



H.R. 5803 – To direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes

---

#### FLOOR SITUATION

---

H.R. 5803 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Zoe Lofgren (D-CA) on April 15, 2008. The Committee on House Administration ordered the bill to be reported, as amended, by a vote of 5-3.

H.R. 5803 is expected to be considered on the floor of the House on July 15, 2008.

---

#### SUMMARY

---

H.R. 5803 requires the Election Assistance Commission (EAC) to establish an optional grant program for State and local governments to enact programs making paper ballots available in the case of equipment failure or other emergencies during the November 2008 Federal election. To become eligible for grants, States and local governments must apply to the EAC with a certification of a paper ballot program and agreement to repay the EAC any grant amounts received that exceed actual costs.

This legislation requires that any voter at a polling place participating in this grant program who experiences malfunction or another “emergency situation” be given a paper ballot. Voters must be provided notification of their right to a paper ballot and these ballots must be tabulated on the date of the election.

The bill authorizes the appropriation of \$75 million for these grants.

---

#### BACKGROUND

---

H.R. 5803 was favorably reported by the Committee on House Administration by a vote of 5-3, strictly along party lines. In addition, the Majority rejected five Republican amendments in full Committee markup. Among the defeated Republican amendments was a motion by Rep. Kevin McCarthy (R-CA) that would have required voters to show identification prior to voting at the polls on Election Day.

Currently, at least 39 States and the District of Columbia already provide paper or backup ballots in the event of voting machine failure, according to a [recent survey by the Election Center](#), a non-profit organization whose membership is entirely comprised of State and local government election officials.

Under this legislation, what constitutes an “emergency situation” at a polling place is the sole discretion of the State and local authorities. Such situations could include machine failure, long lines, staffing shortages, or any number of other difficulties.

The Election Assistance Commission (EAC) is an independent federal commission established by the Help America Vote Act of 2002 (P.L. 107-252). The EAC serves as a national clearinghouse of election administration information and adopts voluntary voting system guidelines.

[Election Assistance Commission](#)



---

## ADDITIONAL VIEWS

---

Ranking Member Vernon Ehlers (R-MI): "H.R. 5803 provides an optional grant program for states or jurisdictions to purchase backup paper ballots for any subjectively determined emergency situations that may occur during the upcoming general elections for Federal office. We are not opposed to grant programs, so long as there is necessity for, sufficient funding for and ample time to administer such programs. While well intended, there is no exigency that warrants the Federal government establishing an optional grant program that provides states with funding to produce back-up paper ballots for the November 2008 general elections. A vast majority of states already have contingency plans in place in the event of a voting machine or voting system malfunction or other emergency situation. It would be impolitic and careless to support an incentive program that is unnecessary and has little chance of receiving the full appropriation of authorized funds...H.R. 5803 is an unnecessary and costly solution to a problem that does not exist." ([Minority Views, House Report 110-637](#))

---

## COST

---

The Congressional Budget Office (CBO) estimates that "implementing H.R. 5803 would cost \$77 million in 2009." [Full CBO Cost Estimate](#)

---

## STAFF CONTACT

---

For questions or further information contact Adam Hepburn at (202) 226-2302.