

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4555  
OFFERED BY MR. MURPHY OF NORTH CAROLINA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Election Audit  
3 Act”.

**4 SEC. 2. USE OF REQUIREMENTS PAYMENTS FOR POST-  
5 ELECTION AUDITS.**

6 (a) PERMITTING USE OF PAYMENTS FOR AUDITS.—  
7 Section 251(b)(1) of the Help America Vote Act of 2002  
8 (52 U.S.C. 21001(b)(1)) is amended by inserting “, in-  
9 cluding to conduct and publish an audit of the effective-  
10 ness and accuracy of the voting systems, nonvoting elec-  
11 tion technology (as defined in paragraph (4)(B)), election  
12 procedures, and outcomes used to carry out an election  
13 for Federal office in the State and the performance of the  
14 State and local election officials who carried out the elec-  
15 tion, but only if the audit meets the requirements of para-  
16 graph (4)(A)” after “requirements of title III”.

17 (b) REQUIREMENTS FOR AUDITS; NONVOTING ELEC-  
18 TION TECHNOLOGY DEFINED.—Section 251(b) of such

1 Act (52 U.S.C. 21001(b)) is amended by adding at the  
2 end the following new paragraph:

3 “(4) REQUIREMENTS FOR AUDITS CONDUCTED  
4 WITH REQUIREMENTS PAYMENTS.—

5 “(A) IN GENERAL.—An audit described in  
6 paragraph (1) meets the requirements of this  
7 paragraph if—

8 “(i) no individual who participates in  
9 conducting the audit is an employee or  
10 contractor of an office of the State or local  
11 government which is responsible for the  
12 administration of elections for Federal of-  
13 fice or of a subsidiary or affiliate of such  
14 an office; and

15 “(ii) the audit includes an examina-  
16 tion of compliance with established proc-  
17 esses for voter registration, voter check-in,  
18 voting, tabulation, canvassing, post-election  
19 proceedings (such as recounts and  
20 recanvasses), and reporting of results.

21 “(B) NONVOTING ELECTION TECHNOLOGY  
22 DEFINED.—In paragraph (1), the term ‘non-  
23 voting election technology’ means technology  
24 used in the administration of elections for Fed-  
25 eral office which is not used directly in the cast-

1           ing, counting, tabulating, or collecting of ballots  
2           or votes, including each of the following:

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

6                   “(ii) Election result reporting sys-  
7                   tems.

8                   “(iii) Electronic ballot delivery sys-  
9                   tems.

10                  “(iv) Online voter registration sys-  
11                  tems.

12                  “(v) Polling place location search sys-  
13                  tems.

14                  “(vi) Sample ballot portals.

15                  “(vii) Signature systems.

16                  “(viii) Such other technology as may  
17                  be recommended for treatment as non-  
18                  voting election technology as the Standards  
19                  Board may recommend.”.

20           (c) SENSE OF CONGRESS REGARDING TIMING OF AU-  
21   DITS.—It is the sense of Congress that post-election audits  
22   of the effectiveness and accuracy of the voting systems,  
23   election procedures, and outcomes used to carry out an  
24   election for Federal office in a State and the performance  
25   of the State and local election officials who carried out

1 the election are most effective when the audits are com-  
2 pleted before the expiration of the period during which  
3 persons are authorized under State law to challenge the  
4 results of the election.

