

107TH CONGRESS
1ST SESSION

H. R. 2275

To amend the National Institute of Standards and Technology Act to ensure the usability, accuracy, integrity, and security of United States voting products and systems through the development of voluntary consensus standards, the provision of technical assistance, and laboratory accreditation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2001

Mr. EHLERS (for himself and Mr. BARCIA) introduced the following bill; which was referred to the Committee on Science

A BILL

To amend the National Institute of Standards and Technology Act to ensure the usability, accuracy, integrity, and security of United States voting products and systems through the development of voluntary consensus standards, the provision of technical assistance, and laboratory accreditation, 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 “Voting Technology
5 Standards Act of 2001”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “Director” means the Director of
4 the Institute;

5 (2) the term “Institute” means the National In-
6 stitute of Standards and Technology; and

7 (3) the term “standards” means performance
8 standards, best standard practices, and specifica-
9 tions relating to voting products and systems.

10 **SEC. 3. INSTITUTE MISSION AND PROGRAM.**

11 (a) MISSION TO STUDY VOTING TECHNOLOGIES.—

12 Section 2(c) of the National Institute of Standards and
13 Technology Act (15 U.S.C. 272(c)) is amended—

14 (1) in paragraph (21), by striking “and” at the
15 end;

16 (2) by redesignating paragraph (22) as para-
17 graph (23); and

18 (3) by inserting after paragraph (21) the fol-
19 lowing new paragraph:

20 “(22) study standards for voting products and
21 systems used in the United States, including vote
22 casting, voter registration, and vote counting prod-
23 ucts and systems; and”.

24 (b) VOTING TECHNOLOGY STANDARDS AND PRO-
25 GRAM.—The National Institute of Standards and Tech-
26 nology Act (15 U.S.C. 271 et seq.) is amended—

1 (1) by redesignating sections 29 through 32 as
2 sections 30 through 33, respectively; and

3 (2) by inserting after section 28 the following
4 new section:

5 **“SEC. 29. VOTING TECHNOLOGY STANDARDS AND PRO-**
6 **GRAM.**

7 “(a) VOTING SYSTEMS STANDARDS.—

8 “(1) REQUIRED STANDARDS.—Not later than 2
9 months after the date of the enactment of the Vot-
10 ing Technology Standards Act of 2001, the Director,
11 in cooperation with other Federal agencies, State
12 and local governments, professional associations of
13 elections officials, standards development organiza-
14 tions, industry and industry organizations, and oth-
15 ers the Director considers appropriate, shall publish
16 in the Federal Register a notice that—

17 “(A) identifies the standards required to
18 ensure the usability, accuracy, integrity, and se-
19 curity of United States voting products and sys-
20 tems; and

21 “(B) outlines a strategy for the develop-
22 ment of those standards, including an identi-
23 fication of the entity or entities responsible for
24 developing each standard.

25 “(2) CONSENSUS STANDARDS.—

1 “(A) DEVELOPMENT.—Consistent with
2 section 12(d) of the National Technology
3 Transfer and Advancement Act of 1995 (15
4 U.S.C. 272 note), the Director shall ensure the
5 development and publication of voluntary con-
6 sensus-based standards to ensure the usability,
7 accuracy, integrity, and security of voting prod-
8 ucts and systems used in the United States.

9 “(B) COORDINATION.—In conducting ac-
10 tivities under subparagraph (A), the Director
11 shall coordinate with other Federal agencies,
12 State and local governments, professional asso-
13 ciations of elections officials, standards develop-
14 ment organizations, industry and industry orga-
15 nizations, and others the Director considers ap-
16 propriate.

17 “(3) PROVISIONAL STANDARDS.—

18 “(A) ESTABLISHMENT.—If a standard
19 identified under paragraph (1)(A) is not devel-
20 oped and published under paragraph (2) within
21 6 months after the date of the enactment of the
22 Voting Technology Standards Act of 2001, the
23 Director shall establish a provisional standard,
24 in cooperation with other Federal agencies,
25 State and local governments, professional asso-

1 ciations of elections officials, standards develop-
2 ment organizations, industry and industry orga-
3 nizations, and others the Director considers ap-
4 propriate, and using, to the extent practicable,
5 the available work product of the entity or enti-
6 ties responsible, under the strategy outlined
7 under paragraph (1)(B), for developing the
8 standard.

9 “(B) PUBLICATION AND WITHDRAWAL.—A
10 provisional standard established under this
11 paragraph shall be published in the Federal
12 Register, shall take effect 30 days after such
13 publication, and shall remain in effect until the
14 appropriate standard is developed and published
15 under paragraph (2). When such a standard is
16 developed and published under paragraph (2),
17 the Director shall withdraw the provisional
18 standard established under subparagraph (A) of
19 this paragraph.

20 “(4) WAIVER OF REQUIREMENT TO ESTABLISH
21 PROVISIONAL STANDARD.—The Director may waive,
22 for a duration of not longer than 3 months, the re-
23 quirement under paragraph (3)(A) to establish a
24 provisional standard if the Director determines that

1 a standard will be developed under paragraph (2)
2 within a reasonable amount of time.

3 “(5) REVIEW OF STANDARDS.—The Director
4 shall review the standards developed under para-
5 graph (2) at the conclusion of every even numbered
6 year and, if the Director considers it necessary, shall
7 ensure the development of updated standards con-
8 sistent with section 12(d) of the National Tech-
9 nology Transfer and Advancement Act of 1995 (15
10 U.S.C. 272 note).

11 “(b) VOTING TECHNOLOGY PROGRAM.—

12 “(1) RESEARCH.—The Director shall establish
13 a program for research in areas that support the de-
14 velopment of standards for voting products and sys-
15 tems under subsection (a). Such program shall
16 address—

17 “(A) the security of computers and net-
18 works used in voting products and systems;

19 “(B) methods of ensuring the performance
20 of computer software and other aspects of vot-
21 ing products and systems;

22 “(C) human factors, including the inter-
23 action between people and devices or computers,
24 usability engineering, and access for the dis-
25 abled;

1 “(D) methods to detect and prevent fraud;
2 and

3 “(E) technological issues related to remote
4 access voting, including Internet voting, and
5 voter privacy.

6 “(2) TECHNICAL ASSISTANCE.—The Director
7 shall provide, upon request, technical assistance to
8 State and local governments to promote and improve
9 the usability, accuracy, integrity, and security of vot-
10 ing products and systems, including conducting per-
11 formance evaluations, checking error rates, and eval-
12 uating best management practices before, during,
13 and after a Federal election, and shall give priority
14 to those States and local governments demonstrating
15 the greatest need.

16 “(3) ACCREDITATION OF CERTIFYING LABORA-
17 TORIES.—The Director shall accredit laboratories to
18 test, evaluate, and certify voting products and sys-
19 tems for conformance with the standards developed
20 under subsection (a). The Director shall establish an
21 accreditation fee for laboratories. The Director may
22 waive the accreditation fee in appropriate cir-
23 cumstances.

24 “(4) GRANTS TO LABORATORIES.—If the Direc-
25 tor determines that laboratories accredited under

1 paragraph (3) do not have the resources to meet the
2 demand to test and evaluate voting products and
3 systems, and that a backlog exists, the Director may
4 provide financial assistance to such laboratories to
5 support additional testing and evaluation.

6 “(5) INFORMATION DISSEMINATION.—The Di-
7 rector shall, directly or through appropriate arrange-
8 ments with other parties—

9 “(A) maintain and make publicly available
10 a list of voting products and systems that have
11 been certified by laboratories accredited under
12 paragraph (3); and

13 “(B) disseminate technical information,
14 standards, and information on the experience of
15 State and local governments receiving technical
16 assistance under paragraph (2), to ensure the
17 usability, accuracy, integrity, and security of
18 United States voting products and systems.”.

19 **SEC. 4. REPORT TO CONGRESS.**

20 Not later than 6 months after the date of the enact-
21 ment of this Act, the Director shall transmit to the Con-
22 gress a report that—

23 (1) identifies the areas of human factors re-
24 search, including usability engineering and human-
25 computer and human-machine interaction, that fea-

1 sibly could be applied to voting products and sys-
2 tems design to ensure the usability and accuracy of
3 United States voting products and systems, includ-
4 ing to improve access by the disabled and to reduce
5 voter error and the number of spoiled ballots in elec-
6 tions; and

7 (2) assesses the potential demand by State and
8 local governments for technical assistance available
9 under section (29)(b)(2) of the National Institute of
10 Standards and Technology Act (as added by section
11 3(b)(2) of this Act), and the feasibility of developing
12 other means to address that demand.

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