

[DISCUSSION DRAFT]

JANUARY 11, 2008

110TH CONGRESS
2D SESSION**H. R.** _____

To direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HOLT introduced the following bill; which was referred to the Committee
on _____

A BILL

To direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Confidence in Voting
3 Act of 2008”.

4 **SEC. 2. PAYMENTS TO CERTAIN JURISDICTIONS CON-**
5 **DUCTING 2008 GENERAL ELECTIONS.**

6 (a) REIMBURSEMENT FOR CONVERSION TO PAPER
7 BALLOT VOTING SYSTEM.—

8 (1) IN GENERAL.—The Administrator of Gen-
9 eral Services shall pay to each eligible jurisdiction an
10 amount equal to the sum of the following:

11 (A) The documented reasonable costs paid
12 or incurred by such jurisdiction to replace any
13 voting systems used to conduct the general elec-
14 tions for Federal office held in November 2006
15 that did not use or produce a paper ballot
16 verified by the voter or a paper ballot printout
17 verifiable by the voter at the time the vote is
18 cast with paper ballot voting systems.

19 (B) The documented reasonable costs paid
20 or incurred by such jurisdiction to obtain non-
21 tabulating ballot marking devices that are ac-
22 cessible for individuals with disabilities in ac-
23 cordance with the requirements of section
24 301(a)(3) of the Help America Vote Act of
25 2002.

1 (C) The documented reasonable costs paid
2 or incurred by such jurisdiction to obtain ballot
3 marking stations or voting booths for the pro-
4 tection of voter privacy.

5 (D) The documented reasonable costs paid
6 or incurred by such jurisdiction to obtain paper
7 ballots.

8 (E) The documented reasonable costs paid
9 or incurred by such jurisdiction to obtain pre-
10 cinct-based equipment that tabulates paper bal-
11 lots or scans paper ballots.

12 (2) ELIGIBLE JURISDICTION DEFINED.—In this
13 subsection, an “eligible jurisdiction” means a juris-
14 diction that submits to the Administrator (and, in
15 the case of a county or equivalent jurisdiction, pro-
16 vides a copy to the State), at such time and in such
17 form as the Administrator may require, an applica-
18 tion containing—

19 (A) assurances that the jurisdiction con-
20 ducted regularly scheduled general elections for
21 Federal office in November 2006 using (in
22 whole or in part) a voting system that did not
23 use or produce a paper ballot verified by the
24 voter or a paper ballot printout verifiable by the
25 voter at the time the vote is cast;

1 (B) assurances that the jurisdiction will
2 conduct the regularly scheduled general elec-
3 tions for Federal office to be held in November
4 2008 using only paper ballot voting systems;

5 (C) assurances that the jurisdiction has
6 obtained or will obtain a sufficient number of
7 non-tabulating ballot marking devices that are
8 accessible for individuals with disabilities in ac-
9 cordance with the requirements of section
10 301(a)(3) of the Help America Vote Act of
11 2002;

12 (D) assurances that the jurisdiction has
13 obtained or will obtain a sufficient number of
14 ballot marking stations or voting booths for the
15 protection of voter privacy;

16 (E) assurances that the jurisdiction has
17 obtained or will obtain a sufficient number of
18 paper ballots;

19 (F) such information and assurances as
20 the Administrator may require to make the de-
21 terminations under paragraph (1); and

22 (G) such other information and assurances
23 as the Administrator may require.

24 (3) DETERMINATIONS OF REASONABLENESS OF
25 COSTS.—The determinations under paragraph (1) of

1 whether costs paid or incurred by a jurisdiction are
2 reasonable shall be made by the Administrator in
3 consultation with the Election Assistance Commis-
4 sion.

5 (4) PAPER BALLOT VOTING SYSTEM DE-
6 FINED.—In this subsection, a “paper ballot voting
7 system” means a voting system that uses a paper
8 ballot marked by the voter by hand or a paper ballot
9 marked by the voter with the assistance of a non-
10 tabulating ballot marking device described in para-
11 graph (1)(B).

12 (b) REIMBURSEMENT FOR PROVISION OF EMER-
13 GENCY PAPER BALLOTS BY JURISDICTIONS USING DI-
14 RECT RECORDING ELECTRONIC VOTING SYSTEMS.—

15 (1) IN GENERAL.—The Administrator shall pay
16 to each eligible jurisdiction an amount equal to the
17 documented reasonable costs paid or incurred by
18 such jurisdiction to obtain emergency paper ballots
19 (and related supplies and equipment) that may be
20 used in the event of the failure of a direct recording
21 electronic voting system in the regularly scheduled
22 general elections for Federal office to be held in No-
23 vember 2008.

24 (2) ELIGIBLE JURISDICTION DEFINED.—In this
25 subsection, an “eligible jurisdiction” means a juris-

1 diction that submits to the Administrator (and, in
2 the case of a county or equivalent jurisdiction, pro-
3 vides a copy to the State), at such time and in such
4 form as the Administrator may require, an applica-
5 tion containing—

6 (A) assurances that the jurisdiction will
7 post, in a conspicuous manner at all polling
8 places at which a direct recording electronic
9 voting system will be used in such elections, a
10 notice stating that emergency paper ballots are
11 available at the polling place and that a voter
12 is entitled to use such a ballot upon the failure
13 of a voting machine;

14 (B) assurances that the jurisdiction counts
15 each such emergency paper ballot cast by a
16 voter as a regular ballot cast in the election,
17 and does not treat it (for eligibility purposes) as
18 a provisional ballot under section 302(a) of the
19 Help America Vote Act of 2002, unless the in-
20 dividual casting the ballot would have otherwise
21 been required to cast a provisional ballot;

22 (C) such information and assurances as
23 the Administrator may require to make the de-
24 terminations under paragraph (1); and

1 (D) such other information and assurances
2 as the Administrator may require.

3 (3) DETERMINATION OF REASONABLENESS OF
4 COSTS.—The determinations under paragraph (1) of
5 whether costs paid or incurred by a jurisdiction are
6 reasonable shall be made by the Administrator in
7 consultation with the Election Assistance Commis-
8 sion.

9 (c) AMOUNTS.—There are authorized to be appro-
10 priated to the Administrator \$500,000,000 for payments
11 under this section. Any amounts appropriated pursuant
12 to the authorization under this subsection shall remain
13 available until expended.

14 **SEC. 3. PAYMENTS FOR CONDUCTING MANUAL AUDITS OF**
15 **RESULTS OF 2008 GENERAL ELECTIONS.**

16 (a) PAYMENTS.—

17 (1) ELIGIBILITY FOR PAYMENTS.—If a State,
18 county, or equivalent location conducts manual au-
19 dits of the results of any of the regularly scheduled
20 general elections for Federal office in November
21 2008 (and, at the option of the State or jurisdiction
22 involved, conducts audits of elections for State and
23 local office held at the same time as such election)
24 in accordance with the requirements of this section,
25 the Administrator shall make a payment to the

1 State, county, or equivalent location in an amount
2 equal to the documented reasonable costs incurred
3 by the State, county, or equivalent location in con-
4 ducting the audits.

5 (2) CERTIFICATION OF COMPLIANCE AND
6 COSTS.—

7 (A) CERTIFICATION REQUIRED.—In order
8 to receive a payment under this section, a
9 State, county, or equivalent location shall sub-
10 mit to the Administrator (and, in the case of a
11 county or equivalent jurisdiction, shall provide a
12 copy to the State), in such form as the Admin-
13 istrator may require, a statement containing—

14 (i) a certification that the State, coun-
15 ty, or equivalent location conducted the au-
16 dits in accordance with all of the require-
17 ments of this section;

18 (ii) a statement of the reasonable
19 costs incurred by the State, county, or
20 equivalent location in conducting the au-
21 dits; and

22 (iii) such other information and assur-
23 ances as the Administrator may require.

24 (B) AMOUNT OF PAYMENT.—The amount
25 of a payment made to a State, county, or equiv-

1 alent location under this section shall be equal
2 to the reasonable costs incurred by the State,
3 county, or equivalent location in conducting the
4 audits.

5 (C) DETERMINATION OF REASONABLENESS
6 OF COSTS.—The determinations under this
7 paragraph of whether costs incurred by a State,
8 county, or equivalent location are reasonable
9 shall be made by the Administrator in consulta-
10 tion with the Election Assistance Commission.

11 (3) TIMING OF PAYMENTS.—The Administrator
12 shall make the payment required under this section
13 to a State, county, or equivalent location not later
14 than 30 days after receiving the statement sub-
15 mitted by the State, county, or equivalent location
16 under paragraph (2).

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to the Ad-
19 ministrator \$100,000,000 for payments under this
20 section. Any amounts appropriated pursuant to the
21 authorization under this subsection shall remain
22 available until expended.

23 (b) AUDITS DESCRIBED.—

24 (1) IN GENERAL.—An audit conducted in ac-
25 cordance with this section is an audit administered

1 by a State, county, or equivalent location, without
2 advance selection of the precincts or notice of the
3 precincts selected, consisting of the random selection
4 of precincts or alternative audit units to be audited
5 and hand counting of the votes cast on the paper
6 ballots used in the election (including paper ballot
7 printouts verifiable by the voter at the time the vote
8 is cast) attributable to those precincts or alternative
9 audit units, and the comparison of the results of
10 those hand counts with the corresponding final unof-
11 ficial vote count (as defined by the State, county, or
12 equivalent location) of the votes cast in the election.

13 (2) COMPLETENESS.—With respect to each pre-
14 cinct or alternative audit unit audited in accordance
15 with the method selected under subsection (c)(2),
16 the State, county, or equivalent location shall ensure
17 that a voter verified paper ballot or paper ballot
18 printout verifiable by the voter at the time the vote
19 is cast is available for every vote cast in the precinct
20 or alternative audit unit, and that the tally produced
21 by counting all of those paper ballots by hand is
22 compared with the corresponding final unofficial
23 vote count (as defined by the State, county, or
24 equivalent location) announced with respect to that
25 precinct or audit unit in the election.

1 (3) DETERMINATION OF ENTITY CONDUCTING
2 AUDITS; INDEPENDENCE STANDARDS.—An audit ad-
3 ministered by a State, county, or equivalent location
4 in accordance with this section shall be overseen by
5 an entity selected for such purpose by the State,
6 county, or equivalent location in accordance with
7 such criteria as the State, county, or equivalent loca-
8 tion considers appropriate consistent with the re-
9 quirements of this section, except that the entity
10 must meet a general standard of independence as
11 defined by the State, county, or equivalent location.

12 (4) REFERENCES TO ELECTION AUDITOR.—In
13 this section, the term “Election Auditor” means,
14 with respect to a State, county, or equivalent loca-
15 tion, the entity selected by the State, county, or
16 equivalent location under paragraph (3).

17 (c) NUMBER OF BALLOTS COUNTED UNDER
18 AUDIT.—

19 (1) IN GENERAL.—The hand counts of the
20 paper ballots administered by the Election Auditor
21 of a State, county, or equivalent location under this
22 section with respect to an election shall occur in at
23 least 3 percent of all precincts or equivalent loca-
24 tions (or alternative audit units used in accordance

1 with the method provided for under paragraph (2))
2 in which ballots were cast in the election.

3 (2) USE OF ALTERNATIVE SAMPLING MECHA-
4 NISM.—Notwithstanding paragraph (1) (and subject
5 to the completeness requirement set forth in sub-
6 section (b)(2)), a State, county, or equivalent loca-
7 tion may adopt and apply an alternative sampling
8 mechanism to determine the number of paper ballots
9 which will be subject to hand counts in accordance
10 with this section with respect to an election, so long
11 as the alternative sampling mechanism uses the
12 paper ballots verified by voters or paper ballot print-
13 outs verifiable by voters at the time the vote is cast
14 to conduct the audit and the Director of the Na-
15 tional Institute of Standards and Technology deter-
16 mines that the alternative sampling mechanism will
17 be at least as statistically effective in ensuring the
18 accuracy of the election results as the sample size
19 specified under paragraph (1).

20 (d) PROCESS FOR ADMINISTERING AUDITS.—

21 (1) IN GENERAL.—The Election Auditor of a
22 State, county, or equivalent location shall oversee
23 the administration of an audit conducted under this
24 section in accordance with the following procedures:

1 (A) The Election Auditor shall commence
2 the audit within 48 hours after the State, coun-
3 ty, or equivalent location announces the final
4 unofficial vote count (as defined by the State,
5 county, or equivalent location) in each precinct
6 in which votes are cast in the election which is
7 the subject of the audit.

8 (B) The Election Auditor shall complete
9 the audit, resolve discrepancies discovered in
10 the audit, and submit the audit report required
11 under subsection (f)(1), prior to the certifi-
12 cation by the State, county, or equivalent loca-
13 tion of the results of the election.

14 (C) Within each precinct or alternative
15 audit unit, and subject to the completeness re-
16 quirement set forth in subsection (b)(2), the
17 audit shall include all ballots (including absen-
18 tee ballots in accordance with the procedure set
19 forth in subsection (e)(3) or otherwise, early
20 ballots, and provisional ballots) cast by all indi-
21 viduals who voted in or are under the jurisdic-
22 tion of the precinct or alternative audit unit
23 with respect to which the audit takes place,
24 without regard to the time, place, or manner in
25 which the votes were cast.

1 (2) USE OF ELECTION PERSONNEL.—In admin-
2 istering the audits, the Election Auditor may utilize
3 the services of jurisdiction personnel, including elec-
4 tion administration personnel and poll workers, with-
5 out regard to whether or not the personnel have pro-
6 fessional auditing experience.

7 (3) LOCATION.—The Election Auditor shall ad-
8 minister an audit conducted under this section at
9 the location where the ballots cast in the election are
10 stored and counted after the date of the election, or
11 such other appropriate and secure location agreed
12 upon by the Election Auditor and the individual who
13 is responsible under State law for the custody of the
14 ballots, and in the presence of the personnel who
15 under State law are responsible for the custody of
16 the ballots.

17 (4) ADDITIONAL AUDITS IF CAUSE SHOWN.—

18 (A) IN GENERAL.—If the Election Auditor
19 finds that any of the hand counts administered
20 under this section do not match the final unof-
21 ficial vote count of the results of an election,
22 the Election Auditor shall oversee the adminis-
23 tration of hand counts under this section of
24 such additional precincts (or equivalent jurisdic-
25 tions) as the Election Auditor considers appro-

1 appropriate (in accordance with the procedures de-
2 scribed in subparagraph (B)) to resolve any
3 concerns resulting from the audit and ensure
4 the accuracy of the results.

5 (B) ESTABLISHMENT AND PUBLICATION
6 OF PROCEDURES GOVERNING ADDITIONAL AU-
7 DITS.—Prior to the date of the regularly sched-
8 uled general election for Federal office held in
9 November 2008, a State, county, or equivalent
10 location shall establish and publish procedures
11 for carrying out the additional audits under this
12 subsection, including the means by which the
13 State, county, or equivalent location shall re-
14 solve any concerns resulting from the audit with
15 finality and ensure the accuracy of the results.

16 (5) PUBLIC OBSERVATION OF AUDITS.—Each
17 audit conducted under this section shall be con-
18 ducted in a manner that allows public observation of
19 the entire process, including reasonable advance no-
20 tice, sufficient to confirm but not interfere with the
21 proceedings.

22 (e) SELECTION OF PRECINCTS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (3), the selection of the precincts in the State,
25 county, or equivalent location in which the Election

1 Auditor of the State, county, or equivalent location
2 shall oversee the administration of hand counts in
3 an audit conducted under this section shall be made
4 by the Election Auditor on an entirely random basis
5 using a uniform distribution in which all precincts in
6 the State, county, or equivalent location have an
7 equal chance of being selected, in accordance with
8 procedures adopted by the State, county, or equiva-
9 lent location, except that, consistent with the other
10 requirements of this paragraph, in the case of an
11 audit conducted by the State, at least one precinct
12 or alternative audit unit shall be selected at random
13 in each county or equivalent jurisdiction.

14 (2) PUBLIC SELECTION.—The random selection
15 of precincts under paragraph (1) shall be conducted
16 in public, at a time and place announced in advance.

17 (3) MANDATORY SELECTION OF PRECINCTS ES-
18 TABLISHED SPECIFICALLY FOR ABSENTEE BAL-
19 LOTS.—If a State, county, or equivalent location es-
20 tablishes a separate precinct for purposes of count-
21 ing the absentee ballots cast in an election and
22 treats all absentee ballots as having been cast in
23 that precinct, and if the State, county, or equivalent
24 location does not make absentee ballots sortable by
25 precinct and include those ballots in the hand count

1 administered with respect to that precinct, subject to
2 the completeness requirement set forth in subsection
3 (b)(2), the State, county, or equivalent location may
4 divide absentee ballots into audit units approxi-
5 mately equal in size to the average precinct in the
6 State, county, or equivalent location in terms of the
7 number of ballots cast, and shall randomly select
8 and include at least 3 percent of those audit units
9 in the audit carried out in accordance with this sec-
10 tion.

11 (4) DEADLINE FOR ADOPTION OF PROCE-
12 DURES.—Prior to the date of the regularly scheduled
13 general election for Federal office held in November
14 2008, a State, county, or equivalent location shall
15 adopt and publish the procedures described in para-
16 graph (1).

17 (f) PUBLICATION OF RESULTS.—As soon as prac-
18 ticable after the completion of an audit conducted under
19 this section, the Election Auditor of a State, county, or
20 equivalent location shall submit to the Administrator the
21 results of the audit, and shall include in the submission
22 a comparison of the results of the election in the precinct
23 as determined by the Election Auditor under the audit and
24 the final unofficial vote count in the precinct as announced
25 by the State, county, or equivalent location and all under-

1 votes, overvotes, blank ballots, and spoiled, voided or can-
2 celled ballots, as well as a list of any discrepancies discov-
3 ered between the initial, subsequent, and final hand counts
4 overseen by the Election Auditor and such final unofficial
5 vote count and any explanation for such discrepancies,
6 broken down by the types of ballots which were subject
7 to the audit.

8 (g) REPORTS BY ADMINISTRATOR.—The Adminis-
9 trator shall publish promptly all reports on the results of
10 audits conducted under this section that are submitted
11 pursuant to this section.

12 (h) DEADLINE FOR APPROVAL OF ALTERNATIVE
13 BALLOT SAMPLING METHODS BY NATIONAL INSTITUTE
14 OF STANDARDS AND TECHNOLOGY.—The Director of the
15 National Institute of Standards and Technology shall, not
16 later than 30 days after receiving a request by a State,
17 county, or equivalent location for approval of an alter-
18 native ballot sampling method under subsection (c)(2), re-
19 spond to the State, county, or equivalent location with con-
20 firmation as to whether or not the method is at least as
21 statistically effective in ensuring the accuracy of the elec-
22 tion results as the procedure described in subsection
23 (c)(1).

1 **SEC. 4. PAYMENTS FOR CONDUCTING HAND COUNTS OF**
2 **RESULTS OF 2008 GENERAL ELECTIONS.**

3 (a) PAYMENTS.—

4 (1) ELIGIBILITY FOR PAYMENTS.—If a State,
5 county, or equivalent location tallies the results of
6 any regularly scheduled general election for Federal
7 office in November 2008 by conducting a hand count
8 of the votes cast on the paper ballots used in the
9 election (including paper ballot printouts verifiable
10 by the voter at the time the vote is cast) in accord-
11 ance with the requirements of this section, the Ad-
12 ministrator shall make a payment to the State,
13 county, or equivalent location in an amount equal to
14 the documented reasonable costs incurred by the
15 State, county, or equivalent location in conducting
16 the hand counts.

17 (2) CERTIFICATION OF COMPLIANCE AND
18 COSTS.—

19 (A) CERTIFICATION REQUIRED.—In order
20 to receive a payment under this section, a
21 State, county, or equivalent location shall sub-
22 mit to the Administrator (and, in the case of a
23 county or equivalent jurisdiction, shall provide a
24 copy to the State), in such form as the Admin-
25 istrator may require, a statement containing—

1 (i) a certification that the State, coun-
2 ty, or equivalent location conducted the
3 hand counts in accordance with all of the
4 requirements of this section;

5 (ii) a statement of the reasonable
6 costs incurred by the State, county, or
7 equivalent location in conducting the hand
8 counts; and

9 (iii) such other information and assur-
10 ances as the Administrator may require.

11 (B) AMOUNT OF PAYMENT.—The amount
12 of a payment made to a State, county, or equiv-
13 alent location under this section shall be equal
14 to the reasonable costs incurred by the State,
15 county, or equivalent location in conducting the
16 hand counts.

17 (C) DETERMINATION OF REASONABLENESS
18 OF COSTS.—The determinations under this
19 paragraph of whether costs incurred by a State,
20 county, or equivalent location are reasonable
21 shall be made by the Administrator in consulta-
22 tion with the Election Assistance Commission.

23 (3) TIMING OF PAYMENTS.—The Administrator
24 shall make the payment required under this section
25 to a State, county, or equivalent location not later

1 than 30 days after receiving the statement sub-
2 mitted by the State, county, or equivalent location
3 under paragraph (2).

4 (4) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated to the Ad-
6 ministrator \$[25,000,000] for payments under this
7 section. Any amounts appropriated pursuant to the
8 authorization under this subsection shall remain
9 available until expended.

10 (b) HAND COUNTS DESCRIBED.—

11 (1) IN GENERAL.—A hand count conducted in
12 accordance with this section is a count of all of the
13 paper ballots on which votes were cast in the election
14 (including paper ballot printouts verifiable by the
15 voter at the time the vote is cast), including votes
16 cast on an early, absentee, emergency, and provi-
17 sional basis, which is conducted by hand to deter-
18 mine the winner of the election and is conducted
19 without using electronic equipment or software.

20 (2) COMPLETENESS.—With respect to each ju-
21 risdiction in which a hand count is conducted, the
22 State, county, or equivalent location shall ensure
23 that a voter verified paper ballot or paper ballot
24 printout verifiable by the voter at the time the vote

1 is cast is available for every vote cast in the jurisdic-
2 tion.

3 (c) PROCESS FOR CONDUCTING HAND COUNTS.—

4 (1) IN GENERAL.—In order to meet the require-
5 ments of this section, a hand count of the ballots
6 cast in an election shall be conducted in accordance
7 with the following procedures:

8 (A) On the date of the election, the jurisdic-
9 tion shall conduct an initial hand count of
10 the ballots cast in the election, using the ballots
11 which are eligible to be counted in the election
12 as of the time the polls are closed.

13 (B) Any ballot which is eligible to be
14 counted in the election but which is not in-
15 cluded in the initial count conducted under sub-
16 paragraph (A), including a provisional ballot
17 cast by an individual who is determined to be
18 eligible to vote in the election or an absentee
19 ballot received after the date of the election but
20 prior to the applicable deadline under State law
21 for the receipt of absentee ballots, shall be sub-
22 ject to a hand count in accordance with this
23 section and added to the tally conducted under
24 subparagraph (A) not later than 48 hours after

1 the ballot is determined to be eligible to be
2 counted.

3 (C) The hand count shall be conducted by
4 a team of not fewer than 2 individuals who
5 shall be supervised by at least one observer sit-
6 ting at the same table with such individuals.
7 Except as provided in paragraph (2), all such
8 individuals shall be election officials of the ju-
9 risdiction in which the hand count is conducted.

10 (2) USE OF OTHER PERSONNEL.—An individual
11 who is not an election official of the jurisdiction in
12 which a hand count is conducted under this section
13 may serve on a team conducting the hand count or
14 may serve as an observer of a team conducting the
15 hand count if the jurisdiction certifies that the indi-
16 vidual has completed such training as the jurisdic-
17 tion deems appropriate to conduct or observe the
18 hand count (as the case may be).

19 (3) LOCATION.—The hand counts conducted
20 under this section of the ballots cast in an election
21 shall be conducted—

22 (A) in the case of ballots cast at a polling
23 place on the date of the election, at the polling
24 place at which the ballots were cast; or

1 (B) in the case of any other ballots, at the
2 office of the chief election official of the juris-
3 diction conducting the hand count.

4 (4) INFORMATION INCLUDED IN RESULTS.—
5 Each hand count conducted under this section shall
6 produce the following information with respect to the
7 election:

8 (A) The vote tally for each candidate.

9 (B) The number of overvotes, undervotes,
10 spoiled ballots, and blank ballots.

11 (C) The number of write-in ballots and the
12 names written in on such ballots.

13 (D) Judgement calls.

14 (5) PUBLIC OBSERVATION OF HAND COUNTS.—
15 Each hand count conducted under this section shall
16 be conducted in a manner that allows public obser-
17 vation of the entire process (including the opening of
18 the ballot boxes or removal of machine-printed bal-
19 lots from their containers, the sorting, counting, and
20 notation of results, and the announcement of final
21 determinations) sufficient to confirm but not inter-
22 fere with the proceedings.

23 (6) ESTABLISHMENT AND PUBLICATION OF
24 PROCEDURES.—Prior to the date of the regularly
25 scheduled general election for Federal office held in

1 November 2008, a State, county, or equivalent loca-
2 tion shall establish and publish procedures for car-
3 rying out hand counts under this subsection.

4 (d) ANNOUNCEMENT AND POSTING OF RESULTS.—
5 Upon the completion of a hand count conducted under this
6 section, the State, county, or equivalent location shall an-
7 nounce the results to the public and post them on a public
8 Internet site.

9 (e) USE OF HAND COUNT IN CERTIFICATION OF RE-
10 SULTS.—The State shall use the results of the hand count
11 conducted under this section for purposes of certifying the
12 results of the election involved. Nothing in this section
13 may be construed to affect the application or operation
14 of any State law governing the recount of the results of
15 an election.

16 **SEC. 5. STUDY, TESTING, AND DEVELOPMENT OF PROD-**
17 **UCTS AND PRACTICES TO ENSURE ACCESSI-**
18 **BILITY OF PAPER BALLOT VERIFICATION**
19 **AND CASTING FOR CERTAIN INDIVIDUALS.**

20 (a) STUDY, TESTING, AND DEVELOPMENT.—The Di-
21 rector of the National Institute of Standards and Tech-
22 nology (hereafter in this section referred to as the “Direc-
23 tor”) shall study, test, and develop products and practices
24 that ensure the accessibility of paper ballot verification
25 and casting for individuals with disabilities, for voters

1 whose primary language is not English, and for voters
2 with difficulties in literacy, including the mechanisms
3 themselves and the processes through which the mecha-
4 nisms are used. In carrying out this subsection, the Di-
5 rector shall specifically investigate existing and potential
6 methods or devices, including non-electronic devices, that
7 will assist such individuals and voters in creating voter-
8 verified paper ballots, presenting or transmitting the infor-
9 mation printed or marked on such ballots back to such
10 individuals and voters in an accessible form, and enabling
11 the voters to cast the ballots.

12 (b) REPORT.—Not later than June 30, 2009, the Di-
13 rector shall submit a report to Congress on the results
14 of the studying, testing, and development of products and
15 practices under subsection (a).

16 (c) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Director to carry
18 out this section \$3,000,000, to remain available until ex-
19 pended.

20 **SEC. 6. DEFINITIONS.**

21 In this Act—

22 (1) the term “Administrator” means the Ad-
23 ministrator of General Services; and

24 (2) the term “State” includes the District of
25 Columbia, the Commonwealth of Puerto Rico,

- 1 Guam, American Samoa, and the United States Vir-
- 2 gin Islands.