

AMENDMENT TO SUBSTITUTE
OFFERED BY MR. CAPUANO

In section 301(a)(12)(A)(i) of the Help America Vote Act of 2002, as proposed to be added by section 2(c)(1) of the matter proposed to be inserted by the substitute, strike “paragraph (13)” and insert “paragraph (13) and the paper ballots provided to voters under paragraph (14)”.

At the end of section 301(a) of the Help America Vote Act of 2002, as proposed to be amended by section 2(c)(1) of the matter proposed to be inserted by the substitute, add the following new paragraph:

1 “(14) MANDATORY AVAILABILITY OF PAPER
2 BALLOTS AT POLLING PLACE.—

3 “(A) REQUIRING BALLOTS TO BE OF-
4 FERED AND PROVIDED.—The appropriate elec-
5 tion official at each polling place in an election
6 for Federal office shall offer each individual
7 who is eligible to cast a vote in the election at
8 the polling place the opportunity to cast the
9 vote using a pre-printed paper ballot which the
10 individual may mark by hand and which is not

1 produced by a direct recording electronic voting
2 machine. If the individual accepts the offer to
3 cast the vote using such a ballot, the official
4 shall provide the individual with the ballot and
5 the supplies necessary to mark the ballot, and
6 shall ensure (to the greatest extent practicable)
7 that the waiting period for the individual to
8 cast a vote is not greater than the waiting pe-
9 riod for an individual who does not agree to
10 cast the vote using such a paper ballot under
11 this paragraph.

12 “(B) TREATMENT OF BALLOT.—Any paper
13 ballot which is cast by an individual under this
14 paragraph shall be counted and otherwise treat-
15 ed as a regular ballot for all purposes (includ-
16 ing, to the greatest extent practicable, the dead-
17 line for counting the ballot) and not as a provi-
18 sional ballot, unless the individual casting the
19 ballot would have otherwise been required to
20 cast a provisional ballot if the individual had
21 not accepted the offer to cast the vote using a
22 paper ballot under this paragraph.

23 “(C) POSTING OF NOTICE.—The appro-
24 priate election official shall ensure that at each
25 polling place a notice is displayed prominently

1 which describes the obligation of the official to
2 offer individuals the opportunity to cast votes
3 using a pre-printed paper ballot under this
4 paragraph.

5 “(D) TRAINING OF ELECTION OFFI-
6 CIALS.—The chief State election official shall
7 ensure that election officials at polling places in
8 the State are aware of the requirements of this
9 paragraph, including the requirement to display
10 a notice under subparagraph (C), and are
11 aware that it is a violation of the requirements
12 of this title for an election official to fail to
13 offer an individual the opportunity to cast a
14 vote using a pre-printed paper ballot under this
15 paragraph.

16 “(E) EXCEPTIONS.—This paragraph does
17 not apply with respect to—

18 “(i) a polling place at which each vot-
19 ing system used in the administration of
20 an election for Federal office uses only pre-
21 printed paper ballots which are marked by
22 hand and which are not produced by a di-
23 rect recording electronic voting machine
24 (other than a system used to meet the dis-

1 ability access requirements of paragraph
2 (3)); or

3 “(ii) a polling place in operation prior
4 to the date of the election, but only with
5 respect to days prior to the date of the
6 election.

7 “(F) EFFECTIVE DATE.—This paragraph
8 shall apply with respect to the regularly sched-
9 uled general election for Federal office in No-
10 vember 2010 and each succeeding election for
11 Federal office.”.