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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Help America Vote Act of 2002 to require States to conduct post-election audits for elections for Federal office and to provide attestations of the integrity and security of voter identification and voter registration list maintenance procedures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Help America Vote Act of 2002 to require States to conduct post-election audits for elections for Federal office and to provide attestations of the integrity and security of voter identification and voter registration list maintenance procedures, 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 “Verification and Over-
5 sight for Transparent Elections, Registration, and Identi-
6 fications Act” or the “VOTER ID Act”.

1 **SEC. 2. REQUIRING POST-ELECTION AUDITS OF ELECTIONS**
2 **FOR FEDERAL OFFICE.**

3 (a) REQUIREMENT.—Subtitle A of title III of the
4 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)
5 is amended—

6 (1) by redesignating sections 304 and 305 as
7 sections 305 and 306; and

8 (2) by inserting after section 303 the following
9 new section:

10 **“SEC. 304. POST-ELECTION AUDITS.**

11 “(a) REQUIREMENT.—Each State shall conduct an
12 audit of the results of each regularly scheduled general
13 election for Federal office held in the State and submit
14 the audit to the Commission.

15 “(b) CONTENTS OF AUDIT.—The audit conducted
16 under this section with respect to an election shall include
17 an audit of the accuracy of the voting systems used to
18 carry out the election, together with an assessment of the
19 extent to which the State administered the election in com-
20 pliance with applicable laws, rules, and procedures, includ-
21 ing laws, rules, and procedures governing requirements for
22 voter identification, the accuracy of voter registration lists,
23 the use of absentee and mail-in voting, the effectiveness
24 of the methods used by the State to ensure that voters
25 with disabilities were able to cast ballots, the use of provi-
26 sional ballots, and the timing of the tabulation of ballots.

1 “(c) USE OF DESIGNATED ENTITY.—A State shall
2 conduct the audit under this section through an entity des-
3 ignated by the State for purposes of this section which
4 meets such requirements as the State may provide.

5 “(d) PROVISION OF INFORMATION.—The appropriate
6 State and local election officials shall provide the entity
7 conducting an audit under this section with such informa-
8 tion and assistance as the entity may require to conduct
9 the audit in accordance with the deadline described in sub-
10 section (a).

11 “(e) DISSEMINATION OF AUDITS.—

12 “(1) INCLUSION IN SURVEY.—The State shall
13 include the audit of the results of an election under
14 this section in the Election Administration and Vot-
15 ing Survey the State submits to the Commission
16 with respect to the election.

17 “(2) ONLINE AVAILABILITY.—Each State shall
18 make the audits it conducts under this section pub-
19 licly available on a website of the State in a search-
20 able and sortable electronic manner.

21 “(f) EFFECTIVE DATE.—This section shall apply
22 with respect to the regularly scheduled general elections
23 for Federal office held in November 2022 and each suc-
24 ceeding regularly scheduled general election for Federal
25 office.”.

1 (b) CONFORMING AMENDMENTS RELATING TO VOL-
2 UNTARY GUIDANCE OF COMMISSION.—

3 (1) INCLUSION OF RECOMMENDATIONS FOR
4 BEST PRACTICES.—Section 311 of such Act (52
5 U.S.C. 21101) is amended—

6 (A) by redesignating subsections (b) and
7 (c) as subsections (c) and (d); and

8 (B) by inserting after subsection (a) the
9 following new subsection:

10 “(b) SPECIAL REQUIREMENTS FOR GUIDANCE RE-
11 LATING TO POST-ELECTION AUDITS.—In the case of the
12 recommendations with respect to the requirement under
13 section 304 to conduct post-election audits, the following
14 shall apply:

15 “(1) Notwithstanding section 212, the Election
16 Assistance Commission Standards Board under part
17 2 of subtitle A of title II shall develop the rec-
18 ommendations directly.

19 “(2) The Standards Board shall include in the
20 recommendations best practices for conducting the
21 audits required under section 304.

22 “(3) The Standards Board shall include as part
23 of such best practices—

24 “(A) a recommendation that the entity
25 conducting the audits is bipartisan; and

1 “(B) a recommendation that, in the case of
2 an election for the office of Senator or Rep-
3 resentative in Congress (including an election
4 for the office of Delegate or Resident Commis-
5 sioner to the Congress), the State complete the
6 audit of the results of the election not later
7 than 30 days after the State certifies the re-
8 sults of the election.”.

9 (2) TIMING.—Subsection (c) of section 311 of
10 such Act (52 U.S.C. 21101), as redesignated by
11 paragraph (1), is amended—

12 (A) by striking “and” at the end of para-
13 graph (2);

14 (B) by striking the period at the end of
15 paragraph (3) and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(4) in the case of the recommendations with
19 respect to section 304, January 1, 2022.”.

20 (c) CONFORMING AMENDMENT RELATING TO EN-
21 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
22 is amended by striking “sections 301, 302, and 303” and
23 inserting “subtitle A of title III”.

24 (d) CLERICAL AMENDMENT.—The table of contents
25 of such Act is amended—

1 (1) by redesignating the items relating to sec-
2 tions 304 and 305 as relating to sections 305 and
3 306; and

4 (2) by inserting after the item relating to sec-
5 tion 303 the following:

“Sec. 304. Post-election audits.”.

6 **SEC. 3. ATTESTATIONS OF INTEGRITY OF VOTER IDENTI-**
7 **FICATION PROCEDURES AND VOTER REG-**
8 **ISTRATION LIST MAINTENANCE.**

9 (a) **REQUIRING ATTESTATIONS.**—Subtitle A of title
10 III of the Help America Vote Act of 2002 (52 U.S.C.
11 21081 et seq.), as amended by section 2(a), is further
12 amended—

13 (1) by redesignating sections 305 and 306 as
14 sections 306 and 307; and

15 (2) by inserting after section 304 the following
16 new section:

17 **“SEC. 305. ATTESTATIONS OF INTEGRITY OF PROCEDURES.**

18 **“(a) REQUIREMENT.**—Each State shall include in the
19 Policy Survey submitted to the Commission with respect
20 to a regularly scheduled general election for Federal office
21 the following attestations:

22 **“(1)** An attestation that the State has in effect
23 voter identification procedures and practices which
24 will ensure the integrity and security of the election
25 by providing a secure method to match voters with

1 the information contained in the State's voter reg-
2 istration list.

3 “(2) An attestation that the State has in effect
4 procedures and practices which will ensure the integ-
5 rity and security of the State's voter registration list
6 by performing regular maintenance of the list in ac-
7 cordance with applicable Federal and State law.

8 “(b) INCLUSION OF INFORMATION FROM POST-ELEC-
9 TION AUDITS.—Each State shall include in the attesta-
10 tions submitted under subsection (a) the results of the
11 most recent post-election audit conducted by the State
12 under section 304 with respect to the information provided
13 in the attestation.

14 “(c) ONLINE AVAILABILITY.—Each State shall make
15 the attestations under this section publicly available on a
16 website of the State in a searchable and sortable electronic
17 manner.

18 “(d) EFFECTIVE DATE.—This section shall apply
19 with respect to the regularly scheduled general elections
20 for Federal office held in November 2022 and each suc-
21 ceeding regularly scheduled general election for Federal
22 office.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by section 2(d), is further amend-
25 ed—

1 (1) by redesignating the items relating to sec-
2 tions 305 and 306 as relating to sections 306 and
3 307; and

4 (2) by inserting after the item relating to sec-
5 tion 304 the following:

“Sec. 305. Attestations of integrity of procedures.”.