

116TH CONGRESS
2D SESSION

S. 4893

To amend the Help America Vote Act of 2002 to provide for the establishment of election integrity measures by States and to prohibit ballot harvesting in Federal elections.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2020

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to provide for the establishment of election integrity measures by States and to prohibit ballot harvesting in Federal elections.

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 “Protect Election Integ-
5 rity Act of 2020”.

6 **SEC. 2. ELECTION INTEGRITY MEASURES.**

7 (a) IN GENERAL.—

1 (1) REQUIREMENT.—Subtitle D of title II of
2 the Help America Vote Act of 2002 (52 U.S.C.
3 20901 et seq.) is amended by adding at the end the
4 following new part:

5 **“PART 7—ELECTION INTEGRITY MEASURES**

6 **“SEC. 297. ELIGIBILITY FOR PAYMENTS OF STATES LACK-**
7 **ING ELECTION INTEGRITY MEASURES.**

8 “(a) IN GENERAL.—A State is not eligible to receive
9 funds under this Act unless the State meets the following
10 requirements with respect to each election held on or after
11 January 1, 2021.

12 “(1) COLLECTION AND TRANSMISSION OF BAL-
13 LOTS.—The State has in effect a law that prohibits
14 an individual from the knowing collection and trans-
15 mission of a ballot that was mailed to another per-
16 son, other than an individual described as follows:

17 “(A) An election official while engaged in
18 official duties as authorized by law.

19 “(B) An employee of the United States
20 Postal Service while engaged in official duties
21 as authorized by law.

22 “(C) Any other individual who is allowed
23 by law to collect and transmit United States
24 mail, while engaged in official duties as author-
25 ized by law.

1 “(D) A family member, household member,
2 or caregiver of the person to whom the ballot
3 was mailed.

4 “(2) OBSERVATION.—The State has in effect a
5 law that permits the observation of polling places or
6 counting of ballots, at any site where voting or ballot
7 counting is occurring, by at least 2 appointed cam-
8 paign representatives per campaign.

9 “(3) RECORD.—The State has in effect a law
10 requiring that mail-in or absentee ballots be counted
11 and recorded immediately upon receipt, with no re-
12 sults to be disclosed until after the closure of polling
13 places on the date of the election.

14 “(4) BALLOT COUNTING.—The State has in ef-
15 fect a law providing that after the closure of polling
16 places on the date of the election, ballot counting be-
17 gins and does not stop, for any reason except immi-
18 nent emergency, until all ballots are counted.

19 “(5) SURVEILLANCE.—The State has in effect
20 a law that provides for round-the-clock video surveil-
21 lance monitoring of absentee ballot drop boxes, with
22 unedited footage to be made available upon request
23 to members of the public at no charge.

24 “(6) REPORT.—The State has in effect a law
25 that each supervisor of elections must post a report

1 on the official website of such supervisor at least 3
2 months before a general election for Federal office
3 which outlines preparations for the upcoming gen-
4 eral election. Each report under this paragraph must
5 include, at a minimum, the following elements:

6 “(A) The anticipated staffing levels during
7 the early voting period, on election day, and
8 after election day.

9 “(B) The anticipated amount of automatic
10 tabulating equipment at each early voting site
11 and polling place.

12 “(7) CERTIFICATION.—The State has in effect
13 a law providing that following the certification of the
14 election, the municipal entity responsible for certi-
15 fying the election shall conduct a manual audit or an
16 automated, independent audit of the voting systems
17 used in randomly selected precincts. The resulting
18 report must be made available to the public within
19 15 days after completion of the audit.

20 “(b) DEFINITIONS.—For purposes of this section:

21 “(1) APPOINTED CAMPAIGN REPRESENTA-
22 TIVE.—The term ‘appointed campaign representa-
23 tive’ means, with respect to the official campaign of
24 a candidate appearing on a ballot, an individual au-
25 thorized to observe voting procedures or the count-

1 ing of ballots by the campaign, but not the can-
2 didate himself or herself. A political committee
3 formed for the specific purpose of expressly advo-
4 cating the passage or defeat of an issue on the ballot
5 may also authorize appointed campaign representa-
6 tives.

7 “(2) CAREGIVER.—The term ‘caregiver’ means,
8 with respect to a person, an individual who provides
9 medical or health care assistance to such person in
10 a residence, nursing care institution, hospice facility,
11 assisted living center, assisted living facility, assisted
12 living home, residential care institution, adult day
13 health care facility, or adult foster care home.

14 “(3) FAMILY MEMBER.—The term ‘family
15 member’ means, with respect to a person, an indi-
16 vidual who is related to such person by blood, mar-
17 riage, adoption, or legal guardianship.

18 “(4) HOUSEHOLD MEMBER.—The term ‘house-
19 hold member’ means, with respect to a person, an
20 individual who resides at the same residence as such
21 person.”.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents of such Act is amended by inserting after the
24 item relating to section 296 the following new item:

“PART 7—ELECTION INTEGRITY MEASURES

“Sec. 297. Eligibility for payments of States lacking election integrity measures.”.

1 (b) PROHIBITION ON BALLOT HARVESTING IN FED-
2 ERAL ELECTIONS.—

3 (1) IN GENERAL.—Chapter 29 of title 18,
4 United States Code is amended by adding at the end
5 the following new section:

6 **“§ 612. Prohibition on ballot harvesting in Federal**
7 **elections**

8 “(a) IN GENERAL.—It shall be unlawful for any per-
9 son to knowingly collect and transmit a ballot in an elec-
10 tion for Federal office that was mailed to another person,
11 other than an individual described as follows:

12 “(1) An election official while engaged in offi-
13 cial duties as authorized by law.

14 “(2) An employee of the United States Postal
15 Service while engaged in official duties as authorized
16 by law.

17 “(3) Any other individual who is allowed by law
18 to collect and transmit United States mail, while en-
19 gaged in official duties as authorized by law.

20 “(4) A family member, household member, or
21 caregiver of the person to whom the ballot was
22 mailed.”.

23 “(b) PENALTY.—Any person who violates subsection
24 (a) shall be fined not more than \$10,000 for each ballot

1 collected and transmitted in violation of such subsection,
2 imprisoned for not more than 5 years, or both.

3 “(c) DEFINITIONS.—For purposes of this section:

4 “(1) CAREGIVER.—The term ‘caregiver’ means,
5 with respect to a person, an individual who provides
6 medical or health care assistance to such person in
7 a residence, nursing care institution, hospice facility,
8 assisted living center, assisted living facility, assisted
9 living home, residential care institution, adult day
10 health care facility, or adult foster care home.

11 “(2) FAMILY MEMBER.—The term ‘family
12 member’ means, with respect to a person, an indi-
13 vidual who is related to such person by blood, mar-
14 riage, adoption, or legal guardianship.

15 “(3) HOUSEHOLD MEMBER.—The term ‘house-
16 hold member’ means, with respect to a person, an
17 individual who resides at the same residence as such
18 person.

19 “(d) EFFECTIVE DATE.—This section shall apply
20 with respect to elections for Federal office held after Janu-
21 ary 1, 2021.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for chapter 29 of title 18, United States Code

1 is amended by adding at the end the following new
2 item:

“612. Prohibition on ballot harvesting in Federal elections.”.

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