

Union Calendar No. 398

110TH CONGRESS
2^D SESSION

H. R. 5803

[Report No. 110-637]

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

MAY 15, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

3 **SECTION 1. GRANTS TO STATES AND UNITS OF LOCAL GOV-**
 4 **ERNMENT FOR MAKING BACKUP PAPER BAL-**
 5 **LOTS AVAILABLE IN CASE OF VOTING SYS-**
 6 **TEM OR EQUIPMENT FAILURE OR OTHER**
 7 **EMERGENCY SITUATION.**

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

18 (b) REQUIREMENTS FOR ELIGIBILITY.—

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

1 manner as the Commission shall require, and in-
2 cludes in the application—

3 (A) a certification that the State or unit of
4 local government has established a program
5 that meets the requirements of paragraph (2)
6 to make backup paper ballots available in the
7 case of the failure of a voting system or voting
8 equipment or some other emergency situation;

9 (B) a statement of the reasonable costs the
10 State or unit of local government expects to
11 incur in carrying out its program;

12 (C) a certification that, not later than 60
13 days after the date of the election, the State or
14 unit of local government will provide the Com-
15 mission with a statement of the actual costs in-
16 curred in carrying out its program;

17 (D) a certification that the State or unit of
18 local government will repay the Commission any
19 amount by which the payment made under this
20 Act exceeds the actual costs incurred in car-
21 rying out its program; and

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

24 (2) PROGRAM REQUIREMENTS.—The require-
25 ments of this paragraph for a program to make

1 backup paper ballots available in the case of the fail-
2 ure of a voting system or voting equipment or some
3 other emergency situation are as follows:

4 (A) In the event that the voting equipment
5 at a polling place malfunctions and cannot be
6 used to cast ballots on the date of the election
7 or some other emergency situation exists which
8 prevents the use of such equipment to cast bal-
9 lots on that date, any individual who is waiting
10 at the polling place on that date to cast a ballot
11 in the election and who would be delayed due
12 to such malfunction or other emergency situa-
13 tion shall be notified by the appropriate election
14 official of the individual's right to use a backup
15 paper ballot, and shall be provided with a
16 backup paper ballot for the election, the sup-
17 plies necessary to mark the ballot, and instruc-
18 tions on how to mark the ballot to prevent over-
19 votes.

20 (B) Any backup paper ballot which is cast
21 by an individual pursuant to the program of a
22 State or unit of local government shall be
23 counted as a regular ballot cast in the election
24 and tabulated on the date of the election, and
25 shall not be treated (for eligibility purposes) as

1 a provisional ballot under section 302(a) of the
2 Help America Vote Act of 2002, unless the in-
3 dividual casting the ballot would have otherwise
4 been required to cast a provisional ballot if the
5 voting equipment at the polling place had not
6 malfunctioned or an emergency situation had
7 not existed which prevented the use of such
8 equipment to cast ballots.

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

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

1 **SEC. 2. STATE DEFINED.**

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

5 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for grants
7 under the program established by the Commission under
8 this Act \$75,000,000. Any amount appropriated pursuant
9 to the authority of this section shall remain available with-
10 out fiscal year limitation until expended.

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