

AMENDMENT TO H.R. 1

OFFERED BY MR. WESTERMAN OF ARKANSAS

Page 264, insert after line 20 the following (and re-designate the succeeding section accordingly):

1 **SEC. 1933. POST-ELECTION AUDITS; ATTESTATION OF IN-**
2 **TEGRITY OF PROCEDURES.**

3 (a) REQUIRING STATES TO CONDUCT POST-ELEC-
4 TION AUDITS AND ATTEST TO ACCURACY OF PROCE-
5 DURES.—Title IX of the Help America Vote Act of 2002
6 (52 U.S.C. 21141 et seq.), as amended by section 1932(a),
7 is amended adding at the end the following new section:

8 **“SEC. 908. POST-ELECTION AUDITS.**

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

13 “(b) CONTENTS OF AUDIT.—The audit conducted
14 under this section with respect to an election shall include
15 an audit of the accuracy of the voting systems used to
16 carry out the election, together with an assessment of the
17 extent to which the State administered the election in com-
18 pliance with applicable laws, rules, and procedures, includ-
19 ing laws, rules, and procedures governing requirements for

1 voter identification, the accuracy of voter registration lists,
2 the use of absentee and mail-in voting, the effectiveness
3 of the methods used by the State to ensure that voters
4 with disabilities were able to cast ballots, the use of provi-
5 sional ballots, and the timing of the tabulation of ballots.

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

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

16 “(e) DISSEMINATION OF AUDITS.—

17 “(1) INCLUSION IN SURVEY.—The State shall
18 include the audit of the results of an election under
19 this section in the Election Administration and Vot-
20 ing Survey the State submits to the Commission
21 with respect to the election.

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

1 “(f) ENFORCEMENT.—For purposes of title IV, the
2 requirements of this section shall be considered a require-
3 ment under subtitle A of title III.

4 “(g) EFFECTIVE DATE.—This section shall apply
5 with respect to the regularly scheduled general elections
6 for Federal office held in November 2022 and each suc-
7 ceeding regularly scheduled general election for Federal
8 office.

9 **“SEC. 909. ATTESTATIONS OF INTEGRITY OF PROCEDURES.**

10 “(a) REQUIREMENT.—Each State shall include in the
11 Policy Survey submitted to the Commission with respect
12 to a regularly scheduled general election for Federal office
13 the following attestations:

14 “(1) An attestation that the State has in effect
15 voter identification procedures and practices which
16 will ensure the integrity and security of the election
17 by providing a secure method to match voters with
18 the information contained in the State’s voter reg-
19 istration list.

20 “(2) An attestation that the State has in effect
21 procedures and practices which will ensure the integ-
22 rity and security of the State’s voter registration list
23 by performing regular maintenance of the list in ac-
24 cordance with applicable Federal and State law.

1 “(b) INCLUSION OF INFORMATION FROM POST-ELEC-
2 TION AUDITS.—Each State shall include in the attesta-
3 tions submitted under subsection (a) the results of the
4 most recent post-election audit conducted by the State
5 under section 304 with respect to the information provided
6 in the attestation.

7 “(c) ONLINE AVAILABILITY.—Each State shall make
8 the attestations under this section publicly available on a
9 website of the State in a searchable and sortable electronic
10 manner.

11 “(d) ENFORCEMENT.—For purposes of title IV, the
12 requirements of this section shall be considered a require-
13 ment under subtitle A of title III.

14 “(e) EFFECTIVE DATE.—This section shall apply
15 with respect to the regularly scheduled general elections
16 for Federal office held in November 2022 and each suc-
17 ceeding regularly scheduled general election for Federal
18 office.”.

19 (b) CONFORMING AMENDMENTS RELATING TO VOL-
20 UNTARY GUIDANCE OF COMMISSION.—

21 (1) INCLUSION OF RECOMMENDATIONS FOR
22 BEST PRACTICES.—Section 321 of such Act (52
23 U.S.C. 21101), as redesignated and amended by sec-
24 tion 1101(b), is amended—

1 (A) by redesignating subsections (b) and
2 (c) as subsections (c) and (d); and

3 (B) by inserting after subsection (a) the
4 following new subsection:

5 “(b) SPECIAL REQUIREMENTS FOR GUIDANCE RE-
6 LATING TO POST-ELECTION AUDITS.—In the case of the
7 recommendations with respect to the requirement under
8 section 908 to conduct post-election audits, the following
9 shall apply:

10 “(1) Notwithstanding section 212, the Election
11 Assistance Commission Standards Board under part
12 2 of subtitle A of title II shall develop the rec-
13 ommendations directly.

14 “(2) The Standards Board shall include in the
15 recommendations best practices for conducting the
16 audits required under section 908.

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

19 “(A) a recommendation that the entity
20 conducting the audits is bipartisan; and

21 “(B) a recommendation that, in the case of
22 an election for the office of Senator or Rep-
23 resentative in Congress (including an election
24 for the office of Delegate or Resident Commis-
25 sioner to the Congress), the State complete the

1 audit of the results of the election not later
2 than 30 days after the State certifies the re-
3 sults of the election.”.

4 (2) **TIMING.**—Subsection (c) of section 321 of
5 such Act (52 U.S.C. 21101), as redesignated by
6 paragraph (1) and as amended by section 1101(b)
7 and section 1611(b), is amended—

8 (A) by striking “and” at the end of para-
9 graph (4);

10 (B) by striking the period at the end of
11 paragraph (5) and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(6) in the case of the recommendations with
15 respect to section 908, January 1, 2022.”.

16 (b) **CLERICAL AMENDMENT.**—The table of contents
17 of title IX of such Act, as amended by section 1932(b),
18 is amended by adding at the end the following new item:

“Sec. 908. Post-election audits.

“Sec. 909. Attestations of integrity of procedures.”.

