dedicated voting system software.”.

1 (d) AVAILABILITY OF ADDITIONAL FUNDING TO EN-  
2 ABLE STATES TO MEET COSTS OF REVISED REQUIRE-  
3 MENTS.—

4 (1) EXTENSION OF REQUIREMENTS PAYMENTS  
5 FOR MEETING REVISED REQUIREMENTS.—Section  
6 257(a) of the Help America Vote Act of 2002 (42  
7 U.S.C. 15407(a)) is amended by adding at the end  
8 the following new paragraphs:

9 “(4) For fiscal year 2008, \$1,000,000,000,  
10 which may be used only to meet the requirements of  
11 section 301 which are first imposed on a State pur-  
12 suant to the amendments made by section 2 of the  
13 Voter Confidence and Increased Accessibility Act of  
14 2007, in accordance with the certifications submitted  
15 by the State under section 253(f)(1)(A).

16 “(5) For fiscal year 2009, such sums as may be  
17 necessary to enable the States to meet—

18 “(A) the requirements of section  
19 301(a)(3)(B) which are first imposed on the  
20 State pursuant to the amendment made by sec-  
21 tion 2(b)(1) of the Voter Confidence and In-  
22 creased Accessibility Act of 2007 (relating to

1 accessibility and ballot verification for individ-  
2 uals with disabilities); and

3 “(B) the requirements of section  
4 301(a)(12) (relating to durability and read-  
5 ability requirements for ballots).”.

6 (2) USE OF REVISED FORMULA FOR ALLOCA-  
7 TION OF FUNDS APPROPRIATED FOR FISCAL YEAR  
8 2008.—Section 252(b) of such Act (42 U.S.C.  
9 15402(b)) is amended to read as follows:

10 “(b) STATE ALLOCATION PERCENTAGE DEFINED.—

11 “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), the ‘State allocation percentage’ for a  
13 State is the amount (expressed as a percentage)  
14 equal to the quotient of—

15 “(A) the voting age population of the State  
16 (as reported in the most recent decennial cen-  
17 sus); and

18 “(B) the total voting age population of all  
19 States (as reported in the most recent decennial  
20 census).

21 “(2) SPECIAL RULE FOR PAYMENTS FOR FIS-  
22 CAL YEAR 2008.—

23 “(A) IN GENERAL.—In the case of the re-  
24 quirements payment made to a State for fiscal  
25 year 2008, the ‘State allocation percentage’ for

1 a State is the amount (expressed as a percent-  
2 age) equal to the quotient of—

3 “(i) the sum of the number of non-  
4 compliant precincts in the State and 50%  
5 of the number of partially noncompliant  
6 precincts in the State; and

7 “(ii) the sum of the number of non-  
8 compliant precincts in all States and 50%  
9 of the number of partially noncompliant  
10 precincts in all States.

11 “(B) NONCOMPLIANT PRECINCT DE-  
12 FINED.—In this paragraph, a ‘noncompliant  
13 precinct’ means any precinct (or equivalent lo-  
14 cation) within a State for which the voting sys-  
15 tem used to administer the regularly scheduled  
16 general election for Federal office held in No-  
17 vember 2006 did not meet either of the require-  
18 ments described in subparagraph (D).

19 “(C) PARTIALLY NONCOMPLIANT PRE-  
20 CINCT DEFINED.—In this paragraph, a ‘par-  
21 tially noncompliant precinct’ means any pre-  
22 cinct (or equivalent location) within a State for  
23 which the voting system used to administer the  
24 regularly scheduled general election for Federal  
25 office held in November 2006 met only one of

1 the requirements described in subparagraph  
2 (D).

3 “(D) REQUIREMENTS DESCRIBED.—The  
4 requirements described in this subparagraph  
5 with respect to a voting system are as follows:

6 “(i) The primary voting system re-  
7 quired the use of or produced durable,  
8 readable paper ballots (as described in sec-  
9 tion 301(a)(12)(A)) for every vote cast.

10 “(ii) The voting system provided that  
11 the entire process of paper ballot  
12 verification and casting was equipped for  
13 individuals with disabilities (as described in  
14 section 301(a)(3)(B)).”

15 (3) AMOUNT OF FISCAL YEAR 2009 PAYMENT  
16 BASED ON COSTS OF MEETING DURABLE PAPER AND  
17 REVISED ACCESSIBILITY REQUIREMENTS.—Section  
18 252 of such Act (42 U.S.C. 15402) is amended—

19 (A) in subsection (a), by striking “sub-  
20 section (c)” and inserting “subsections (c) and  
21 (e)”;

22 (B) by redesignating subsection (e) as sub-  
23 section (f); and

24 (C) by inserting after subsection (d) the  
25 following new subsection:

1 “(e) SPECIAL RULE FOR FISCAL YEAR 2009.—

2 “(1) COVERAGE OF COSTS OF MEETING DURA-  
3 BLE AND READABLE PAPER AND REVISED ACCESSI-  
4 BILITY REQUIREMENTS.—The amount of a require-  
5 ments payment made to a State from funds appro-  
6 priated for fiscal year 2009 shall be equal to the  
7 State’s estimate of the reasonable costs the State ex-  
8 pects to incur to meet the requirements referred to  
9 in paragraph (3), as contained in the statement filed  
10 by the State with the Commission under section  
11 253(f)(1)(B)(ii).

12 “(2) RECOUPMENT OF OVERPAYMENTS.—If a  
13 State receives a requirements payment from funds  
14 appropriated for fiscal year 2009, the State shall  
15 agree to repay to the Commission the excess (if any)  
16 of—

17 “(A) the amount of the payment; over

18 “(B) the actual costs incurred by the State  
19 in meeting the requirements referred to in para-  
20 graph (3), as contained in the statement filed  
21 by the State with the Commission under section  
22 253(f)(1)(B)(iii).

23 “(3) REQUIREMENTS DESCRIBED.—The re-  
24 quirements referred to in this paragraph are—

1           “(A) the requirements of section  
2           301(a)(3)(B) which are first imposed on the  
3           State pursuant to the amendment made by sec-  
4           tion 2(b)(1) of the Voter Confidence and In-  
5           creased Accessibility Act of 2007 (relating to  
6           accessibility and ballot verification for individ-  
7           uals with disabilities); and

8           “(B) the requirements of section  
9           301(a)(12) (relating to durability and read-  
10          ability requirements for ballots).”.

11          (4) USE OF PAYMENTS; REVISED CONDITIONS  
12          FOR RECEIPT OF FUNDS.—Section 253 of such Act  
13          (42 U.S.C. 15403) is amended—

14                 (A) in subsection (a), by striking “A State  
15                 is eligible” and inserting “Except as provided in  
16                 subsection (f), a State is eligible”; and

17                 (B) by adding at the end the following new  
18                 subsection:

19          “(f) SPECIAL RULES FOR FISCAL YEARS 2008 AND  
20          2009.—

21                 “(1) IN GENERAL.—

22                         “(A) FISCAL YEAR 2008.—Notwithstanding  
23                         any other provision of this part, a State is eligi-  
24                         ble to receive a requirements payment for fiscal  
25                         year 2008 if, not later than 90 days after the



1 date of the enactment of the Voter Confidence  
2 and Increased Accessibility Act of 2007, the  
3 chief executive officer of the State, or designee,  
4 in consultation and coordination with the chief  
5 State election official—

6 “(i) certifies to the Commission the  
7 number of noncompliant and partially non-  
8 compliant precincts in the State (as de-  
9 fined in section 252(b)(2));

10 “(ii) certifies to the Commission that  
11 the State will use the payment to meet the  
12 requirements of section 301 which are first  
13 imposed on the State pursuant to the  
14 amendments made by the Voter Confidence  
15 and Increased Accessibility Act of 2007  
16 and which apply with respect to the regu-  
17 larly scheduled general election for Federal  
18 office held in November 2008; and

19 “(iii) to the extent that the State is or  
20 will be in compliance with the requirements  
21 referred to in clause (ii), files an additional  
22 statement certifying that the State will use  
23 the payment (or any portion of the pay-  
24 ment) to take actions to meet the require-  
25 ments of section 301 which are first im-

1 posed on the State pursuant to the amend-  
2 ments made by the Voter Confidence and  
3 Increased Accessibility Act of 2007 and  
4 which apply with respect to elections for  
5 Federal office held in 2012 and each suc-  
6 ceeding year.

7 “(B) FISCAL YEAR 2009.—Notwithstanding  
8 any other provision of this part, a State is eligi-  
9 ble to receive a requirements payment from  
10 funds appropriated for fiscal year 2009 if, at  
11 any time after the funds are appropriated, the  
12 chief executive officer of the State, or designee,  
13 in consultation and coordination with the chief  
14 State election official—

15 “(i) certifies to the Commission that  
16 the State has identified equipment that  
17 meets the requirements of section  
18 301(a)(3)(B) which are first imposed on  
19 the State pursuant to the amendment  
20 made by section 2(b)(1) of the Voter Con-  
21 fidence and Increased Accessibility Act of  
22 2007 (relating to accessibility and ballot  
23 verification for individuals with disabil-  
24 ities), or that enables the State to upgrade

1 its voting system to meet such require-  
2 ments;

3 “(ii) certifies to the Commission that  
4 the State will use the payment, as well as  
5 any portion of a requirements payment re-  
6 ceived for fiscal year 2008 which remains  
7 unexpended at the time the statement is  
8 filed, to meet such requirements, as well as  
9 the requirements of section 301(a)(12) (re-  
10 lating to durability and readability require-  
11 ments for ballots), including by upgrading  
12 its voting systems to meet such require-  
13 ments, and containing the State’s estimate  
14 of the reasonable costs the State expects to  
15 incur to meet all such requirements; and

16 “(iii) certifies to the Commission that,  
17 upon completing the replacement or up-  
18 grading of its voting systems to meet all  
19 such requirements, the State will file a  
20 statement with the Commission containing  
21 the actual costs incurred by the State in  
22 meeting all such requirements.

23 “(2) CERTIFICATIONS BY STATES THAT RE-  
24 QUIRE CHANGES TO STATE LAW.—In the case of a  
25 State that requires State legislation to carry out any

1 activity covered by any certification submitted under  
2 this subsection, the State shall be permitted to make  
3 the certification notwithstanding that the legislation  
4 has not been enacted at the time the certification is  
5 submitted and such State shall submit an additional  
6 certification once such legislation is enacted.”.

7 (5) PERMITTING USE OF FUNDS FOR REIM-  
8 BURSEMENT FOR COSTS PREVIOUSLY INCURRED.—  
9 Section 251(c)(1) of such Act (42 U.S.C.  
10 15401(c)(1)) is amended by striking the period at  
11 the end and inserting the following: “, or as a reim-  
12 bursement for any costs incurred in meeting the re-  
13 quirements of title III which are imposed pursuant  
14 to the amendments made by section 2 of the Voter  
15 Confidence and Increased Accessibility Act of 2007  
16 or in otherwise upgrading or replacing voting sys-  
17 tems in response to such amendments.”.

18 (6) TREATMENT OF CERTAIN DISABILITY  
19 FUNDING REQUIREMENT.—Section 301(a)(3)(C) of  
20 such Act (42 U.S.C. 15481(a)(3)(C)) is amended by  
21 striking “January 1, 2007,” and inserting “January  
22 1, 2007 (other than funds made available pursuant  
23 to the amendments made by the Voter Confidence  
24 and Increased Accessibility Act of 2007)”.

1           (7) RULE OF CONSTRUCTION REGARDING USE  
2           OF FUNDS TO REPLACE OR UPGRADE SYSTEMS OB-  
3           TAINED WITH FUNDS PROVIDED PREVIOUSLY UNDER  
4           HELP AMERICA VOTE ACT OF 2002.—Nothing in the  
5           amendments made by this subsection or in any other  
6           provision of the Help America Vote Act of 2002 may  
7           be construed to prohibit a State from using any  
8           funds provided under such Act pursuant to the  
9           amendments made by this subsection (or any funds  
10          provided under such Act prior to the date of the en-  
11          actment of this Act which remain unexpended as of  
12          the date of the enactment of this Act) to replace or  
13          upgrade a voting system purchased or otherwise ob-  
14          tained in whole or in part using funds received  
15          under title I or II of the Help America Vote Act at  
16          any time before the date of the enactment of this  
17          Act.

18          (8) EFFECTIVE DATE.—The amendments made  
19          by this subsection shall apply with respect to fiscal  
20          years beginning with fiscal year 2008.

21          (e) EFFECTIVE DATE FOR NEW REQUIREMENTS.—  
22          Section 301(d) of such Act (42 U.S.C. 15481(d)) is  
23          amended to read as follows:

24          “(d) EFFECTIVE DATE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (2), each State and jurisdiction shall be re-  
3           quired to comply with the requirements of this sec-  
4           tion on and after January 1, 2006.

5           “(2) SPECIAL RULE FOR CERTAIN REQUIRE-  
6           MENTS.—

7           “(A) IN GENERAL.—Except as provided in  
8           subparagraph (B), the requirements of this sec-  
9           tion which are first imposed on a State and ju-  
10          risdiction pursuant to the amendments made by  
11          section 2 of the Voter Confidence and Increased  
12          Accessibility Act of 2007 shall apply with re-  
13          spect to the regularly scheduled general election  
14          for Federal office held in November 2008 and  
15          each succeeding election for Federal office (ex-  
16          cept as may otherwise be provided under any  
17          such requirement).

18          “(B) EXCEPTION FOR CERTAIN REQUIRE-  
19          MENTS.—

20          “(i) IN GENERAL.—In the case of the  
21          requirements referred to in clause (ii), the  
22          requirements shall apply with respect to  
23          elections for Federal office held during  
24          2012 and each succeeding year.

1 “(ii) REQUIREMENTS DESCRIBED.—

2 The requirements referred to in this clause  
3 are—

4 “(I) the requirements of para-  
5 graph (3)(B)(ii)(I) and (II) of sub-  
6 section (a) (relating to ballot  
7 verification for individuals with dis-  
8 abilities); and

9 “(II) the requirements of para-  
10 graph (12) of subsection (a) (relating  
11 to durability and readability require-  
12 ments for ballots).

13 “(iii) PERMITTING COMPLIANCE WITH  
14 REQUIREMENTS PRIOR TO DEADLINE.—  
15 Nothing in this subsection may be con-  
16 strued to prohibit a State or jurisdiction  
17 from meeting the requirements referred to  
18 in clause (ii) prior to the deadline applica-  
19 ble under clause (i).”.

20 **SEC. 3. ENHANCEMENT OF ENFORCEMENT OF HELP AMER-**  
21 **ICA VOTE ACT OF 2002.**

22 Section 401 of such Act (42 U.S.C. 15511) is amend-  
23 ed—

1           (1) by striking “The Attorney General” and in-  
2           serting “(a) IN GENERAL.—The Attorney General”;  
3           and

4           (2) by adding at the end the following new sub-  
5           sections:

6           “(b) FILING OF COMPLAINTS BY AGGRIEVED PER-  
7           SONS.—

8           “(1) IN GENERAL.—A person who is aggrieved  
9           by a violation of section 301, 302, or 303 which has  
10          occurred, is occurring, or is about to occur may file  
11          a written, signed, notarized complaint with the At-  
12          torney General describing the violation and request-  
13          ing the Attorney General to take appropriate action  
14          under this section. The Attorney General shall im-  
15          mediately provide a copy of a complaint filed under  
16          the previous sentence to the entity responsible for  
17          administering the State-based administrative com-  
18          plaint procedures described in section 402(a) for the  
19          State involved.

20          “(2) RESPONSE BY ATTORNEY GENERAL.—The  
21          Attorney General shall respond to each complaint  
22          filed under paragraph (1), in accordance with proce-  
23          dures established by the Attorney General that re-  
24          quire responses and determinations to be made with-  
25          in the same (or shorter) deadlines which apply to a



1 State under the State-based administrative com-  
2 plaint procedures described in section 402(a)(2).  
3 The Attorney General shall immediately provide a  
4 copy of the response made under the previous sen-  
5 tence to the entity responsible for administering the  
6 State-based administrative complaint procedures de-  
7 scribed in section 402(a) for the State involved.

8 “(c) CLARIFICATION OF AVAILABILITY OF PRIVATE  
9 RIGHT OF ACTION.—Nothing in this section may be con-  
10 strued to prohibit any person from bringing an action  
11 under section 1979 of the Revised Statutes of the United  
12 States (42 U.S.C. 1983) (including any individual who  
13 seeks to enforce the individual’s right to a voter-verified  
14 paper ballot, the right to have the voter-verified paper bal-  
15 lot counted in accordance with this Act, or any other right  
16 under subtitle A of title III) to enforce the uniform and  
17 nondiscriminatory election technology and administration  
18 requirements under sections 301, 302, and 303.

19 “(d) NO EFFECT ON STATE PROCEDURES.—Nothing  
20 in this section may be construed to affect the availability  
21 of the State-based administrative complaint procedures re-  
22 quired under section 402 to any person filing a complaint  
23 under this subsection.”.

1 **SEC. 4. REQUIREMENT FOR MANDATORY MANUAL AUDITS**  
2 **BY HAND COUNT.**

3 (a) MANDATORY MANUAL AUDITS.—Title III of the  
4 Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.)  
5 is amended by adding at the end the following new sub-  
6 title:

7 **“Subtitle C—Mandatory Manual**  
8 **Audits**

9 **“SEC. 321. REQUIRING AUDITS OF RESULTS OF ELECTIONS.**

10 “(a) REQUIRING AUDITS.—

11 “(1) IN GENERAL.—In accordance with this  
12 subtitle, each State shall administer, without ad-  
13 vance notice to the precincts selected, audits of the  
14 results of elections for Federal office held in the  
15 State (and, at the option of the State or jurisdiction  
16 involved, of elections for State and local office held  
17 at the same time as such election) consisting of ran-  
18 dom hand counts of the voter-verified paper ballots  
19 required to be produced and preserved pursuant to  
20 section 301(a)(2).

21 “(2) EXCEPTION FOR CERTAIN ELECTIONS.—A  
22 State shall not be required to administer an audit of  
23 the results of an election for Federal office under  
24 this subtitle if the winning candidate in the elec-  
25 tion—

26 “(A) had no opposition on the ballot; or

1           “(B) received 80% or more of the total  
2           number of votes cast in the election, as deter-  
3           mined on the basis of the final unofficial vote  
4           count.

5           “(b) DETERMINATION OF ENTITY CONDUCTING AU-  
6           DITS; APPLICATION OF GAO INDEPENDENCE STAND-  
7           ARDS.—The State shall administer audits under this sub-  
8           title through an entity selected for such purpose by the  
9           State in accordance with such criteria as the State con-  
10          siders appropriate consistent with the requirements of this  
11          subtitle, except that the entity must meet the general  
12          standards established by the Comptroller General and as  
13          set forth in the Comptroller General’s Government Audit-  
14          ing Standards to ensure the independence (including the  
15          organizational independence) of entities performing finan-  
16          cial audits, attestation engagements, and performance au-  
17          dits.

18          “(c) REFERENCES TO ELECTION AUDITOR.—In this  
19          subtitle, the term ‘Election Auditor’ means, with respect  
20          to a State, the entity selected by the State under sub-  
21          section (b).

22          **“SEC. 322. NUMBER OF BALLOTS COUNTED UNDER AUDIT.**

23          “(a) IN GENERAL.—Except as provided in subsection  
24          (b), the number of voter-verified paper ballots which will  
25          be subject to a hand count administered by the Election

1 Auditor of a State under this subtitle with respect to an  
2 election shall be determined as follows:

3           “(1) In the event that the unofficial count as  
4           described in section 323(a)(1) reveals that the mar-  
5           gin of victory between the two candidates receiving  
6           the largest number of votes in the election is less  
7           than 1 percent of the total votes cast in that elec-  
8           tion, the hand counts of the voter-verified paper bal-  
9           lots shall occur in at least 10 percent of all precincts  
10          or equivalent locations (or alternative audit units  
11          used in accordance with the method provided for  
12          under subsection (b)) in the Congressional district  
13          involved (in the case of an election for the House of  
14          Representatives) or the State (in the case of any  
15          other election for Federal office).

16          “(2) In the event that the unofficial count as  
17          described in section 323(a)(1) reveals that the mar-  
18          gin of victory between the two candidates receiving  
19          the largest number of votes in the election is greater  
20          than or equal to 1 percent but less than 2 percent  
21          of the total votes cast in that election, the hand  
22          counts of the voter-verified paper ballots shall occur  
23          in at least 5 percent of all precincts or equivalent lo-  
24          cations (or alternative audit units used in accord-  
25          ance with the method provided for under subsection

1 (b)) in the Congressional district involved (in the  
2 case of an election for the House of Representatives)  
3 or the State (in the case of any other election for  
4 Federal office).

5 “(3) In the event that the unofficial count as  
6 described in section 323(a)(1) reveals that the mar-  
7 gin of victory between the two candidates receiving  
8 the largest number of votes in the election is equal  
9 to or greater than 2 percent of the total votes cast  
10 in that election, the hand counts of the voter-verified  
11 paper ballots shall occur in at least 3 percent of all  
12 precincts or equivalent locations (or alternative audit  
13 units used in accordance with the method provided  
14 for under subsection (b)) in the Congressional dis-  
15 trict involved (in the case of an election for the  
16 House of Representatives) or the State (in the case  
17 of any other election for Federal office).

18 “(b) USE OF ALTERNATIVE MECHANISM.—Notwith-  
19 standing subsection (a), a State may adopt and apply an  
20 alternative mechanism to determine the number of voter-  
21 verified paper ballots which will be subject to the hand  
22 counts required under this subtitle with respect to an elec-  
23 tion, so long as the alternative mechanism uses the voter-  
24 verified paper ballots to conduct the audit and the Na-  
25 tional Institute of Standards and Technology determines

1 that the alternative mechanism will be at least as statis-  
2 tically effective in ensuring the accuracy of the election  
3 results as the procedure under this subtitle.

4 **“SEC. 323. PROCESS FOR ADMINISTERING AUDITS.**

5 “(a) IN GENERAL.—The Election Auditor of a State  
6 shall administer an audit under this section of the results  
7 of an election in accordance with the following procedures:

8 “(1) Within 24 hours after the State announces  
9 the final unofficial vote count (as defined by the  
10 State) in each precinct in the State, the Election  
11 Auditor shall determine and then announce the pre-  
12 cincts or equivalent locations (or alternative audit  
13 units used in accordance with the method provided  
14 under section 322(b)) in the State in which it will  
15 administer the audits.

16 “(2) With respect to votes cast at the precinct  
17 or equivalent location on or before the date of the  
18 election (other than provisional ballots described in  
19 paragraph (3)), the Election Auditor shall admin-  
20 ister the hand count of the votes on the voter-  
21 verified paper ballots required to be produced and  
22 preserved under section 301(a)(2)(A) and the com-  
23 parison of the count of the votes on those ballots  
24 with the final unofficial count of such votes as an-  
25 nounced by the State.

1           “(3) With respect to votes cast other than at  
2           the precinct on the date of the election (other than  
3           votes cast before the date of the election described  
4           in paragraph (2)) or votes cast by provisional ballot  
5           on the date of the election which are certified and  
6           counted by the State on or after the date of the elec-  
7           tion, including votes cast by absent uniformed serv-  
8           ices voters and overseas voters under the Uniformed  
9           and Overseas Citizens Absentee Voting Act, the  
10          Election Auditor shall administer the hand count of  
11          the votes on the applicable voter-verified paper bal-  
12          lots required to be produced and preserved under  
13          section 301(a)(2)(A) and the comparison of the  
14          count of the votes on those ballots with the final un-  
15          official count of such votes as announced by the  
16          State.

17          “(b) USE OF ELECTION PERSONNEL.—In admin-  
18          istering the audits, the Election Auditor may utilize the  
19          services of jurisdiction personnel, including election ad-  
20          ministration personnel and poll workers, without regard  
21          to whether or not the personnel have professional auditing  
22          experience.

23          “(c) LOCATION.—The Election Auditor shall admin-  
24          ister an audit of an election at the location where the bal-  
25          lots cast in the election are stored and counted after the

1 date of the election, or such other appropriate and secure  
2 location agreed upon by the Election Auditor and the indi-  
3 vidual who is responsible under State law for the custody  
4 of the ballots, and in the presence of the personnel who  
5 under State law are responsible for the custody of the bal-  
6 lots.

7 “(d) SPECIAL RULE IN CASE OF DELAY IN REPORT-  
8 ING ABSENTEE VOTE COUNT.—In the case of a State in  
9 which the final count of absentee and provisional votes is  
10 not announced until after the expiration of the 7-day pe-  
11 riod which begins on the date of the election, the Election  
12 Auditor shall initiate the process described in subsection  
13 (a) for administering the audit not later than 24 hours  
14 after the State announces the final unofficial vote count  
15 for the votes cast at the precinct or equivalent location  
16 on or before the date of the election, and shall initiate  
17 the administration of the audit of the absentee and provi-  
18 sional votes pursuant to subsection (a)(3) not later than  
19 24 hours after the State announces the final unofficial  
20 count of such votes.

21 “(e) ADDITIONAL AUDITS IF CAUSE SHOWN.—

22 “(1) IN GENERAL.—If the Election Auditor  
23 finds that any of the hand counts administered  
24 under this section do not match the final unofficial  
25 tally of the results of an election, the Election Audi-



1       tor shall administer hand counts under this section  
2       of such additional precincts (or equivalent jurisdic-  
3       tions) as the Election Auditor considers appropriate  
4       to resolve any concerns resulting from the audit and  
5       ensure the accuracy of the results.

6               “(2) ESTABLISHMENT AND PUBLICATION OF  
7       PROCEDURES GOVERNING ADDITIONAL AUDITS.—  
8       Not later than August 1, 2008, each State shall es-  
9       tablish and publish procedures for carrying out the  
10      additional audits under this subsection, including the  
11      means by which the State shall resolve any concerns  
12      resulting from the audit with finality and ensure the  
13      accuracy of the results.

14           “(f) PUBLIC OBSERVATION OF AUDITS.—Each audit  
15      conducted under this section shall be conducted in a man-  
16      ner that allows public observation of the entire process.

17      **“SEC. 324. SELECTION OF PRECINCTS.**

18           “(a) IN GENERAL.—Except as provided in subsection  
19      (c), the selection of the precincts in the State in which  
20      the Election Auditor of the State shall administer the  
21      hand counts under this subtitle shall be made by the Elec-  
22      tion Auditor on an entirely random basis using a uniform  
23      distribution in which all precincts in a Congressional dis-  
24      trict have an equal chance of being selected, in accordance  
25      with procedures adopted by the Commission, except that

1 at least one precinct shall be selected at random in each  
2 county.

3 “(b) PUBLIC SELECTION.—The random selection of  
4 precincts under subsection (a) shall be conducted in pub-  
5 lic, at a time and place announced in advance.

6 “(c) MANDATORY SELECTION OF PRECINCTS ESTAB-  
7 LISHED SPECIFICALLY FOR ABSENTEE BALLOTS.—If a  
8 State establishes a separate precinct for purposes of  
9 counting the absentee ballots cast in an election and treats  
10 all absentee ballots as having been cast in that precinct,  
11 and if the state does not make absentee ballots sortable  
12 by precinct and include those ballots in the hand count  
13 administered with respect to that precinct, the State shall  
14 include that precinct among the precincts in the State in  
15 which the Election Auditor shall administer the hand  
16 counts under this subtitle.

17 “(d) DEADLINE FOR ADOPTION OF PROCEDURES BY  
18 COMMISSION.—The Commission shall adopt the proce-  
19 dures described in subsection (a) not later than March 31,  
20 2008, and shall publish them in the Federal Register upon  
21 adoption.

22 **“SEC. 325. PUBLICATION OF RESULTS.**

23 “(a) SUBMISSION TO COMMISSION.—As soon as prac-  
24 ticable after the completion of an audit under this subtitle,  
25 the Election Auditor of a State shall submit to the Com-

1 mission the results of the audit, and shall include in the  
2 submission a comparison of the results of the election in  
3 the precinct as determined by the Election Auditor under  
4 the audit and the final unofficial vote count in the precinct  
5 as announced by the State and all undervotes, overvotes,  
6 blank ballots, and spoiled, voided or cancelled ballots, as  
7 well as a list of any discrepancies discovered between the  
8 initial, subsequent, and final hand counts administered by  
9 the Election Auditor and such final unofficial vote count  
10 and any explanation for such discrepancies, broken down  
11 by the categories of votes described in paragraphs (2) and  
12 (3) of section 323(a).

13       “(b) PUBLICATION BY COMMISSION.—Immediately  
14 after receiving the submission of the results of an audit  
15 from the Election Auditor of a State under subsection (a),  
16 the Commission shall publicly announce and publish the  
17 information contained in the submission.

18       “(c) DELAY IN CERTIFICATION OF RESULTS BY  
19 STATE.—

20               “(1) PROHIBITING CERTIFICATION UNTIL COM-  
21 PLETION OF AUDITS.—No State may certify the re-  
22 sults of any election which is subject to an audit  
23 under this subtitle prior to—

24                       “(A) to the completion of the audit (and,  
25                       if required, any additional audit conducted

1 under section 323(d)(1)) and the announcement  
2 and submission of the results of each such audit  
3 to the Commission for publication of the infor-  
4 mation required under this section; and

5 “(B) the completion of any procedure es-  
6 tablished by the State pursuant to section  
7 323(d)(2) to resolve discrepancies and ensure  
8 the accuracy of results.

9 “(2) DEADLINE FOR COMPLETION OF AUDITS  
10 OF PRESIDENTIAL ELECTIONS.—In the case of an  
11 election for electors for President and Vice President  
12 which is subject to an audit under this subtitle, the  
13 State shall complete the audits and announce and  
14 submit the results to the Commission for publication  
15 of the information required under this section in  
16 time for the State to certify the results of the elec-  
17 tion and provide for the final determination of any  
18 controversy or contest concerning the appointment  
19 of such electors prior to the deadline described in  
20 section 6 of title 3, United States Code.

21 **“SEC. 326. PAYMENTS TO STATES.**

22 “(a) PAYMENTS FOR COSTS OF CONDUCTING AU-  
23 DITS.—In accordance with the requirements and proce-  
24 dures of this section, the Commission shall make a pay-  
25 ment to a State to cover the costs incurred by the State

1 in carrying out this subtitle with respect to the elections  
2 that are the subject of the audits conducted under this  
3 subtitle.

4 “(b) CERTIFICATION OF COMPLIANCE AND ANTICI-  
5 PATED COSTS.—

6 “(1) CERTIFICATION REQUIRED.—In order to  
7 receive a payment under this section, a State shall  
8 submit to the Commission, in such form as the Com-  
9 mission may require, a statement containing—

10 “(A) a certification that the State will con-  
11 duct the audits required under this subtitle in  
12 accordance with all of the requirements of this  
13 subtitle;

14 “(B) a notice of the reasonable costs in-  
15 curred or the reasonable costs anticipated to be  
16 incurred by the State in carrying out this sub-  
17 title with respect to the elections involved; and

18 “(C) such other information and assur-  
19 ances as the Commission may require.

20 “(2) AMOUNT OF PAYMENT.—The amount of a  
21 payment made to a State under this section shall be  
22 equal to the reasonable costs incurred or the reason-  
23 able costs anticipated to be incurred by the State in  
24 carrying out this subtitle with respect to the elec-

1 tions involved, as set forth in the statement sub-  
2 mitted under paragraph (1).

3 “(3) TIMING OF NOTICE.—The State may not  
4 submit a notice under paragraph (1) until can-  
5 didates have been selected to appear on the ballot  
6 for all of the elections for Federal office which will  
7 be the subject of the audits involved.

8 “(c) TIMING OF PAYMENTS.—The Commission shall  
9 make the payment required under this section to a State  
10 not later than 30 days after receiving the notice submitted  
11 by the State under subsection (b).

12 “(d) RECOUPMENT OF OVERPAYMENTS.—No pay-  
13 ment may be made to a State under this section unless  
14 the State agrees to repay to the Commission the excess  
15 (if any) of—

16 “(1) the amount of the payment received by the  
17 State under this section with respect to the elections  
18 involved; over

19 “(2) the actual costs incurred by the State in  
20 carrying out this subtitle with respect to the elec-  
21 tions involved.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Commission for  
24 fiscal year 2008 and each succeeding fiscal year  
25 \$100,000,000 for payments under this section.

1 **“SEC. 327. EXCEPTION FOR ELECTIONS SUBJECT TO RE-**  
2 **COUNT UNDER STATE LAW PRIOR TO CER-**  
3 **TIFICATION.**

4 “(a) EXCEPTION.—This subtitle does not apply to  
5 any election for which a recount under State law will com-  
6 mence prior to the certification of the results of the elec-  
7 tion, including but not limited to a recount required auto-  
8 matically because of the margin of victory between the two  
9 candidates receiving the largest number of votes in the  
10 election, but only if each of the following applies to the  
11 recount:

12 “(1) The recount commences prior to the deter-  
13 mination and announcement by the Election Auditor  
14 under section 323(a)(1) of the precincts in the State  
15 in which it will administer the audits under this sub-  
16 title.

17 “(2) If the recount would apply to fewer than  
18 100% of the ballots cast in the election—

19 “(A) the number of ballots counted will be  
20 at least as many as would be counted if an  
21 audit were conducted with respect to the elec-  
22 tion in accordance with this subtitle; and

23 “(B) the selection of the precincts in which  
24 the recount will be conducted will be made in  
25 accordance with the random selection proce-  
26 dures applicable under section 324.

1           “(3) The recount for the election meets the re-  
2           quirements of section 323(e) (relating to public ob-  
3           servation).

4           “(4) The State meets the requirements of sec-  
5           tion 325 (relating to the publication of results and  
6           the delay in the certification of results) with respect  
7           to the recount.

8           “(b) CLARIFICATION OF EFFECT ON OTHER RE-  
9           QUIREMENTS.—Nothing in this section may be construed  
10          to waive the application of any other provision of this Act  
11          to any election (including the requirement set forth in sec-  
12          tion 301(a)(2) that the voter verified paper ballots serve  
13          as the vote of record and shall be counted by hand in all  
14          audits and recounts, including audits and recounts de-  
15          scribed in this subtitle).

16          **“SEC. 328. EFFECTIVE DATE.**

17          “‘This subtitle shall apply with respect to elections for  
18          Federal office beginning with the regularly scheduled gen-  
19          eral elections held in November 2008.’”.

20          (b) AVAILABILITY OF ENFORCEMENT UNDER HELP  
21          AMERICA VOTE ACT OF 2002.—Section 401 of such Act  
22          (42 U.S.C. 15511), as amended by section 3, is amend-  
23          ed—



1 (1) in subsection (a), by striking the period at  
2 the end and inserting the following: “, or the re-  
3 quirements of subtitle C of title III.”;

4 (2) in subsection (b)(1), by striking “303” and  
5 inserting “303, or subtitle C of title III,”; and

6 (3) in subsection (c)—

7 (A) by striking “subtitle A” and inserting  
8 “subtitles A or C”, and

9 (B) by striking the period at the end and  
10 inserting the following: “, or the requirements  
11 of subtitle C of title III.”.

12 (c) GUIDANCE ON BEST PRACTICES FOR ALTER-  
13 NATIVE AUDIT MECHANISMS.—

14 (1) IN GENERAL.—Not later than May 1, 2008,  
15 the Director of the National Institute for Standards  
16 and Technology shall establish guidance for States  
17 that wish to establish alternative audit mechanisms  
18 under section 322(b) of the Help America Vote Act  
19 of 2002 (as added by subsection (a)). Such guidance  
20 shall be based upon scientifically and statistically  
21 reasonable assumptions for the purpose of creating  
22 an alternative audit mechanism that will be at least  
23 as effective in ensuring the accuracy of election re-  
24 sults and as transparent as the procedure under  
25 subtitle C of title III of such Act (as so added).

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out  
3 paragraph (1) \$100,000, to remain available until  
4 expended.

5 (d) CLERICAL AMENDMENT.—The table of contents  
6 of such Act is amended by adding at the end of the items  
7 relating to title III the following:

“Subtitle C—Mandatory Manual Audits

“Sec. 321. Requiring audits of results of elections.

“Sec. 322. Number of ballots counted under audit.

“Sec. 323. Process for administering audits.

“Sec. 324. Selection of precincts.

“Sec. 325. Publication of results.

“Sec. 326. Payments to States.

“Sec. 327. Exception for elections subject to recount under State law prior to  
certification.

“Sec. 328. Effective date.”.

8 **SEC. 5. REPEAL OF EXEMPTION OF ELECTION ASSISTANCE**

9 **COMMISSION FROM CERTAIN GOVERNMENT**

10 **CONTRACTING REQUIREMENTS.**

11 (a) IN GENERAL.—Section 205 of the Help America  
12 Vote Act of 2002 (42 U.S.C. 15325) is amended by strik-  
13 ing subsection (e).

14 (b) EFFECTIVE DATE.—The amendment made by  
15 subsection (a) shall apply with respect to contracts entered  
16 into by the Election Assistance Commission on or after  
17 the date of the enactment of this Act.

18 **SEC. 6. EFFECTIVE DATE.**

19 Except as otherwise provided, this Act and the  
20 amendments made by this Act shall apply with respect to

1 the regularly scheduled general election for Federal office  
2 in November 2008 and each succeeding election for Fed-  
3 eral office.