

[DRAFT]

JANUARY 29, 2020

116TH CONGRESS
2D SESSION**H. R.** _____

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to adopt voluntary guidelines for the use of nonvoting election technology, to require the Director of the National Institute of Standards and Technology to submit semiannual status reports on the extent to which the Director has carried out the Director's responsibilities under such Act and carried out projects requested by the Election Assistance Commission, to establish an Election Cyber Assistance Unit in the Election Assistance Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RODNEY DAVIS of Illinois introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to adopt voluntary guidelines for the use of nonvoting election technology, to require the Director of the National Institute of Standards and Technology to submit semiannual status reports on the extent to which the Director has carried out the Director's responsibilities under such Act and carried out projects requested by the Election Assistance Commission, to establish an Election Cyber Assistance

Unit in the Election Assistance Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect American Vot-
5 ers Act”.

6 **SEC. 2. VOLUNTARY GUIDELINES FOR USE OF NONVOTING**
7 **ELECTION TECHNOLOGY.**

8 (a) ADOPTION OF VOLUNTARY GUIDELINES BY
9 ELECTION ASSISTANCE COMMISSION.—Title II of the
10 Help America Vote Act of 2002 (52 U.S.C. 20921 et seq.)
11 is amended by adding at the end the following new sub-
12 title:

13 **“Subtitle E—Voluntary Guidelines**
14 **for Use of Nonvoting Election**
15 **Technology**

16 **“SEC. 297. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**
17 **MISSION.**

18 “(a) ADOPTION.—The Commission shall adopt vol-
19 untary guidelines for election officials on the use of non-
20 voting election technology, taking into account the rec-
21 ommendations of the Emerging Election Technology Com-
22 mittee under section 297A.

1 “(b) REVIEW.—The Commission shall review and up-
2 date the guidelines adopted under this subtitle not less fre-
3 quently than once every 2 years.

4 “(c) PROCESS FOR ADOPTION.—The adoption of the
5 voluntary guidelines under this subtitle shall be carried
6 out by the Commission in a manner that provides for each
7 of the following:

8 “(1) Publication of notice of the proposed
9 guidelines in the Federal Register.

10 “(2) An opportunity for public comment on the
11 proposed guidelines.

12 “(3) An opportunity for a public hearing on the
13 record.

14 “(4) Publication of the final recommendations
15 in the Federal Register.

16 “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
17 The Commission shall adopt the initial set of voluntary
18 guidelines under this section not later than June 1, 2021.

19 **“SEC. 297A. EMERGING ELECTION TECHNOLOGY COM-**
20 **MITTEE.**

21 “(a) ESTABLISHMENT.—There is established in the
22 Commission the Emerging Election Technology Com-
23 mittee (hereafter in this section referred to as the ‘Tech-
24 nology Committee’).

1 “(b) DUTIES.—The Technology Committee shall as-
2 sist the Commission in the adoption of voluntary guide-
3 lines under section 297, including by providing the Com-
4 mission with recommendations on appropriate standards
5 for the use of nonvoting election technology, including
6 standards to ensure the security and promote the usability
7 of such technology.

8 “(c) MEMBERSHIP.—

9 “(1) IN GENERAL.—The Technology Committee
10 shall be composed of members appointed by the
11 Commission as follows:

12 “(A) Each member shall have expertise in
13 the operation of nonvoting election technology.

14 “(B) At least 3 of the members shall be
15 State or local election officials.

16 “(C) At least 4 of the members shall be in-
17 dividuals who are not employees of the Commis-
18 sion.

19 “(2) NUMBER.—The number of members of the
20 Technology Committee shall be determined by the
21 Commission.

22 “(3) QUORUM.—A majority of the members of
23 the Technology Committee shall constitute a
24 quorum, except that the Technology Committee may

1 not conduct any business prior to the appointment
2 of all of its members.

3 “(d) CHAIR.—The members of the Technology Com-
4 mittee shall select one of the members to serve as chair
5 of the Committee.

6 “(e) NO COMPENSATION FOR SERVICE.—Members of
7 the Technology Committee shall not receive any compensa-
8 tion for their service, but shall be paid travel expenses,
9 including per diem in lieu of subsistence, at rates author-
10 ized for employees of agencies under subchapter I of chap-
11 ter 57 of title 5, United States Code, while away from
12 their homes or regular places of business in the perform-
13 ance of services for the Committee.

14 **“SEC. 297B. NONVOTING ELECTION TECHNOLOGY DEFINED.**

15 “In this subtitle, the term ‘nonvoting election tech-
16 nology’ means technology used in the administration of
17 elections for Federal office which is not used directly in
18 the casting, counting, tabulating, or collecting of ballots
19 or votes, including each of the following:

20 “(1) Electronic pollbooks.

21 “(2) Election result reporting systems.

22 “(3) Electronic ballot delivery systems.

23 “(4) Online voter registration systems.

24 “(5) Polling place location search systems.

25 “(6) Sample ballot portals.

1 “(7) Such other technology as may be rec-
2 ommended for treatment as nonvoting election tech-
3 nology as the Emerging Election Technology Com-
4 mittee may recommend.”.

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

 “Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

 “Sec. 297. Adoption of voluntary guidelines by Commission.

 “Sec. 297A. Emerging Election Technology Committee.

 “Sec. 297B. Nonvoting election technology defined.”.

8 **SEC. 3. STATUS REPORTS BY NATIONAL INSTITUTE OF**
9 **STANDARDS AND TECHNOLOGY.**

10 Section 231 of the Help America Vote Act of 2002
11 (52 U.S.C. 20971) is amended by adding at the end the
12 following new subsection:

13 “(e) STATUS REPORTS BY NATIONAL INSTITUTE OF
14 STANDARDS AND TECHNOLOGY.—Not later than 60 days
15 after the end of each fiscal year (beginning with 2020),
16 the Director of the National Institute of Standards and
17 Technology shall submit to Congress a status report de-
18 scribing—

19 “(1) the extent to which the Director carried
20 out the Director’s responsibilities under this Act
21 during the fiscal year, including the responsibilities
22 imposed under this section and the responsibilities
23 imposed with respect to the Technical Guidelines

1 Development Committee under section 222, together
2 with the Director's best estimate of when the Direc-
3 tor will completely carry out any responsibility which
4 was not carried out completely during the fiscal
5 year; and

6 “(2) the extent to which the Director carried
7 out any projects requested by the Commission dur-
8 ing the fiscal year, together with the Director's best
9 estimate of when the Director will complete any such
10 project which the Director did not complete during
11 the fiscal year.”.

12 **SEC. 4. ESTABLISHMENT OF ELECTION CYBER ASSISTANCE**

13 **UNIT IN ELECTION ASSISTANCE COMMIS-**
14 **SION.**

15 (a) IN GENERAL.—Subtitle A of title II of the Help
16 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
17 amended by adding at the end the following new part:

18 **“PART 4—ELECTION CYBER ASSISTANCE UNIT**

19 **“SEC. 225. ELECTION CYBER ASSISTANCE UNIT.**

20 “(a) ESTABLISHMENT.—There is established in the
21 Commission the Election Cyber Assistance Unit (hereafter
22 in this part referred to as the ‘Unit’).

23 “(b) DUTIES.—The Unit will provide State and local
24 election officials in various geographic regions of the
25 United States with access to risk-management, resiliency,

1 and technical support services provided by election admin-
2 istration and cybersecurity experts who will be based in
3 such regions and who may provide such services in person,
4 by telephone, or online.”.

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

“PART 4—ELECTION CYBER ASSISTANCE UNIT

“Sec. 225. Election Cyber Assistance Unit.”.