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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R.

To direct the Secretary of Homeland Security to establish a program to improve election system cybersecurity by facilitating and encouraging assessments by independent technical experts to identify and report election cybersecurity vulnerabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. QUIGLEY (for himself and Mr. KATKO) introduced the following bill;
which was referred to the Committee on _____

A BILL

To direct the Secretary of Homeland Security to establish a program to improve election system cybersecurity by facilitating and encouraging assessments by independent technical experts to identify and report election cybersecurity vulnerabilities, 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.**

4 This Act may be cited as the “Prevent Election Hack-
5 ing Act of 2018”.

1 **SEC. 2. HACK THE ELECTION PROGRAM.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of the enactment of this Act, the Secretary shall
4 establish a program to be known as the “Hack the Elec-
5 tion Program” to improve the cybersecurity of the systems
6 used to administer elections for Federal office by facili-
7 tating and encouraging assessments by independent tech-
8 nical experts, in cooperation with State and local election
9 officials and election service providers, to identify and re-
10 port election cybersecurity vulnerabilities.

11 (b) VOLUNTARY PARTICIPATION BY ELECTION OFFI-
12 CIALS AND ELECTION SERVICE PROVIDERS.—

13 (1) NO REQUIREMENT TO PARTICIPATE IN PRO-
14 GRAM.—Participation in the Hack the Election Pro-
15 gram shall be entirely voluntary for State and local
16 election officials and election service providers.

17 (2) ENCOURAGING PARTICIPATION AND INPUT
18 FROM ELECTION OFFICIALS.—In developing the
19 Hack the Election program under this section, the
20 Secretary shall solicit input from, and encourage
21 participation by, State and local election officials.

22 (c) ACTIVITIES FUNDED.—In establishing the Hack
23 the Election Program under this section, the Secretary
24 shall—

25 (1) establish a recurring competition for inde-
26 pendent technical experts to assess election systems

1 for the purpose of identifying and reporting election
2 cybersecurity vulnerabilities;

3 (2) establish an expeditious process by which
4 independent technical experts can qualify to partici-
5 pate in the competition;

6 (3) establish a schedule of awards (monetary or
7 non-monetary) for reports of previously unidentified
8 election cybersecurity vulnerabilities discovered by
9 independent technical experts during the competi-
10 tion;

11 (4) establish a process for State and local elec-
12 tion officials and election service providers to volun-
13 tarily participate in the program by designating spe-
14 cific election systems, periods of time, and cir-
15 cumstances for assessment by independent technical
16 experts; and

17 (5) promptly notify State and local election offi-
18 cials and election service providers about relevant
19 election cybersecurity vulnerabilities discovered
20 through the competition, and provide technical as-
21 sistance in remedying the vulnerabilities.

22 (d) USE OF SERVICE PROVIDERS.—The Secretary
23 may award competitive contracts as necessary to manage
24 the Hack the Election Program under this section.

1 (e) CONSULTATION WITH SECRETARY OF DE-
2 FENSE.—In developing the Hack the Election Program
3 under this section, the Secretary shall consult with the rel-
4 evant offices at the Department of Defense that were re-
5 sponsible for launching the 2016 “Hack the Pentagon”
6 pilot program and subsequent Department of Defense bug
7 bounty programs.

8 **SEC. 3. SAFE HARBOR FOR PARTICIPANTS IN PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding section 1030 of
10 title 18, United States Code, and except as provided in
11 subsection (b), it shall not be unlawful for a person acting
12 in compliance with the Hack the Election Program under
13 section 2 to take actions necessary to discover and report
14 an election cybersecurity vulnerability if the person reports
15 the cybersecurity vulnerability to the Secretary.

16 (b) LIMITATION.—Subsection (a) shall not apply to
17 any person that—

18 (1) acts outside the scope of the Hack the Elec-
19 tion Program;

20 (2) exploits an election cybersecurity vulner-
21 ability; or

22 (3) publicly exposes an election cybersecurity
23 vulnerability before reporting the vulnerability to the
24 Secretary.

1 **SEC. 4. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) The terms “election” and “Federal office”
4 have the meanings given such terms in section 301
5 of the Federal Election Campaign Act of 1971 (52
6 U.S.C. 30101).

7 (2) The term “election cybersecurity vulner-
8 ability” means any security vulnerability (as defined
9 in section 102 of the Cybersecurity Information
10 Sharing Act of 2015 (6 U.S.C. 1501)) that affects
11 an election system.

12 (3) The term “election service provider” means
13 any person providing, supporting, or maintaining an
14 election system on behalf of a State or local election
15 official, such as a contractor or vendor.

16 (4) The term “election system” means any in-
17 formation system (as defined in section 3502 of title
18 44, United States Code) used for the management,
19 support, or administration of an election for Federal
20 office, such as a voting system, a voter registration
21 website or database, an electronic pollbook, a system
22 for tabulating or reporting election results, or the
23 email system of a State or local election official.

24 (5) The term “Secretary” means the Secretary
25 of Homeland Security, or, upon designation by the
26 Secretary of Homeland Security, the Deputy Sec-

1 retary of Homeland Security, the Under Secretary
2 responsible for overseeing critical infrastructure pro-
3 tection, cybersecurity, and other related programs of
4 the Department, or a Senate-confirmed official that
5 reports to that Under Secretary.

6 (6) The term “State” means each of the several
7 States, the District of Columbia, the Commonwealth
8 of Puerto Rico, Guam, American Samoa, the Com-
9 monwealth of Northern Mariana Islands, and the
10 United States Virgin Islands.

11 (7) The term “voting system” has the meaning
12 given such term in section 301(b) of the Help Amer-
13 ica Vote Act of 2002 (52 U.S.C. 21081(b)).