

AMENDMENT TO H.R. 1

OFFERED BY MRS. SPARTZ OF INDIANA

Page 239, line 2, strike “and”.

Page 239, line 6, strike the period and insert “;
and”.

Page 239, insert after line 6 the following:

1 (D) may report information to the Attor-
2 ney General on voting fraud and otherwise ille-
3 gal voting activity.

Page 243, insert after line 5 the following (and re-
designate the succeeding provisions accordingly):

4 (3) a compilation and description of the reports
5 made to the service by individuals citing instances of
6 voting fraud and otherwise illegal voting activity, to-
7 gether with a description of any actions taken in re-
8 sponse to such instances of voting fraud and other-
9 wise illegal voting activity;

Page 243, line 15, insert “and voter fraud” after
“suppression”.

Page 366, strike line 1 and all that follows through
page 372, line 7 and insert the following:

1 **PART 2—GRANTS FOR RISK-LIMITING AUDITS**
2 **AND RISK-BASED PROCEDURE AUDITS OF**
3 **ELECTIONS**

4 **SEC. 3011. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
5 **ITING AUDITS AND RISK-BASED PROCEDURE**
6 **AUDITS OF ELECTIONS.**

7 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
8 II of the Help America Vote Act of 2002 (52 U.S.C.
9 21001 et seq.), as amended by sections 1622(b) and
10 3001(a), is amended by adding at the end the following
11 new part:

12 **“PART 9—GRANTS FOR CONDUCTING RISK-LIM-**
13 **ITING AUDITS AND RISK-BASED PROCEDURE**
14 **AUDITS OF ELECTIONS**

15 **“SEC. 299. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
16 **DITS AND RISK-BASED PROCEDURE AUDITS**
17 **OF ELECTIONS.**

18 “(a) AVAILABILITY OF GRANTS.—The Commission
19 shall make a grant to each eligible State to conduct risk-
20 limiting audits as described in subsection (b) and risk-
21 based procedure audits as described in subsection (c) with
22 respect to the regularly scheduled general elections for
23 Federal office held in November 2022 and each succeeding
24 election for Federal office.

25 “(b) RISK-LIMITING AUDITS DESCRIBED.—

1 “(1) RISK-LIMITING AUDITS DESCRIBED.—In
2 this part, a ‘risk-limiting audit’ is a post-election
3 process—

4 “(A) which is conducted in accordance
5 with rules and procedures established by the
6 chief State election official of the State which
7 meet the requirements of paragraph (2); and

8 “(B) under which, if the reported outcome
9 of the election is incorrect, there is at least a
10 predetermined percentage chance that the audit
11 will replace the incorrect outcome with the cor-
12 rect outcome as determined by a full, hand-to-
13 eye tabulation of all votes validly cast in that
14 election that ascertains voter intent manually
15 and directly from voter-verifiable paper records.

16 “(2) REQUIREMENTS FOR RULES AND PROCE-
17 DURES.—The rules and procedures established for
18 conducting a risk-limiting audit shall include the fol-
19 lowing elements:

20 “(A) Rules for ensuring the security of bal-
21 lots and documenting that prescribed proce-
22 dures were followed.

23 “(B) Rules and procedures for ensuring
24 the accuracy of ballot manifests produced by
25 election agencies.

1 “(C) Rules and procedures for governing
2 the format of ballot manifests, cast vote
3 records, and other data involved in the audit.

4 “(D) Methods to ensure that any cast vote
5 records used in the audit are those used by the
6 voting system to tally the election results sent
7 to the chief State election official and made
8 public.

9 “(E) Procedures for the random selection
10 of ballots to be inspected manually during each
11 audit.

12 “(F) Rules for the calculations and other
13 methods to be used in the audit and to deter-
14 mine whether and when the audit of an election
15 is complete.

16 “(G) Procedures and requirements for
17 testing any software used to conduct risk-lim-
18 iting audits.

19 “(3) DEFINITIONS.—In this subsection, the fol-
20 lowing definitions apply:

21 “(A) The term ‘ballot manifest’ means a
22 record maintained by each election agency that
23 meets each of the following requirements:

1 “(i) The record is created without re-
2 liance on any part of the voting system
3 used to tabulate votes.

4 “(ii) The record functions as a sam-
5 pling frame for conducting a risk-limiting
6 audit.

7 “(iii) The record contains the fol-
8 lowing information with respect to the bal-
9 lots cast and counted in the election:

10 “(I) The total number of ballots
11 cast and counted by the agency (in-
12 cluding undervotes, overvotes, and
13 other invalid votes).

14 “(II) The total number of ballots
15 cast in each election administered by
16 the agency (including undervotes,
17 overvotes, and other invalid votes).

18 “(III) A precise description of
19 the manner in which the ballots are
20 physically stored, including the total
21 number of physical groups of ballots,
22 the numbering system for each group,
23 a unique label for each group, and the
24 number of ballots in each such group.

1 “(B) The term ‘incorrect outcome’ means
2 an outcome that differs from the outcome that
3 would be determined by a full tabulation of all
4 votes validly cast in the election, determining
5 voter intent manually, directly from voter-
6 verifiable paper records.

7 “(C) The term ‘outcome’ means the winner
8 of an election, whether a candidate or a posi-
9 tion.

10 “(D) The term ‘reported outcome’ means
11 the outcome of an election which is determined
12 according to the canvass and which will become
13 the official, certified outcome unless it is revised
14 by an audit, recount, or other legal process.

15 “(e) RISK-BASED PROCEDURE AUDITS DE-
16 SCRIBED.—

17 “(1) IN GENERAL.—In this part, a ‘risk-based
18 procedure audit’ is a process in which the State re-
19 views the procedures used to carry out the election,
20 based on risk, to determine how well the election is
21 conducted in accordance with State and Federal
22 laws, based the evaluations described in paragraph
23 (2).

24 “(2) SPECIFIC EVALUATIONS.—The evaluations
25 described in this paragraph are as follows:

1 “(A) Evaluation of voter registration pro-
2 cedures, including the following:

3 “(i) Proper use of voter registration
4 forms.

5 “(ii) Entry of data into the statewide
6 voter registration file.

7 “(iii) Proper use of other forms.

8 “(iv) Ability of procedures to accu-
9 rately determine eligibility of registrants.

10 “(B) Evaluation of proper use and oper-
11 ation of electronic poll books and other elec-
12 tronic systems.

13 “(C) Evaluation of voting systems.

14 “(D) Evaluation of absentee voting re-
15 quirements and procedures, including those
16 under section 307.

17 “(E) Evaluation of provisional ballot vot-
18 ing requirements and procedures, including
19 those under section 302(d).

20 “(F) Evaluation of voting-by-mail require-
21 ments, including those under section 307.

22 “(G) Evaluation of processes at contrib-
23 uting agencies, including institutions of higher
24 education, under section 1013 of the For the
25 People Act of 2021.

1 “(H) Evaluation of automatic registration
2 processes, including those under part 2 of sub-
3 title A of title I of the For the People Act of
4 2021.

5 “(I) Evaluation of secured drop box proce-
6 dures, including those under section 311.

7 “(J) Evaluation of other factors as deter-
8 mined by the State.

9 “(3) USE OF SAMPLING PERMITTED.—The
10 State may use sampling and other statistically valid
11 procedures for conducting a risk-based procedure
12 audit under this section.

13 **“SEC. 299A. ELIGIBILITY OF STATES.**

14 “A State is eligible to receive a grant under this part
15 if the State submits to the Commission, at such time and
16 in such form as the Commission may require, an applica-
17 tion containing—

18 “(1) a certification that, not later than 5 years
19 after receiving the grant, the State will conduct risk-
20 limiting audits and risk-based procedure audits as
21 described in section 299;

22 “(2) a certification that, not later than one year
23 after the date of the enactment of this section, the
24 chief State election official of the State has estab-
25 lished or will establish the rules and procedures for

1 conducting the audits which meet the requirements
2 of subsections (b) and (c) of section 299;

3 “(3) a certification that the audits shall be com-
4 pleted not later than the date on which the State
5 certifies the results of the election;

6 “(4) a certification that, after completing the
7 audits, the State shall publish a report on the re-
8 sults of the audits, together with such information
9 as necessary to confirm that the audits were con-
10 ducted properly;

11 “(5) a certification that, if a risk-limiting audit
12 or a risk-based procedure audit conducted under this
13 part leads to a full manual tally of an election, State
14 law requires that the State or election agency shall
15 use the results of the full manual tally as the official
16 results of the election; and

17 “(6) such other information and assurances as
18 the Commission may require.

19 **“SEC. 299B. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated for grants
21 under this part \$20,000,000 for fiscal year 2021, to re-
22 main available until expended.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 of such Act, as amended by sections 1622(c) and 3001(b),

1 is further amended by adding at the end of the items relat-
2 ing to subtitle D of title II the following:

“PART 9—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS AND RISK-
BASED PROCEDURE AUDITS OF ELECTIONS

“Sec. 299. Grants for conducting risk-limiting audits and risk-based proce-
dure audits of elections.

“Sec. 299A. Eligibility of States.

“Sec. 299B. Authorization of appropriations.

3 **SEC. 3012. GAO ANALYSIS OF EFFECTS OF AUDITS.**

4 (a) ANALYSIS.—Not later than 6 months after the
5 first election for Federal office is held after grants are
6 first awarded to States for conducting risk-limiting audits
7 and risk-based procedure audits under part 9 of subtitle
8 D of title II of the Help America Vote Act of 2002 (as
9 added by section 3011), the Comptroller General of the
10 United States shall conduct an analysis of the extent to
11 which such audits have improved the administration of
12 such elections and the security of election infrastructure
13 in the States receiving such grants.

14 (b) REPORT.—The Comptroller General of the
15 United States shall submit a report on the analysis con-
16 ducted under subsection (a) to the appropriate congres-
17 sional committees.

