

# Union Calendar No. 385

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4555

[Report No. 118-465]

To amend the Help America Vote Act of 2002 to allow the use of requirements payments to conduct a post-election audit with respect to an election for Federal office in a State.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2023

Mr. MURPHY introduced the following bill; which was referred to the Committee on House Administration

APRIL 17, 2024

Reported with an amendment, 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 italics]

[For text of introduced bill, see copy of bill as introduced on July 11, 2023]

# **A BILL**

To amend the Help America Vote Act of 2002 to allow the use of requirements payments to conduct a post-election audit with respect to an election for Federal office in a State.

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 “Federal Election Audit*  
5 *Act”.*

6 **SEC. 2. USE OF REQUIREMENTS PAYMENTS FOR POST-**  
7 **ELECTION AUDITS.**

8 *(a) PERMITTING USE OF PAYMENTS FOR AUDITS.—*  
9 *Section 251(b)(1) of the Help America Vote Act of 2002 (52*  
10 *U.S.C. 21001(b)(1)) is amended by inserting “, including*  
11 *to conduct and publish an audit of the effectiveness and*  
12 *accuracy of the voting systems, nonvoting election tech-*  
13 *nology (as defined in paragraph (4)(B)), election proce-*  
14 *dures, and outcomes used to carry out an election for Fed-*  
15 *eral office in the State and the performance of the State*  
16 *and local election officials who carried out the election, but*  
17 *only if the audit meets the requirements of paragraph*  
18 *(4)(A)” after “requirements of title III”.*

19 *(b) REQUIREMENTS FOR AUDITS; NONVOTING ELEC-*  
20 *TION TECHNOLOGY DEFINED.—Section 251(b) of such Act*  
21 *(52 U.S.C. 21001(b)) is amended by adding at the end the*  
22 *following new paragraph:*

23 *“(4) REQUIREMENTS FOR AUDITS CONDUCTED*  
24 *WITH REQUIREMENTS PAYMENTS.—*

1           “(A) *IN GENERAL.*—*An audit described in*  
2 *paragraph (1) meets the requirements of this*  
3 *paragraph if—*

4                   “(i) *no individual who participates in*  
5 *conducting the audit is an employee or con-*  
6 *tractor of an office of the State or local gov-*  
7 *ernment which is responsible for the admin-*  
8 *istration of elections for Federal office or of*  
9 *a subsidiary or affiliate of such an office;*  
10 *and*

11                   “(ii) *the audit includes an examina-*  
12 *tion of compliance with established processes*  
13 *for voter registration, voter check-in, voting,*  
14 *tabulation, canvassing, post-election pro-*  
15 *ceedings (such as recounts and recanvasses),*  
16 *and reporting of results.*

17           “(B) *NONVOTING ELECTION TECHNOLOGY*  
18 *DEFINED.*—*In paragraph (1), the term ‘non-*  
19 *voting election technology’ means technology used*  
20 *in the administration of elections for Federal of-*  
21 *fice which is not used directly in the casting,*  
22 *counting, tabulating, or collecting of ballots or*  
23 *votes, including each of the following:*

1                   “(i) *Electronic pollbooks or other sys-*  
2                   *tems used to check in voters at a polling*  
3                   *place or verify a voter’s identification.*

4                   “(ii) *Election result reporting systems.*

5                   “(iii) *Electronic ballot delivery sys-*  
6                   *tems.*

7                   “(iv) *Online voter registration systems.*

8                   “(v) *Polling place location search sys-*  
9                   *tems.*

10                  “(vi) *Sample ballot portals.*

11                  “(vii) *Signature systems.*

12                  “(viii) *Such other technology as may*  
13                  *be recommended for treatment as nonvoting*  
14                  *election technology as the Standards Board*  
15                  *may recommend.”.*

16                  (c) *SENSE OF CONGRESS REGARDING TIMING OF AU-*  
17                  *DITS.—It is the sense of Congress that post-election audits*  
18                  *of the effectiveness and accuracy of the voting systems, elec-*  
19                  *tion procedures, and outcomes used to carry out an election*  
20                  *for Federal office in a State and the performance of the*  
21                  *State and local election officials who carried out the election*  
22                  *are most effective when the audits are completed before the*  
23                  *expiration of the period during which persons are author-*  
24                  *ized under State law to challenge the results of the election.*

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