

Union Calendar No. 158

107TH CONGRESS
1ST SESSION

H. R. 2275

[Report No. 107-263]

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

OCTOBER 31, 2001

Additional sponsors: Mr. LAMPSON, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. BAIRD, Ms. RIVERS, Mr. GORDON, Mr. SHAYS, Mrs. MORELLA, Mr. BOEHLERT, and Ms. HART

OCTOBER 31, 2001

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 21, 2001]

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 sys-

tems 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”.*

6 **SEC. 2. DEFINITIONS.**

7 *For purposes of this Act—*

8 (1) *the term “technical standards” means per-*
 9 *formance-based standards and conformance specifica-*
 10 *tions; and*

11 (2) *the term “voting products and systems” in-*
 12 *cludes products and systems relating to every stage of*
 13 *the voting process, from voter registration through re-*
 14 *counts and archiving.*

15 **SEC. 3. VOTING TECHNOLOGY STANDARDS.**

16 (a) *COMMISSION.—*

17 (1) *ESTABLISHMENT.—There is established a*
 18 *commission to develop voluntary technical standards*
 19 *to ensure the usability, accuracy, security, and integ-*
 20 *egrity of United States voting products and systems.*

21 (2) *MEMBERSHIP.—The Commission shall con-*
 22 *sist of—*

1 (A) *the Director of the National Institute of*
2 *Standards and Technology, who shall serve as*
3 *the chair of the Commission;*

4 (B) *two representatives of the National As-*
5 *sociation of State Election Directors, selected by*
6 *that association, one Republican and one Demo-*
7 *crat;*

8 (C) *one representative of the American Na-*
9 *tional Standards Institute, selected by that insti-*
10 *tute; and*

11 (D) *nine additional members selected by the*
12 *members described in subparagraphs (A) through*
13 *(C) by unanimous vote, of which at least two*
14 *shall be local election officials;*

15 (3) *TERMS.—(A) Except as provided in subpara-*
16 *graph (B), (C), or (D) of this paragraph, each mem-*
17 *ber selected under paragraph (2)(B), (C), or (D) shall*
18 *serve a term of 6 years.*

19 (B) *Four of the members initially appointed*
20 *under paragraph (2)(D) shall be appointed for an*
21 *initial term of 3 years.*

22 (C) *The members initially appointed under*
23 *paragraph (2)(B) shall be appointed for an initial*
24 *term of 4 years.*

1 (D) *The member initially appointed under para-*
2 *graph (2)(C) shall be appointed for an initial term*
3 *of 5 years.*

4 (E) *Members may serve for more than 1 term,*
5 *but not more than 3 terms.*

6 (F) *Any member appointed under paragraph*
7 *(2)(D) to fill a vacancy occurring before the expira-*
8 *tion of the term for which the member's predecessor*
9 *was appointed shall be appointed only for the re-*
10 *mainder of that term. A member may serve after the*
11 *expiration of that member's term until a successor has*
12 *taken office, but not more than 1 year. A vacancy in*
13 *the Commission shall be filled in the manner in*
14 *which the original appointment was made.*

15 (4) *TRAVEL EXPENSES.—Each member shall re-*
16 *ceive travel expenses, including per diem in lieu of*
17 *subsistence, in accordance with applicable provisions*
18 *under subchapter I of chapter 57 of title 5, United*
19 *States Code.*

20 (5) *QUORUM.—The Commission shall conduct no*
21 *business, other than appointing members under para-*
22 *graph (2)(D), before all members of the Commission*
23 *have been appointed. Nine members of the Commis-*
24 *sion shall constitute a quorum.*

1 (6) *ADMINISTRATIVE AND TECHNICAL SUP-*
2 *PORT.*—*Upon the request of the Commission, the Di-*
3 *rector of the National Institute of Standards and*
4 *Technology shall provide to the Commission the ad-*
5 *ministrative and technical support necessary for the*
6 *Commission to carry out its responsibilities under*
7 *this Act.*

8 (b) *DEVELOPMENT OF VOLUNTARY TECHNICAL STAND-*
9 *ARDS.*—

10 (1) *PROCEDURES.*—*Not later than 90 days after*
11 *the date of the enactment of this Act, the Commission*
12 *shall publish in the Federal Register a description of*
13 *the procedures it will use to establish voluntary tech-*
14 *anical standards under this subsection, along with a*
15 *list of the members of the Commission.*

16 (2) *ESTABLISHMENT OF VOLUNTARY TECHNICAL*
17 *STANDARDS.*—*Not later than 9 months after the date*
18 *of the enactment of this Act, the Commission shall es-*
19 *tablish, and publish in the Federal Register, such vol-*
20 *untary technical standards as are necessary to ensure*
21 *the usability, accuracy, security, and integrity of*
22 *United States voting products and systems.*

23 (3) *REVIEW AND UPDATE.*—*The Commission*
24 *shall review the voluntary technical standards estab-*
25 *lished under this subsection at the conclusion of every*

1 *even-numbered year, and shall determine whether new*
2 *or updated voluntary technical standards are nec-*
3 *essary to ensure the usability, accuracy, security, and*
4 *integrity of United States voting products and sys-*
5 *tems. If the Commission determines that such new or*
6 *updated voluntary technical standards are necessary,*
7 *the Commission shall publish in the Federal Register*
8 *the findings of its review, an explanation for its deci-*
9 *sion, and the new or updated voluntary technical*
10 *standards.*

11 **SEC. 4. LABORATORY ACCREDITATION.**

12 *Not later than 6 months after the initial publication*
13 *of voluntary technical standards established under section*
14 *3(b)(2), the National Institute of Standards and Technology*
15 *shall accredit independent, non-Federal laboratories to test*
16 *and certify that voting products and systems conform with*
17 *the voluntary technical standards established by the Com-*
18 *mission. The National Institute of Standards and Tech-*
19 *nology shall make an effort to accredit at least one minor-*
20 *ity-owned laboratory.*

21 **SEC. 5. INFORMATION DISSEMINATION.**

22 *The National Institute of Standards and Technology,*
23 *after consultation with the Commission, shall—*

24 (1) *disseminate voluntary technical standards es-*
25 *tablished under section 3(b), other relevant technical*

1 *information, guidelines for usage of the voluntary*
2 *technical standards, and any other information ap-*
3 *propriate to assist in the implementation of the vol-*
4 *untary technical standards;*

5 *(2) maintain and make available a list of lab-*
6 *oratories accredited under section 4; and*

7 *(3) maintain and make available, including*
8 *through the Internet, a list of United States voting*
9 *products and systems that have been certified by a*
10 *laboratory accredited under section 4 to conform with*
11 *the voluntary technical standards established by the*
12 *Commission.*

13 **SEC. 6. RESEARCH AND DEVELOPMENT PROGRAM.**

14 *The Director of the National Institute of Standards*
15 *and Technology shall establish a program for research and*
16 *development in areas to support the development of vol-*
17 *untary technical standards established under section 3(b)*
18 *for voting products and systems, including research and de-*
19 *velopment on—*

20 *(1) the security of computers, computer networks,*
21 *and computer data storage used in voting products*
22 *and systems, including methods to detect and prevent*
23 *fraud;*

24 *(2) protection of voter privacy;*

1 (3) *human factors in the design and application*
2 *of voting products and systems, including assistive*
3 *technologies for persons with disabilities and varying*
4 *levels of literacy; and*

5 (4) *remote access voting, including Internet vot-*
6 *ing.*

7 **SEC. 7. REPORTS TO CONGRESS.**

8 (a) *ONE-YEAR REPORT.*—*Not later than 1 year after*
9 *the date of the enactment of this Act, the Commission shall*
10 *transmit to the Congress a report that—*

11 (1) *assesses the areas of human factors research,*
12 *including usability engineering and human-computer*
13 *and human-machine interaction, that feasibly could*
14 *be applied to voting products and systems design to*
15 *ensure the usability and accuracy of United States*
16 *voting products and systems, including to improve ac-*
17 *cess by the disabled and to reduce voter error and the*
18 *number of spoiled ballots in elections;*

19 (2) *assesses the potential demand by State and*
20 *local governments for technical assistance in imple-*
21 *menting voluntary technical standards established*
22 *under section 3(b), and makes recommendations on*
23 *how best to address that demand;*

1 (3) makes recommendations for methods of pro-
2 moting the implementation of voluntary technical
3 standards established under section 3(b); and

4 (4) assesses the need for a grant program or
5 other mechanism to ensure the accreditation and op-
6 eration of a sufficient number of laboratories to test
7 and certify voting products and systems.

8 (b) *TEN-YEAR REPORT*.—Not later than 10 years after
9 the date of the enactment of this Act, the Commission shall
10 transmit to the Congress a report that—

11 (1) identifies the States that have voluntarily
12 complied with standards established pursuant to this
13 Act; and

14 (2) assesses the impact of this Act on the accu-
15 racy of vote tabulation.

Amend the title so as to read: “A bill 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.”.

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