

110TH CONGRESS
2D SESSION

H. R. 5803

To direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on House Administration

A BILL

To direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, 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. GRANTS TO STATES AND UNITS OF LOCAL GOV-**
2 **ERNMENT FOR MAKING BACKUP PAPER BAL-**
3 **LOTS AVAILABLE IN CASE OF VOTING SYS-**
4 **TEM OR EQUIPMENT FAILURE OR OTHER**
5 **EMERGENCY SITUATION.**

6 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
7 SION.—The Election Assistance Commission (hereafter re-
8 ferred to as the “Commission”) shall establish a program
9 under which the Commission shall make a grant to each
10 participating State and each participating unit of local
11 government for carrying out a program to make backup
12 paper ballots available in the case of the failure of a voting
13 system or voting equipment or some other emergency situ-
14 ation in the administration of the regularly scheduled gen-
15 eral election for Federal office held in November 2008.

16 (b) REQUIREMENTS FOR ELIGIBILITY.—

17 (1) APPLICATION.—A State or unit of local gov-
18 ernment is eligible to participate in the program es-
19 tablished by the Commission under this Act if the
20 State or unit of local government submits an appli-
21 cation to the Commission at such time and in such
22 manner as the Commission shall require, and in-
23 cludes in the application—

24 (A) a certification that the State or unit of
25 local government has established a program
26 that meets the requirements of paragraph (2)

1 to make backup paper ballots available in the
2 case of the failure of a voting system or voting
3 equipment or some other emergency situation;

4 (B) a statement of the reasonable costs the
5 State or unit of local government expects to
6 incur in carrying out its program;

7 (C) a certification that, not later than 60
8 days after the date of the election, the State or
9 unit of local government will provide the Com-
10 mission with a statement of the actual costs in-
11 curred in carrying out its program;

12 (D) a certification that the State or unit of
13 local government will repay the Commission any
14 amount by which the payment made under this
15 Act exceeds the actual costs incurred in car-
16 rying out its program; and

17 (E) such other information and certifi-
18 cations as the Commission may require.

19 (2) PROGRAM REQUIREMENTS.—The require-
20 ments of this paragraph for a program to make
21 backup paper ballots available in the case of the fail-
22 ure of a voting system or voting equipment or some
23 other emergency situation are as follows:

24 (A) In the event that the voting equipment
25 at a polling place malfunctions and cannot be

1 used to cast ballots on the date of the election
2 or some other emergency situation exists which
3 prevents the use of such equipment to cast bal-
4 lots on that date, any individual who is waiting
5 at the polling place on that date to cast a ballot
6 in the election and who would be delayed due
7 to such malfunction or other emergency situa-
8 tion shall be notified by the appropriate election
9 official of the individual's right to use a backup
10 paper ballot, and shall be provided with a
11 backup paper ballot for the election, the sup-
12 plies necessary to mark the ballot, and instruc-
13 tions on how to mark the ballot to prevent over-
14 votes.

15 (B) Any backup paper ballot which is cast
16 by an individual pursuant to the program of a
17 State or unit of local government shall be
18 counted as a regular ballot cast in the election
19 and tabulated on the date of the election, and
20 shall not be treated (for eligibility purposes) as
21 a provisional ballot under section 302(a) of the
22 Help America Vote Act of 2002, unless the in-
23 dividual casting the ballot would have otherwise
24 been required to cast a provisional ballot if the
25 voting equipment at the polling place had not

1 malfunctioned or an emergency situation had
2 not existed which prevented the use of such
3 equipment to cast ballots.

4 (C) The program of a State or unit of local
5 government is carried out in accordance with
6 standards established by the State or unit of
7 local government which include protocols for de-
8 livering and supplying backup paper ballots to
9 polling places and for notifying individuals of
10 the right to use the backup paper ballots.

11 (c) AMOUNT OF GRANT.—The amount of a grant
12 made to a State or unit of local government under the
13 program established by the Commission under this Act
14 shall be equal to the amount of the reasonable costs the
15 State or unit of local government expects to incur in car-
16 rying out its program, as provided in the application under
17 subsection (b)(1)(B).

18 **SEC. 2. STATE DEFINED.**

19 In this Act, the term “State” includes the District
20 of Columbia, the Commonwealth of Puerto Rico, Guam,
21 American Samoa, and the United States Virgin Islands.

22 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated for grants
24 under the program established by the Commission under
25 this Act \$75,000,000. Any amount appropriated pursuant

1 to the authority of this section shall remain available with-
2 out fiscal year limitation until expended.

○