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(Original Signature of Member)

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.

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IN THE HOUSE OF REPRESENTATIVES

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

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**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 “Emergency Assistance  
3 for Secure Elections 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           (F) The documented reasonable adminis-  
13 trative costs paid or incurred by such jurisdic-  
14 tion that are associated with meeting the re-  
15 quirements for an eligible jurisdiction.

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

23           (A) assurances that the jurisdiction con-  
24 ducted regularly scheduled general elections for  
25 Federal office in November 2006 using (in

1 whole or in part) a voting system that did not  
2 use or produce a paper ballot verified by the  
3 voter or a paper ballot printout verifiable by the  
4 voter at the time the vote is cast;

5 (B) assurances that the jurisdiction will  
6 conduct the regularly scheduled general elec-  
7 tions for Federal office to be held in November  
8 2008 using only paper ballot voting systems;

9 (C) assurances that the jurisdiction has  
10 obtained or will obtain a sufficient number of  
11 non-tabulating ballot marking devices that are  
12 accessible for individuals with disabilities in ac-  
13 cordance with the requirements of section  
14 301(a)(3) of the Help America Vote Act of  
15 2002;

16 (D) assurances that the jurisdiction has  
17 obtained or will obtain a sufficient number of  
18 ballot marking stations or voting booths for the  
19 protection of voter privacy;

20 (E) assurances that the jurisdiction has  
21 obtained or will obtain a sufficient number of  
22 paper ballots;

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

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

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

16 (b) REIMBURSEMENT FOR PROVISION OF EMER-  
17 GENCY PAPER BALLOTS BY JURISDICTIONS USING DI-  
18 RECT RECORDING ELECTRONIC VOTING SYSTEMS.—

19 (1) IN GENERAL.—The Administrator shall pay  
20 to each eligible jurisdiction an amount equal to the  
21 documented reasonable costs paid or incurred by  
22 such jurisdiction to obtain, deploy, and tabulate  
23 emergency paper ballots (and related supplies and  
24 equipment) that may be used in the event of the fail-  
25 ure of a direct recording electronic voting system in

1 the regularly scheduled general elections for Federal  
2 office to be held in November 2008.

3 (2) ELIGIBLE JURISDICTION DEFINED.—In this  
4 subsection, an “eligible jurisdiction” means a juris-  
5 diction that submits to the Administrator (and, in  
6 the case of a county or equivalent jurisdiction, pro-  
7 vides a copy to the State), at such time and in such  
8 form as the Administrator may require, an applica-  
9 tion containing—

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

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

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

4 (D) such other information and assurances  
5 as the Administrator may require.

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

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

17 **SEC. 3. PAYMENTS FOR CONDUCTING MANUAL AUDITS OF**  
18 **RESULTS OF 2008 GENERAL ELECTIONS.**

19 (a) PAYMENTS.—

20 (1) ELIGIBILITY FOR PAYMENTS.—If a State,  
21 county, or equivalent location conducts manual au-  
22 dits of the results of any of the regularly scheduled  
23 general elections for Federal office in November  
24 2008 (and, at the option of the State or jurisdiction  
25 involved, conducts audits of elections for State and

1 local office and State and local ballot initiatives and  
2 referenda held at the same time as such election) in  
3 accordance with the requirements of this section, the  
4 Administrator shall make a payment to the State,  
5 county, or equivalent location in an amount equal to  
6 the documented reasonable costs incurred by the  
7 State, county, or equivalent location in conducting  
8 the audits.

9 (2) CERTIFICATION OF COMPLIANCE AND  
10 COSTS.—

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

18 (i) a certification that the State, coun-  
19 ty, or equivalent location conducted the au-  
20 dits in accordance with all of the require-  
21 ments of this section;

22 (ii) a statement of the reasonable  
23 costs incurred by the State, county, or  
24 equivalent location in conducting the au-  
25 dits; and

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

3 (B) AMOUNT OF PAYMENT.—The amount  
4 of a payment made to a State, county, or equiv-  
5 alent location under this section shall be equal  
6 to the reasonable costs incurred by the State,  
7 county, or equivalent location in conducting the  
8 audits.

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

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

21 (4) AUTHORIZATION OF APPROPRIATIONS.—  
22 There are authorized to be appropriated to the Ad-  
23 ministrator \$100,000,000 for payments under this  
24 section. Any amounts appropriated pursuant to the

1 authorization under this subsection shall remain  
2 available until expended.

3 (b) AUDITS DESCRIBED.—

4 (1) IN GENERAL.—An audit conducted in ac-  
5 cordance with this section is an audit administered  
6 by a State, county, or equivalent location, without  
7 advance selection of the precincts or notice of the  
8 precincts selected, consisting of the random selection  
9 of precincts or alternative audit units to be audited  
10 and hand counting of the votes cast on the paper  
11 ballots used in the election (including paper ballot  
12 printouts verifiable by the voter at the time the vote  
13 is cast) attributable to those precincts or alternative  
14 audit units, and the comparison of the results of  
15 those hand counts with the corresponding final unof-  
16 ficial vote count (as defined by the State, county, or  
17 equivalent location) of the votes cast in the election.

18 (2) COMPLETENESS.—With respect to each pre-  
19 cinct or alternative audit unit audited in accordance  
20 with the method selected under subsection (c)(2),  
21 the State, county, or equivalent location shall ensure  
22 that a voter verified paper ballot or paper ballot  
23 printout verifiable by the voter at the time the vote  
24 is cast is available for every vote cast in the precinct  
25 or alternative audit unit, and that the tally produced

1 by counting all of those paper ballots by hand is  
2 compared with the corresponding final unofficial  
3 vote count (as defined by the State, county, or  
4 equivalent location) announced with respect to that  
5 precinct or audit unit in the election.

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

17 (4) REFERENCES TO ELECTION AUDITOR.—In  
18 this section, the term “Election Auditor” means,  
19 with respect to a State, county, or equivalent loca-  
20 tion, the entity selected by the State, county, or  
21 equivalent location under paragraph (3).

22 (c) NUMBER OF BALLOTS COUNTED UNDER  
23 AUDIT.—

24 (1) IN GENERAL.—The hand counts of the  
25 paper ballots administered by the Election Auditor

1 of a State, county, or equivalent location under this  
2 section with respect to an election shall occur in at  
3 least 3 percent of all precincts or equivalent loca-  
4 tions (or alternative audit units used in accordance  
5 with the method provided for under paragraph (2))  
6 in which ballots were cast in the election.

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

1 (d) PROCESS FOR ADMINISTERING AUDITS.—

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

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

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

19 (C) Within each precinct or alternative  
20 audit unit, and subject to the completeness re-  
21 quirement set forth in subsection (b)(2), the  
22 audit shall include all ballots (including absen-  
23 tee ballots in accordance with the procedure set  
24 forth in subsection (e)(3) or otherwise, early  
25 ballots, and provisional ballots) cast by all indi-

1           viduals who voted in or are under the jurisdic-  
2           tion of the precinct or alternative audit unit  
3           with respect to which the audit takes place,  
4           without regard to the time, place, or manner in  
5           which the votes were cast.

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

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

22          (4) ADDITIONAL AUDITS IF CAUSE SHOWN.—

23                (A) IN GENERAL.—If the Election Auditor  
24                finds that any of the hand counts administered  
25                under this section do not match the final unof-

1           ficial vote count of the results of an election,  
2           the Election Auditor shall oversee the adminis-  
3           tration of hand counts under this section of  
4           such additional precincts (or equivalent jurisdic-  
5           tions) as the Election Auditor considers appro-  
6           priate (in accordance with the procedures de-  
7           scribed in subparagraph (B)) to resolve any  
8           concerns resulting from the audit and ensure  
9           the accuracy of the results.

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

21                   (5) PUBLIC OBSERVATION OF AUDITS.—Each  
22           audit conducted under this section shall be con-  
23           ducted in a manner that allows public observation of  
24           the entire process, including reasonable advance no-

1       tice, sufficient to confirm but not interfere with the  
2       proceedings.

3       (e) SELECTION OF PRECINCTS.—

4           (1) IN GENERAL.—Except as provided in para-  
5       graph (3), the selection of the precincts in the State,  
6       county, or equivalent location in which the Election  
7       Auditor of the State, county, or equivalent location  
8       shall oversee the administration of hand counts in  
9       an audit conducted under this section shall be made  
10      by the Election Auditor after the final unofficial vote  
11      count (as defined by the State, county or equivalent  
12      location) has been announced and on an entirely  
13      random basis using a uniform distribution in which  
14      all precincts in the State, county, or equivalent loca-  
15      tion have an equal chance of being selected, in ac-  
16      cordance with procedures adopted by the State,  
17      county, or equivalent location, except that, consistent  
18      with the other requirements of this paragraph, in  
19      the case of an audit conducted by the State, at least  
20      one precinct or alternative audit unit shall be se-  
21      lected at random in each county or equivalent juris-  
22      diction.

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

1           (3) MANDATORY SELECTION OF PRECINCTS ES-  
2           TABLISHED SPECIFICALLY FOR ABSENTEE BAL-  
3           LOTS.—If a State, county, or equivalent location es-  
4           tablishes a separate precinct for purposes of count-  
5           ing the absentee ballots cast in an election and  
6           treats all absentee ballots as having been cast in  
7           that precinct, and if the State, county, or equivalent  
8           location does not make absentee ballots sortable by  
9           precinct and include those ballots in the hand count  
10          administered with respect to that precinct, subject to  
11          the completeness requirement set forth in subsection  
12          (b)(2), the State, county, or equivalent location may  
13          divide absentee ballots into audit units approxi-  
14          mately equal in size to the average precinct in the  
15          State, county, or equivalent location in terms of the  
16          number of ballots cast, and shall randomly select  
17          and include at least 3 percent of those audit units  
18          in the audit carried out in accordance with this sec-  
19          tion.

20          (4) DEADLINE FOR ADOPTION OF PROCE-  
21          DURES.—Prior to the date of the regularly scheduled  
22          general election for Federal office held in November  
23          2008, a State, county, or equivalent location shall  
24          adopt and publish the procedures described in para-  
25          graph (1).

1           (f) PUBLICATION OF RESULTS.—As soon as prac-  
2 ticable after the completion of an audit conducted under  
3 this section, the Election Auditor of a State, county, or  
4 equivalent location shall submit to the Administrator the  
5 results of the audit, and shall include in the submission  
6 a comparison of the results of the election attributable to  
7 the precinct or alternative audit unit as determined by the  
8 Election Auditor under the audit and the final unofficial  
9 vote count attributable to the precinct or alternative audit  
10 unit as announced by the State, county, or equivalent loca-  
11 tion and all undervotes, overvotes, blank ballots, and  
12 spoiled, voided or cancelled ballots, as well as a list of any  
13 discrepancies discovered between the initial, subsequent,  
14 and final hand counts overseen by the Election Auditor  
15 and such final unofficial vote count and any explanation  
16 for such discrepancies, broken down by the types of ballots  
17 which were subject to the audit.

18           (g) REPORTS BY ADMINISTRATOR.—The Adminis-  
19 trator shall publish promptly all reports on the results of  
20 audits conducted under this section that are submitted  
21 pursuant to this section.

22           (h) DEADLINE FOR APPROVAL OF ALTERNATIVE  
23 BALLOT SAMPLING METHODS BY NATIONAL INSTITUTE  
24 OF STANDARDS AND TECHNOLOGY.—The Director of the  
25 National Institute of Standards and Technology shall, not

1 later than 30 days after receiving a request by a State,  
2 county, or equivalent location for approval of an alter-  
3 native ballot sampling method under subsection (c)(2), re-  
4 spond to the State, county, or equivalent location with con-  
5 firmation as to whether or not the method is at least as  
6 statistically effective in ensuring the accuracy of the elec-  
7 tion results as the procedure described in subsection  
8 (c)(1).

9 **SEC. 4. PAYMENTS FOR CONDUCTING HAND COUNTS OF**  
10 **RESULTS OF 2008 GENERAL ELECTIONS.**

11 (a) PAYMENTS.—

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

1           (2) CERTIFICATION OF COMPLIANCE AND  
2 COSTS.—

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

10           (i) a certification that the State, coun-  
11 ty, or equivalent location conducted the  
12 hand counts in accordance with all of the  
13 requirements of this section;

14           (ii) a statement of the reasonable  
15 costs incurred by the State, county, or  
16 equivalent location in conducting the hand  
17 counts; and

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

20           (B) AMOUNT OF PAYMENT.—The amount  
21 of a payment made to a State, county, or equiv-  
22 alent location under this section shall be equal  
23 to the reasonable costs incurred by the State,  
24 county, or equivalent location in conducting the  
25 hand counts.

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

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

13          (4) AUTHORIZATION OF APPROPRIATIONS.—  
14          There are authorized to be appropriated to the Ad-  
15          ministrator \$30,000,000 for payments under this  
16          section. Any amounts appropriated pursuant to the  
17          authorization under this subsection shall remain  
18          available until expended.

19          (b) HAND COUNTS DESCRIBED.—

20               (1) IN GENERAL.—A hand count conducted in  
21               accordance with this section is a count of all of the  
22               paper ballots on which votes were cast in the election  
23               (including paper ballot printouts verifiable by the  
24               voter at the time the vote is cast), including votes  
25               cast on an early, absentee, emergency, and provi-

1 sional basis, which is conducted by hand to deter-  
2 mine the winner of the election and is conducted  
3 without using electronic equipment or software.

4 (2) COMPLETENESS.—With respect to each ju-  
5 risdiction in which a hand count is conducted, the  
6 State, county, or equivalent location shall ensure  
7 that a voter verified paper ballot or paper ballot  
8 printout verifiable by the voter at the time the vote  
9 is cast is available for every vote cast in the jurisdic-  
10 tion.

11 (c) PROCESS FOR CONDUCTING HAND COUNTS.—

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

16 (A) On the date of the election, the juris-  
17 diction shall conduct an initial hand count of  
18 the ballots cast in the election, using the ballots  
19 which are eligible to be counted in the election  
20 as of the time the polls are closed.

21 (B) Any ballot which is eligible to be  
22 counted in the election but which is not in-  
23 cluded in the initial count conducted under sub-  
24 paragraph (A), including a provisional ballot  
25 cast by an individual who is determined to be

1 eligible to vote in the election or an absentee  
2 ballot received after the date of the election but  
3 prior to the applicable deadline under State law  
4 for the receipt of absentee ballots, shall be sub-  
5 ject to a hand count in accordance with this  
6 section and added to the tally conducted under  
7 subparagraph (A) not later than 48 hours after  
8 the ballot is determined to be eligible to be  
9 counted.

10 (C) The hand count shall be conducted by  
11 a team of not fewer than 2 individuals who  
12 shall be witnessed by at least one observer sit-  
13 ting at the same table with such individuals.  
14 Except as provided in paragraph (2), all such  
15 individuals shall be election officials of the ju-  
16 risdiction in which the hand count is conducted.

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

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

4           (A) in the case of ballots cast at a polling  
5 place on the date of the election, at the polling  
6 place at which the ballots were cast; or

7           (B) in the case of any other ballots, at the  
8 office of the chief election official of the juris-  
9 diction conducting the hand count.

10          (4) INFORMATION INCLUDED IN RESULTS.—  
11 Each hand count conducted under this section shall  
12 produce the following information with respect to the  
13 election:

14           (A) The vote tally for each candidate.

15           (B) The number of overvotes, undervotes,  
16 spoiled ballots, and blank ballots cast (or their  
17 equivalents, as defined by the State, county or  
18 equivalent location).

19           (C) The number of write-in ballots and the  
20 names written in on such ballots pursuant to  
21 State law.

22           (D) The total number of ballots cast.

23           (E) A record of judgement calls made re-  
24 garding voter intent.

1           (5) PUBLIC OBSERVATION OF HAND COUNTS.—

2           Each hand count conducted under this section shall  
3           be conducted in a manner that allows public obser-  
4           vation of the entire process (including the opening of  
5           the ballot boxes or removal of machine-printed bal-  
6           lots from their containers, the sorting, counting, and  
7           notation of results, and the announcement of final  
8           determinations) sufficient to confirm but not inter-  
9           fere with the proceedings.

10          (6) ESTABLISHMENT AND PUBLICATION OF

11          PROCEDURES.—Prior to the date of the regularly  
12          scheduled general election for Federal office held in  
13          November 2008, a State, county, or equivalent loca-  
14          tion shall establish and publish procedures for car-  
15          rying out hand counts under this subsection.

16          (d) ANNOUNCEMENT AND POSTING OF RESULTS.—

17          Upon the completion of a hand count conducted under this  
18          section, the State, county, or equivalent location shall an-  
19          nounce the results to the public and post them on a public  
20          Internet site.

21          (e) USE OF HAND COUNT IN CERTIFICATION OF RE-

22          SULTS.—The State shall use the results of the hand count  
23          conducted under this section for purposes of certifying the  
24          results of the election involved. Nothing in this section  
25          may be construed to affect the application or operation

1 of any State law governing the recount of the results of  
2 an election.

3 **SEC. 5. STUDY, TESTING, AND DEVELOPMENT OF PROD-**  
4 **UCTS AND PRACTICES TO ENSURE ACCESSI-**  
5 **BILITY OF PAPER BALLOT VERIFICATION**  
6 **AND CASTING FOR CERTAIN INDIVIDUALS.**

7 (a) STUDY, TESTING, AND DEVELOPMENT.—The Di-  
8 rector of the National Institute of Standards and Tech-  
9 nology (hereafter in this section referred to as the “Direc-  
10 tor”) shall study, test, and develop products and practices  
11 that ensure the accessibility of paper ballot verification  
12 and casting for individuals with disabilities, for voters  
13 whose primary language is not English, and for voters  
14 with difficulties in literacy, including the mechanisms  
15 themselves and the processes through which the mecha-  
16 nisms are used. In carrying out this subsection, the Di-  
17 rector shall specifically investigate existing and potential  
18 methods or devices, including non-electronic devices, that  
19 will assist such individuals and voters in creating voter-  
20 verified paper ballots, presenting or transmitting the infor-  
21 mation printed or marked on such ballots back to such  
22 individuals and voters in an accessible form, and enabling  
23 the voters to cast the ballots.

24 (b) REPORT.—Not later than June 30, 2009, the Di-  
25 rector shall submit a report to Congress on the results

1 of the studying, testing, and development of products and  
2 practices under subsection (a).

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

7 **SEC. 6. DEFINITIONS.**

8 In this Act—

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

11 (2) the term “State” includes the District of  
12 Columbia, the Commonwealth of Puerto Rico,  
13 Guam, American Samoa, and the United States Vir-  
14 gin Islands.