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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Mississippi (for himself and Mr. BRADY of Pennsylvania) introduced the following bill; which was referred to the Committee on

A BILL

To protect elections for public office by providing financial support and enhanced security for the infrastructure used to carry out such elections, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Election Security Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of Congress on need to improve election infrastructure security.

TITLE I—FINANCIAL SUPPORT FOR ELECTION INFRASTRUCTURE

Subtitle A—Voting System Security Improvement Grants

- Sec. 101. Voting system security grants.
- Sec. 102. Coordination of voting system security activities with use of requirements payments and election administration requirements under Help America Vote Act of 2002.
- Sec. 103. Incorporation of definition of election infrastructure.

Subtitle B—Grants for Risk-limiting Audits of Results

- Sec. 111. Grants to States for conducting risk-limiting audits of results of elections.
- Sec. 112. GAO analysis of effects of audits.

Subtitle C—Election Infrastructure Innovation Grant Program

- Sec. 121. Election infrastructure innovation grant program.

TITLE II—SECURITY MEASURES

- Sec. 201. Election infrastructure designation.
- Sec. 202. Timely threat information.
- Sec. 203. Security clearance assistance for election officials.
- Sec. 204. Pre-election threat assessments.
- Sec. 205. Security risk and vulnerability assessments.
- Sec. 206. Annual Report.

TITLE III—ENHANCING PROTECTIONS FOR UNITED STATES DEMOCRATIC INSTITUTIONS

- Sec. 301. National strategy to protect United States democratic institutions.
- Sec. 302. National Commission to Protect United States Democratic Institutions.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Definitions.
- Sec. 402. Initial report on adequacy of resources available for implementation.

1 **SEC. 2. SENSE OF CONGRESS ON NEED TO IMPROVE ELEC-**
 2 **TION INFRASTRUCTURE SECURITY.**

3 It is the sense of Congress that, in light of the lessons
 4 learned from Russian interference in the 2016 Presi-
 5 dential election, the Federal Government should intensify
 6 its efforts to improve the security of election infrastructure
 7 in the United States.

1 **TITLE I—FINANCIAL SUPPORT**
2 **FOR ELECTION INFRASTRUC-**
3 **TURE**

4 **Subtitle A—Voting System Security**
5 **Improvement Grants**

6 **SEC. 101. VOTING SYSTEM SECURITY GRANTS.**

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.) is amended by adding at the end the fol-
10 lowing new part:

11 **“PART 7—GRANTS FOR OBTAINING PAPER BAL-**
12 **LOT VOTING SYSTEMS AND CARRYING OUT**
13 **VOTING SYSTEM IMPROVEMENTS**

14 **“SEC. 297. GRANTS FOR OBTAINING PAPER BALLOT VOTING**
15 **SYSTEMS AND CARRYING OUT VOTING SYS-**
16 **TEM SECURITY IMPROVEMENTS.**

17 “(a) AVAILABILITY AND USE OF GRANT.—The Com-
18 mission shall make a grant to each eligible State—

19 “(1) to replace voting systems which are not
20 qualified paper ballot voting systems with voting sys-
21 tems which are qualified paper ballot voting systems,
22 for use in the regularly scheduled general elections
23 for Federal office held in November 2018, in accord-
24 ance with section 297A; and

1 “(2) to carry out voting system security im-
2 provements described in section 297B with respect
3 to the regularly scheduled general elections for Fed-
4 eral office held in November 2018 and each suc-
5 ceeding election for Federal office.

6 “(b) AMOUNT OF GRANT.—The amount of a grant
7 made to a State under this section shall be such amount
8 as the Commission determines to be appropriate, except
9 that such amount may not be less than the product of
10 \$1 and the average of the number of individuals who cast
11 votes in any of the two most recent regularly scheduled
12 general elections for Federal office held in the State.

13 “(c) PRO RATA REDUCTIONS.—If the amount of
14 funds appropriated for grants under this part is insuffi-
15 cient to ensure that each State receives the amount of the
16 grant calculated under subsection (b), the Commission
17 shall make such pro rata reductions in such amounts as
18 may be necessary to ensure that the entire amount appro-
19 priated under this part is distributed to the States.

20 **“SEC. 297A. QUALIFIED PAPER BALLOT VOTING SYSTEMS.**

21 “(a) USE OF FUNDS TO OBTAIN SYSTEMS.—A State
22 may use a grant under this part—

23 “(1) to replace a voting system which is not a
24 qualified paper ballot voting systems with a qualified
25 paper ballot voting system; or

1 “(2) to replace a qualified paper voting system
2 which is not in compliance with the most recent vol-
3 untary voting system guidelines issued by the Com-
4 mission prior to the regularly scheduled general elec-
5 tion for Federal office held in November 2018 with
6 another qualified paper voting system which is in
7 compliance with such guidelines.

8 “(b) DEFINITION.—

9 “(1) IN GENERAL.—In this part, a ‘qualified
10 paper ballot voting system’ is a voting system which
11 requires the use of an individual, durable, paper bal-
12 lot marked by the voter by hand.

13 “(2) ACCESSIBILITY OF SYSTEMS FOR INDIVID-
14 UALS WITH DISABILITIES.—A voting system used by
15 individuals with disabilities may be treated as a
16 qualified paper ballot voting system for purposes of
17 this part if the system provides an individual with
18 an equivalent opportunity, including with privacy
19 and independence, to vote in a manner that produces
20 a paper ballot of the vote as for other voters.

21 **“SEC. 297B. VOTING SYSTEM SECURITY IMPROVEMENTS**
22 **DESCRIBED.**

23 “(a) PERMITTED USES.—A voting system security
24 improvement described in this section is any of the fol-
25 lowing:

1 “(1) The acquisition of goods and services from
2 qualified election infrastructure vendors by purchase,
3 lease, or such other arrangements as may be appro-
4 priate.

5 “(2) Cyber and risk mitigation training.

6 “(3) A security risk and vulnerability assess-
7 ment of the State’s election infrastructure which is
8 carried out by a provider of cybersecurity services
9 under a contract entered into between the chief
10 State election official and the provider, but only if
11 the chief State election official submits a request to
12 the Secretary of Homeland Security under section
13 205 of the Election Security Act to carry out a secu-
14 rity risk and vulnerability assessment of the State’s
15 election infrastructure and the Secretary does not
16 begin the assessment during the 90-day period which
17 begins on the date of the request.

18 “(4) The maintenance of election infrastruc-
19 ture, including addressing risks and vulnerabilities
20 which are identified under either of the security risk
21 and vulnerability assessments described in para-
22 graph (3), except that none of the funds provided
23 under this part may be used to renovate or replace
24 a building or facility which is used primarily for pur-

1 poses other than the administration of elections for
2 public office.

3 “(5) Providing increased technical support for
4 any information technology infrastructure that the
5 chief State election official deems to be part of the
6 State’s election infrastructure or designates as crit-
7 ical to the operation of the State’s election infra-
8 structure.

9 “(6) Enhancing the cybersecurity and oper-
10 ations of the information technology infrastructure
11 described in paragraph (4).

12 “(7) Enhancing the cybersecurity of voter reg-
13 istration systems.

14 “(b) QUALIFIED ELECTION INFRASTRUCTURE VEN-
15 DORS DESCRIBED.—

16 “(1) IN GENERAL.—For purposes of this part,
17 a ‘qualified election infrastructure vendor’ is any
18 person who provides, supports, or maintains, or who
19 seeks to provide, support, or maintain, election in-
20 frastructure on behalf of a State, unit of local gov-
21 ernment, or election agency (as defined in section
22 401 of the Election Security Act) who meets the cri-
23 teria described in paragraph (2).

24 “(2) CRITERIA.—The criteria described in this
25 paragraph are such criteria as the Chairman, in co-

1 ordination with the Secretary of Homeland Security,
2 shall establish and publish, and shall include each of
3 the following requirements:

4 “(A) The vendor must be owned and con-
5 trolled by a citizen or permanent resident of the
6 United States.

7 “(B) The vendor must disclose to the
8 Chairman and the Secretary, and to the chief
9 State election official of any State to which the
10 vendor provides any goods and services with
11 funds provided under this part, of any sourcing
12 outside the United States for parts of the elec-
13 tion infrastructure.

14 “(C) The vendor agrees to ensure that the
15 election infrastructure will be developed and
16 maintained in a manner that is consistent with
17 the cybersecurity best practices provided by the
18 Chairman in coordination with the Secretary.

19 “(D) The vendor agrees to maintain its in-
20 formation technology infrastructure in a man-
21 ner that is consistent with the cybersecurity
22 best practices provided by the Chairman in co-
23 ordination with the Secretary.

24 “(E) The vendor agrees to report any
25 known or suspected security incidents involving

1 election infrastructure to the chief State elec-
2 tion official of the State involved or the offi-
3 cial's designee, the Chairman, and the Sec-
4 retary.

5 **“SEC. 297C. ELIGIBILITY OF STATES.**

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

10 “(1) a description of how the State will use the
11 grant to carry out the activities authorized under
12 this part; and

13 “(2) such other information and assurances as
14 the Commission may require.

15 **“SEC. 297D. REPORTS TO CONGRESS.**

16 “Not later than 90 days after the end of each fiscal
17 year, the Commission shall submit a report to the appro-
18 priate congressional committees, including the Committees
19 on Homeland Security and House Administration of the
20 House of Representatives and the Committees on Home-
21 land Security and Governmental Affairs and Rules and
22 Administration of the Senate, on the activities carried out
23 with the funds provided under this part.

1 **“SEC. 297E. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) AUTHORIZATION.—There are authorized to be
3 appropriated for grants under this part—

4 “(1) \$1,000,000,000 for fiscal year 2018; and

5 “(2) \$175,000,000 for each of the fiscal years
6 2019, 2021, 2023, and 2025.

7 “(b) CONTINUING AVAILABILITY OF AMOUNTS.—Any
8 amounts appropriated pursuant to the authorization of
9 this section shall remain available until expended.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 of such Act is amended by adding at the end of the items
12 relating to subtitle D of title II the following:

“PART 7—GRANTS FOR OBTAINING PAPER BALLOT VOTING SYSTEMS AND
CARRYING OUT VOTING SYSTEM IMPROVEMENTS

“Sec. 297. Grants for obtaining paper ballot voting systems and carrying
out voting system security improvements.

“Sec. 297A. Qualified paper ballot voting systems.

“Sec. 297B. Voting system security improvements described.

“Sec. 297C. Eligibility of States.

“Sec. 297D. Reports to Congress.

“Sec. 297E. Authorization of appropriations.

13 **SEC. 102. COORDINATION OF VOTING SYSTEM SECURITY**
14 **ACTIVITIES WITH USE OF REQUIREMENTS**
15 **PAYMENTS AND ELECTION ADMINISTRATION**
16 **REQUIREMENTS UNDER HELP AMERICA**
17 **VOTE ACT OF 2002.**

18 (a) DUTIES OF ELECTION ASSISTANCE COMMIS-
19 SION.—Section 202 of the Help America Vote Act of 2002
20 (52 U.S.C. 20922) is amended in the matter preceding

1 paragraph (1) by striking “by” and inserting “and the se-
2 curity of election infrastructure by”.

3 (b) MEMBERSHIP OF SECRETARY OF HOMELAND SE-
4 CURITY ON BOARD OF ADVISORS OF ELECTION ASSIST-
5 ANCE COMMISSION.—Section 214(a) of such Act (52
6 U.S.C. 20944(a)) is amended—

7 (1) by striking “37 members” and inserting
8 “38 members”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(17) The Secretary of Homeland Security or
12 the Secretary’s designee.”.

13 (c) REPRESENTATIVE OF DEPARTMENT OF HOME-
14 LAND SECURITY ON TECHNICAL GUIDELINES DEVELOP-
15 MENT COMMITTEE.—Section 221(c)(1) of such Act (52
16 U.S.C. 20961(c)(1)) is amended—

17 (1) by redesignating subparagraph (E) as sub-
18 paragraph (F); and

19 (2) by inserting after subparagraph (D) the fol-
20 lowing new subparagraph:

21 “(E) A representative of the Department
22 of Homeland Security.”.

23 (d) GOALS OF PERIODIC STUDIES OF ELECTION AD-
24 MINISTRATION ISSUES; CONSULTATION WITH SECRETARY

1 OF HOMELAND SECURITY.—Section 241(a) of such Act
2 (52 U.S.C. 20981(a)) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “the Commission shall” and inserting “the
5 Commission, in consultation with the Secretary of
6 Homeland Security (as appropriate), shall”;

7 (2) by striking “and” at the end of paragraph
8 (3);

9 (3) by redesignating paragraph (4) as para-
10 graph (5); and

11 (4) by inserting after paragraph (3) the fol-
12 lowing new paragraph:

13 “(4) will be secure against attempts to under-
14 mine the integrity of election systems by cyber or
15 other means; and”.

16 (e) REQUIREMENTS PAYMENTS.—

17 (1) USE OF PAYMENTS FOR VOTING SYSTEM
18 SECURITY IMPROVEMENTS.—Section 251(b) of such
19 Act (52 U.S.C. 21001(b)) is amended by adding at
20 the end the following new paragraph:

21 “(3) PERMITTING USE OF PAYMENTS FOR VOT-
22 ING SYSTEM SECURITY IMPROVEMENTS.—A State
23 may use a requirements payment to carry out any
24 of the following activities:

25 “(A) Cyber and risk mitigation training.

1 “(B) Providing increased technical support
2 for any information technology infrastructure
3 that the chief State election official deems to be
4 part of the State’s election infrastructure or
5 designates as critical to the operation of the
6 State’s election infrastructure.

7 “(C) Enhancing the cybersecurity and op-
8 erations of the information technology infra-
9 structure described in subparagraph (B).

10 “(D) Enhancing the security of voter reg-
11 istration databases.”.

12 (2) INCORPORATION OF ELECTION INFRA-
13 STRUCTURE PROTECTION IN STATE PLANS FOR USE
14 OF PAYMENTS.—Section 254(a)(1) of such Act (52
15 U.S.C. 21004(a)(1)) is amended by striking the pe-
16 riod at the end and inserting “, including the protec-
17 tion of election infrastructure.”.

18 (3) COMPOSITION OF COMMITTEE RESPONSIBLE
19 FOR DEVELOPING STATE PLAN FOR USE OF PAY-
20 MENTS.—Section 255 of such Act (52 U.S.C.
21 21005) is amended—

22 (A) by redesignating subsection (b) as sub-
23 section (c); and

24 (B) by inserting after subsection (a) the
25 following new subsection:

1 “(b) GEOGRAPHIC REPRESENTATION.—The mem-
2 bers of the committee shall be a representative group of
3 individuals from the State’s counties, cities, towns, and
4 Indian tribes, and shall represent the needs of rural as
5 well as urban areas of the State, as the case may be.”.

6 (f) ENSURING PROTECTION OF COMPUTERIZED
7 STATEWIDE VOTER REGISTRATION LIST.—Section
8 303(a)(3) of such Act (52 U.S.C. 21083(a)(3)) is amend-
9 ed by striking the period at the end and inserting “, as
10 well as other measures to prevent and deter cybersecurity
11 incidents, as identified by the Commission and the Sec-
12 retary of Homeland Security.”.

13 **SEC. 103. INCORPORATION OF DEFINITION OF ELECTION**
14 **INFRASTRUCTURE.**

15 (a) IN GENERAL.—Section 901 of the Help America
16 Vote Act of 2001 (52 U.S.C. 21141) is amended to read
17 as follows:

18 **“SEC. 901. DEFINITIONS.**

19 “In this Act, the following definitions apply:

20 “(1) The term ‘election infrastructure’ has the
21 meaning given such term in section 401 of the Elec-
22 tion Security Act.

23 “(2) The term ‘State’ means each of the several
24 States, the District of Columbia, the Commonwealth

1 of Puerto Rico, Guam, American Samoa, and the
2 United States Virgin Islands.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 of such Act is amended by amending the item relating to
5 section 901 to read as follows:

“Sec. 901. Definitions.”.

6 **Subtitle B—Grants for Risk-**
7 **limiting Audits of Results**

8 **SEC. 111. GRANTS TO STATES FOR CONDUCTING RISK-LIM-**
9 **ITING AUDITS OF RESULTS OF ELECTIONS.**

10 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
11 II of the Help America Vote Act of 2002 (52 U.S.C.
12 21001 et seq.), as amended by section 101(a), is further
13 amended by adding at the end the following new part:

14 **“PART 8—GRANTS FOR CONDUCTING RISK-**
15 **LIMITING AUDITS OF RESULTS OF ELECTIONS**

16 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
17 **DITS OF RESULTS 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 section 297B with respect
21 to the regularly scheduled general elections for Federal of-
22 fice held in November 2018 and each succeeding election
23 for Federal office.

24 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
25 part, a risk-limiting audit is a manual tally of certain

1 marked paper ballots cast in an election which is con-
2 ducted in accordance with an audit protocol that—

3 “(1) makes use of statistical methods and is de-
4 signed to limit to acceptable levels the risk of certi-
5 fying a preliminary election outcome that is incon-
6 sistent with the election outcome that would be ob-
7 tained by conducting a full recount; and

8 “(2) provides for the selection of the election re-
9 sults that will be subject to the audit in accordance
10 with procedures established by the chief State elec-
11 tion official of the State under which the results of
12 all contested elections are eligible to be selected for
13 auditing.

14 **“SEC. 298A. ELIGIBILITY OF STATES.**

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

19 “(1) a certification that the State will conduct
20 risk-limiting audits of the results of elections for
21 Federal office as described in section 298; and

22 “(2) such other information and assurances as
23 the Commission may require.

1 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated for grants
3 under this part \$20,000,000 for fiscal year 2018, to re-
4 main available until expended.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of such Act, as amended by section 101(b), is further
7 amended by adding at the end of the items relating to
8 subtitle D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

9 **SEC. 112. GAO ANALYSIS OF EFFECTS OF AUDITS.**

10 (a) ANALYSIS.—Not later than 6 months after the
11 first election for Federal office is held after grants are
12 first awarded to States for conducting risk-limiting under
13 part 8 of subtitle D of title II of the Help America Vote
14 Act of 2002 (as added by section 111) for conducting risk-
15 limiting audits of elections for Federal office, the Comp-
16 troller General of the United States shall conduct an anal-
17 ysis of the extent to which such audits have improved the
18 administration of such elections and the security of elec-
19 tion infrastructure in the States receiving such grants.

20 (b) REPORT.—The Comptroller General of the
21 United States shall submit a report on the analysis con-

1 ducted under subsection (a) to each of the following Com-
2 mittees:

3 (1) The Committee on Homeland Security of
4 the House of Representatives.

5 (2) The Committee on House Administration
6 the House of Representatives.

7 (3) The Committee on Homeland Security and
8 Governmental Affairs of the Senate.

9 (4) The Committee on Rules and Administra-
10 tion of the Senate.

11 **Subtitle C—Election Infrastructure**
12 **Innovation Grant Program**

13 **SEC. 121. ELECTION INFRASTRUCTURE INNOVATION**
14 **GRANT PROGRAM.**

15 (a) IN GENERAL.—Title III of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended—

17 (1) by redesignating the second section 319 (re-
18 lating to EMP and GMD mitigation research and
19 development) as section 320; and

20 (2) by adding at the end the following new sec-
21 tion:

22 **“SEC. 321. ELECTION INFRASTRUCTURE INNOVATION**
23 **GRANT PROGRAM.**

24 “(a) ESTABLISHMENT.—The Secretary, acting
25 through the Under Secretary for Science and Technology,

1 in coordination with the Chairman of the Election Assist-
2 ance Commission (established pursuant to the Help Amer-
3 ica Vote Act of 2002) and in consultation with the Direc-
4 tor of the National Science Foundation, shall establish a
5 competitive grant program to award grants to eligible enti-
6 ties, on a competitive basis, for purposes of research and
7 development that are determined to have the potential to
8 significantly to improve the security (including cybersecu-
9 rity), quality, reliability, accuracy, accessibility, and af-
10 fordability of election infrastructure.

11 “(b) REPORT TO CONGRESS.—Not later than 90 days
12 after the conclusion of each fiscal year for which grants
13 are awarded under this section, the Secretary shall submit
14 to the Committee on Homeland Security and the Com-
15 mittee on House Administration of the House of Rep-
16 resentatives and the Committee on Homeland Security
17 and Governmental Affairs and the Committee on Rules
18 and Administration of the Senate a report describing such
19 grants and analyzing the impact, if any, of such grants
20 on the security and operation of election infrastructure.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to the Secretary
23 \$6,250,000 for each of fiscal years 2018 through 2026
24 for purposes of carrying out this section.

1 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
2 the term ‘eligible entity’ means—

3 “(1) an institution of higher education (as de-
4 fined in section 101(a) of the Higher Education Act
5 of 1965 (20 U.S.C. 1001(a)), including an institu-
6 tion of higher education that is a historically Black
7 college or university (which has the meaning given
8 the term “part B institution” in section 322 of such
9 Act (20 U.S.C. 1061)) or other minority-serving in-
10 stitution listed in section 371(a) of such Act (20
11 U.S.C. 1067q(a));

12 “(2) an organization described in section
13 501(c)(3) of the Internal Revenue Code of 1986 and
14 exempt from tax under section 501(a) of such Code;
15 or

16 “(3) an organization, association, or a for-profit
17 company, including a small business concern (as
18 such term is defined under section 3 of the Small
19 Business Act (15 U.S.C. 632)), including a small
20 business concern owned and controlled by socially
21 and economically disadvantaged individuals as de-
22 fined under section 8(d)(3)(C) of the Small Business
23 Act (15 U.S.C. 637(d)(3)(C)).”.

24 (b) DEFINITION.—Section 2 of the Homeland Secu-
25 rity Act of 2002 (6 U.S.C. 101) is amended—

1 (1) by redesignating paragraphs (6) through
2 (20) as paragraphs (7) through (21), respectively;
3 and

4 (2) by inserting after paragraph (5) the fol-
5 lowing new paragraph:

6 “(6) ELECTION INFRASTRUCTURE.—The term
7 ‘election infrastructure’ means storage facilities,
8 polling places, and centralized vote tabulation loca-
9 tions used to support the administration of elections
10 for public office, as well as related information and
11 communications technology, including voter registra-
12 tion databases, voting machines, electronic mail and
13 other communications systems (including electronic
14 mail and other systems of vendors who have entered
15 into contracts with election agencies to support the
16 administration of elections, manage the election
17 process, and report and display election results), and
18 other systems used to manage the election process
19 and to report and display election results on behalf
20 of an election agency.”.

21 (c) CLERICAL AMENDMENT.—The table of contents
22 in section 1(b) of the Homeland Security Act of 2002 is
23 amended by striking both items relating to section 319
24 and the item relating to section 318 and inserting the fol-
25 lowing new items:

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.

“Sec. 321. Election infrastructure innovation grant program.”.

1 **TITLE II—SECURITY MEASURES**

2 **SEC. 201. ELECTION INFRASTRUCTURE DESIGNATION.**

3 Subparagraph (J) of section 2001(3) of the Home-
4 land Security Act of 2002 (6 U.S.C. 601(3)) is amended
5 by inserting “, including election infrastructure” before
6 the period at the end.

7 **SEC. 202. TIMELY THREAT INFORMATION.**

8 Subsection (d) of section 201 of the Homeland Secu-
9 rity Act of 2002 (6 U.S.C. 121) is amended by adding
10 at the end the following new paragraph:

11 “(27) To provide timely threat information re-
12 garding election infrastructure to the chief State
13 election official of the State with respect to which
14 such information pertains.”.

15 **SEC. 203. SECURITY CLEARANCE ASSISTANCE FOR ELEC-** 16 **TION OFFICIALS.**

17 In order to promote the timely sharing of information
18 on threats to election infrastructure, the Secretary may—

19 (1) help expedite a security clearance for the
20 chief State election official and other appropriate
21 State personnel involved in the administration of
22 elections, as designated by the chief State election
23 official;

1 (2) sponsor a security clearance for the chief
2 State election official and other appropriate State
3 personnel involved in the administration of elections,
4 as designated by the chief State election official; and

5 (3) facilitate the issuance of a temporary clear-
6 ance to the chief State election official and other ap-
7 propriate State personnel involved in the administra-
8 tion of elections, as designated by the chief State
9 election official, if the Secretary determines classi-
10 fied information to be timely and relevant to the
11 election infrastructure of the State at issue.

12 **SEC. 204. PRE-ELECTION THREAT ASSESSMENTS.**

13 (a) SUBMISSION OF ASSESSMENT BY DNI.—Not
14 later than 180 days before the date of each regularly
15 scheduled general election for Federal office, the Director
16 of National Intelligence shall submit an assessment of the
17 full scope of threats to election infrastructure, including
18 cybersecurity threats posed by state actors and terrorist
19 groups, and recommendations to address or mitigate the
20 threats, as developed by the Secretary and Chairman, to—

21 (1) the chief State election official of each
22 State;

23 (2) the Committees on Homeland Security and
24 House Administration of the House of Representa-
25 tives and the Committees on Homeland Security and

1 Governmental Affairs and Rules and Administration
2 of the Senate; and

3 (3) any other appropriate congressional com-
4 mittees.

5 (b) EFFECTIVE DATE.—Subsection (a) shall apply
6 with respect to the regularly scheduled general election for
7 Federal office held in November 2018 and each succeeding
8 regularly scheduled general election for Federal office.

9 **SEC. 205. SECURITY RISK AND VULNERABILITY ASSESS-**
10 **MENTS.**

11 (a) IN GENERAL.—Paragraph (6) of section 227(c)
12 of the Homeland Security Act of 2002 (6 U.S.C. 148(c))
13 is amended by inserting “(including by carrying out a se-
14 curity risk and vulnerability assessment)” after “risk
15 management support”.

16 (b) PRIORITIZATION TO ENHANCE ELECTION SECUR-
17 ITY.—

18 (1) IN GENERAL.—Not later than 90 days after
19 receiving a written request from a chief State elec-
20 tion official, the Secretary shall, to the extent prac-
21 ticable, commence a security risk and vulnerability
22 assessment (pursuant to paragraph (6) of section
23 227(c) of the Homeland Security Act of 2002, as
24 amended by subsection (a)) on election infrastruc-
25 ture in the State at issue.

1 (2) NOTIFICATION.—If the Secretary, upon re-
2 ceipt of a request described in paragraph (1), deter-
3 mines that a security risk and vulnerability assess-
4 ment cannot be commenced within 90 days, the Sec-
5 retary shall expeditiously notify the chief State elec-
6 tion official who submitted such request.

7 **SEC. 206. ANNUAL REPORT.**

8 Not later than one year after the date of the enact-
9 ment of this Act and annually thereafter through 2026,
10 the Secretary shall submit to the Committee on Homeland
11 Security and the Committee on House Administration of
12 the House of Representatives and the Committee on
13 Homeland Security and Governmental Affairs and the
14 Committee on Rules and Administration of the Senate a
15 report on—

16 (1) efforts to carry out section 203 during the
17 prior year, including specific information on which
18 States were helped, how many officials have been
19 helped in each State, how many security clearances
20 have been sponsored in each State, and how many
21 temporary clearances have been issued in each State;
22 and

23 (2) efforts to carry out section 205 during the
24 prior year, including specific information on which
25 States were helped, the dates on which the Secretary

1 received a request for a security risk and vulner-
2 ability assessment pursuant to such section, the
3 dates on which the Secretary commenced each such
4 request, and the dates on which the Secretary trans-
5 mitted a notification in accordance with subsection
6 (b)(2) of such section.

7 **TITLE III—ENHANCING PROTEC-**
8 **TIONS FOR UNITED STATES**
9 **DEMOCRATIC INSTITUTIONS**

10 **SEC. 301. NATIONAL STRATEGY TO PROTECT UNITED**
11 **STATES DEMOCRATIC INSTITUTIONS.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the President, acting
14 through the Secretary, in consultation with the Chairman,
15 the Secretary of Defense, the Secretary of State, the At-
16 torney General, the Secretary of Education, the Director
17 of National Intelligence, the Chairman of the Federal
18 Election Commission, and the heads of any other appro-
19 priate Federal agencies, shall issue a national strategy to
20 protect against cyber attacks, influence operations,
21 disinformation campaigns, and other activities that could
22 undermine the security and integrity of United States
23 democratic institutions.

1 (b) CONSIDERATIONS.—The national strategy re-
2 quired under subsection (a) shall include consideration of
3 the following:

4 (1) The threat of a foreign state actor, foreign
5 terrorist organization (as designated pursuant to
6 section 219 of the Immigration and Nationality Act
7 (8 U.S.C. 1189)), or a domestic actor carrying out
8 a cyber attack, influence operation, disinformation
9 campaign, or other activity aimed at undermining
10 the security and integrity of United States demo-
11 cratic institutions.

12 (2) The extent to which United States demo-
13 cratic institutions are vulnerable to a cyber attack,
14 influence operation, disinformation campaign, or
15 other activity aimed at undermining the security and
16 integrity of such democratic institutions.

17 (3) Potential consequences, such as an erosion
18 of public trust or an undermining of the rule of law,
19 that could result from a successful cyber attack, in-
20 fluence operation, disinformation campaign, or other
21 activity aimed at undermining the security and in-
22 tegrity of United States democratic institutions.

23 (4) Lessons learned from other Western govern-
24 ments the institutions of which were subject to a
25 cyber attack, influence operation, disinformation

1 campaign, or other activity aimed at undermining
2 the security and integrity of such institutions, as
3 well as actions that could be taken by the United
4 States Government to bolster collaboration with for-
5 eign partners to detect, deter, prevent, and counter
6 such activities.

7 (5) Potential impacts such as an erosion of
8 public trust in democratic institutions as could be
9 associated with a successful cyber breach or other
10 activity negatively-affecting election infrastructure.

11 (6) Roles and responsibilities of the Secretary,
12 the Chairman, and the heads of other Federal enti-
13 ties and non-Federal entities, including chief State
14 election officials and representatives of multi-state
15 information sharing and analysis center.

16 (7) Any findings, conclusions, and recommenda-
17 tions to strengthen protections for United States
18 democratic institutions that have been agreed to by
19 a majority of Commission members on the National
20 Commission to Protect United States Democratic
21 Institutions, authorized pursuant to section 302.

22 (c) IMPLEMENTATION PLAN.—Not later than 90
23 days after the issuance of the national strategy required
24 under subsection (a), the President, acting through the
25 Secretary, in coordination with the Chairman, shall issue

1 an implementation plan for Federal efforts to implement
2 such strategy that includes the following:

3 (1) Strategic objectives and corresponding
4 tasks.

5 (2) Projected timelines and costs for the tasks
6 referred to in paragraph (1).

7 (3) Metrics to evaluate performance of such
8 tasks.

9 (d) CLASSIFICATION.—The national strategy re-
10 quired under subsection (a) shall be in unclassified form
11 but may contain a classified annex.

12 **SEC. 302. NATIONAL COMMISSION TO PROTECT UNITED**
13 **STATES DEMOCRATIC INSTITUTIONS.**

14 (a) ESTABLISHMENT.—There is established within
15 the legislative branch the National Commission to Protect
16 United States Democratic Institutions (hereafter in this
17 section referred to as the “Commission”).

18 (b) PURPOSE.—The purpose of the Commission is to
19 counter efforts to undermine democratic institutions with-
20 in the United States.

21 (c) COMPOSITION.—

22 (1) MEMBERSHIP.—The Commission shall be
23 composed of 10 members appointed for the life of the
24 Commission as follows:

1 (A) One member shall be appointed by the
2 President from among officers or employees of
3 the executive branch or private citizens of the
4 United States.

5 (B) One member shall be appointed by the
6 Chairman.

7 (C) 2 members shall be appointed by the
8 majority leader of the Senate, in consultation
9 with the Chairman of the Committee on Home-
10 land Security and Governmental Affairs and the
11 Chairman of the Committee on Rules and Ad-
12 ministration.

13 (D) 2 members shall be appointed by the
14 minority leader of the Senate, in consultation
15 with the ranking minority member of the Com-
16 mittee on Homeland Security and Govern-
17 mental Affairs and the ranking minority mem-
18 ber of the Committee on Rules and Administra-
19 tion.

20 (E) 2 members shall be appointed by the
21 Speaker of the House of Representatives, in
22 consultation with the Chairman of the Com-
23 mittee on Homeland Security and the Chairman
24 of the Committee on House Administration.

1 (F) 2 members shall be appointed by the
2 minority leader of the House of Representa-
3 tives, in consultation with the ranking minority
4 member of the Committee on Homeland Secu-
5 rity and the ranking minority member of the
6 Committee on House Administration.

7 (2) QUALIFICATIONS.—Individuals shall be se-
8 lected for appointment to the Commission solely on
9 the basis of their professional qualifications, achieve-
10 ments, public stature, experience, and expertise in
11 relevant fields, including, but not limited to cyberse-
12 curity, national security, and the Constitution of the
13 United States.

14 (3) NO COMPENSATION FOR SERVICE.—Mem-
15 bers shall not receive compensation for service on
16 the Commission, but shall receive travel expenses,
17 including per diem in lieu of subsistence, in accord-
18 ance with chapter 57 of title 5, United States Code.

19 (4) DEADLINE FOR APPOINTMENT.—All mem-
20 bers of the Commission shall be appointed no later
21 than 60 days after the date of the enactment of this
22 Act.

23 (5) VACANCIES.—A vacancy on the Commission
24 shall not affect its powers and shall be filled in the
25 manner in which the original appointment was

1 made. The appointment of the replacement member
2 shall be made not later than 60 days after the date
3 on which the vacancy occurs.

4 (d) CHAIR AND VICE CHAIR.—The Commission shall
5 elect a Chair and Vice Chair from among its members.

6 (e) QUORUM AND MEETINGS.—

7 (1) QUORUM.—The Commission shall meet and
8 begin the operations of the Commission not later
9 than 30 days after the date on which all members
10 have been appointed or, if such meeting cannot be
11 mutually agreed upon, on a date designated by the
12 Speaker of the House of Representatives and the
13 President pro Tempore of the Senate. Each subse-
14 quent meeting shall occur upon the call of the Chair
15 or a majority of its members. A majority of the
16 members of the Commission shall constitute a
17 quorum, but a lesser number may hold meetings.

18 (2) AUTHORITY OF INDIVIDUALS TO ACT FOR
19 COMMISSION.—Any member of the Commission may,
20 if authorized by the Commission, take any action
21 that the Commission is authorized to take under this
22 section.

23 (f) POWERS.—

24 (1) HEARINGS AND EVIDENCE.—The Commis-
25 sion (or, on the authority of the Commission, any

1 subcommittee or member thereof) may, for the pur-
2 pose of carrying out this section, hold hearings and
3 sit and act at such times and places, take such testi-
4 mony, receive such evidence, and administer such
5 oaths as the Commission considers advisable to
6 carry out its duties.

7 (2) CONTRACTING.—The Commission may, to
8 such extent and in such amounts as are provided in
9 appropriation Acts, enter into contracts to enable
10 the Commission to discharge its duties under this
11 section.

12 (g) ASSISTANCE FROM FEDERAL AGENCIES.—

13 (1) GENERAL SERVICES ADMINISTRATION.—
14 The Administrator of General Services shall provide
15 to the Commission on a reimbursable basis adminis-
16 trative support and other services for the perform-
17 ance of the Commission's functions.

18 (2) OTHER DEPARTMENTS AND AGENCIES.—In
19 addition to the assistance provided under paragraph
20 (1), the Department of Homeland Security, the
21 Election Assistance Commission, and other appro-
22 priate departments and agencies of the United
23 States shall provide to the Commission such serv-
24 ices, funds, facilities, and staff as they may deter-
25 mine advisable and as may be authorized by law.

1 (h) PUBLIC MEETINGS.—Any public meetings of the
2 Commission shall be conducted in a manner consistent
3 with the protection of information provided to or developed
4 for or by the Commission as required by any applicable
5 statute, regulation, or Executive order.

6 (i) SECURITY CLEARANCES.—

7 (1) IN GENERAL.—The heads of appropriate
8 departments and agencies of the executive branch
9 shall cooperate with the Commission to expeditiously
10 provide Commission members and staff with appro-
11 priate security clearances to the extent possible
12 under applicable procedures and requirements.

13 (2) PREFERENCES.—In appointing staff, ob-
14 taining detailees, and entering into contracts for the
15 provision of services for the Commission, the Com-
16 mission shall give preference to individuals otherwise
17 who have active security clearances.

18 (j) REPORTS.—

19 (1) INTERIM REPORTS.—At any time prior to
20 the submission of the final report under paragraph
21 (2), the Commission may submit interim reports to
22 the President and Congress such findings, conclu-
23 sions, and recommendations to strengthen protec-
24 tions for democratic institutions in the United

1 States as have been agreed to by a majority of the
2 members of the Commission.

3 (2) FINAL REPORT.—Not later than 18 months
4 after the date of the first meeting of the Commis-
5 sion, the Commission shall submit to the President
6 and Congress a final report containing such find-
7 ings, conclusions, and recommendations to strength-
8 en protections for democratic institutions in the
9 United States as have been agreed to by a majority
10 of the members of the Commission.

11 (k) TERMINATION.—

12 (1) IN GENERAL.—The Commission shall termi-
13 nate upon the expiration of the 60-day period which
14 begins on the date on which the Commission submits
15 the final report required under subsection (j)(2).

16 (2) ADMINISTRATIVE ACTIVITIES PRIOR TO
17 TERMINATION.—During the 60-day period described
18 in paragraph (2), the Commission may carry out
19 such administrative activities as may be required to
20 conclude its work, including providing testimony to
21 committees of Congress concerning the final report
22 and disseminating the final report.

23 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
24 MITTEE ACT.—The Federal Advisory Committee Act (5
25 U.S.C. App.) shall not apply to the Commission.

1 **TITLE IV—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 401. DEFINITIONS.**

4 In this Act, the following definitions apply:

5 (1) The term “Chairman” means the chair of
6 the Election Assistance Commission.

7 (2) The term “chief State election official”
8 means, with respect to a State, the individual des-
9 ignated by the State under section 10 of the Na-
10 tional Voter Registration Act of 1993 (52 U.S.C.
11 20509) to be responsible for coordination of the
12 State’s responsibilities under such Act.

13 (3) The term “Commission” means the Election
14 Assistance Commission.

15 (4) The term “democratic institutions” means
16 the diverse range of institutions that are essential to
17 ensuring an independent judiciary, free and fair elec-
18 tions, and rule of law.

19 (5) The term “election agency” means any com-
20 ponent of a State, or any component of a unit of
21 local government in a State, which is responsible for
22 the administration of elections for Federal office in
23 the State.

24 (6) The term “election infrastructure” means
25 storage facilities, polling places, and centralized vote

1 tabulation locations used to support the administra-
2 tion of elections for public office, as well as related
3 information and communications technology, includ-
4 ing voter registration databases, voting machines,
5 electronic mail and other communications systems
6 (including electronic mail and other systems of ven-
7 dors who have entered into contracts with election
8 agencies to support the administration of elections,
9 manage the election process, and report and display
10 election results), and other systems used to manage
11 the election process and to report and display elec-
12 tion results on behalf of an election agency.

13 (7) The term “Secretary” means the Secretary
14 of Homeland Security.

15 (8) The term “State” has the meaning given
16 such term in section 901 of the Help America Vote
17 Act of 2002 (52 U.S.C. 21141).

18 **SEC. 402. INITIAL REPORT ON ADEQUACY OF RESOURCES**

19 **AVAILABLE FOR IMPLEMENTATION.**

20 Not later than 120 days after enactment of this Act,
21 the Chairman and the Secretary shall submit a report to
22 the appropriate committees of Congress, including the
23 Committees on Homeland Security and House Adminis-
24 tration of the House of Representatives and the Com-
25 mittee on Homeland Security and Governmental Affairs

1 of the Senate, analyzing the adequacy of the funding, re-
2 sources, and personnel available to carry out this Act and
3 the amendments made by this Act.