

116TH CONGRESS
1ST SESSION

H. R. 2547

To amend the Help America Vote Act of 2002 to require States to allow an individual to cure a mismatched signature on a mail-in or provisional ballot, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Mr. DEUTCH (for himself and Mr. HASTINGS) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require States to allow an individual to cure a mismatched signature on a mail-in or provisional ballot, 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 “Protecting American
5 Votes Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is—

1 (1) to protect the due process rights of Amer-
2 ican voters;

3 (2) to preserve free and fair elections; and

4 (3) to prevent the disenfranchisement of eligible
5 voters.

6 **SEC. 3. NOTICE AND CURE PROCESS REQUIRED FOR MIS-**
7 **MATCHED SIGNATURES ON MAIL-IN AND**
8 **PROVISIONAL BALLOTS.**

9 (a) IN GENERAL.—Title III of the Help America
10 Vote Act of 2002 (52 U.S.C. 21083 et seq.) is amended—

11 (1) by redesignating sections 304 and 305 as
12 sections 305 and 306, respectively; and

13 (2) by inserting after section 303 the following
14 new section:

15 **“SEC. 304. SIGNATURE MISMATCH ON BALLOT SUBMITTED**
16 **BY MAIL OR PROVISIONAL BALLOT.**

17 “(a) COVERED STATE DEFINED.—In this section,
18 the term ‘covered State’ means a State in which, under
19 State law, a ballot submitted by mail or a provisional bal-
20 lot is not counted as a vote in an election for Federal office
21 unless the State verifies the signature of the individual
22 who submitted such ballot by comparing the signature on
23 the envelope containing such ballot or a document accom-
24 panying such ballot and the signature of such individual

1 on the official list of registered voters in the State or other
2 official record, or other document.

3 “(b) NOTICE REQUIRED.—

4 “(1) IN GENERAL.—If an individual submits a
5 ballot by mail or a provisional ballot in an election
6 for Federal office in a covered State, and the appro-
7 priate State or local election official determines that
8 a discrepancy exists between the signature on the
9 envelope containing such ballot or a document ac-
10 companying such ballot used to verify the signature
11 and the signature of such individual on the official
12 list of registered voters in the State or other official
13 record, or other document used by the State to
14 verify the signatures of voters, such election official,
15 prior to making a final determination as to the va-
16 lidity of such ballot, shall make a good faith effort
17 to immediately notify such individual that—

18 “(A) a discrepancy exists between the sig-
19 nature on the envelope containing such ballot or
20 a document accompanying such ballot used to
21 verify the signature and the signature of such
22 individual on the official list of registered voters
23 in the State or other official record, or other
24 document used by the State to verify the signa-
25 tures of voters;

1 “(B) such individual may provide informa-
2 tion to cure such discrepancy in accordance
3 with the procedures established pursuant to
4 subsection (c)(1)(A); and

5 “(C) if such discrepancy is not cured, such
6 ballot will not be counted.

7 “(2) FORM OF NOTICE.—An election official
8 shall provide the notice required by paragraph (1)—

9 “(A) by regular mail; and

10 “(B) by phone, electronic mail, or text
11 message.

12 “(3) NO EFFECT ON OTHER NOTICE REQUIRE-
13 MENTS RELATED TO PROVISIONAL BALLOTS.—In the
14 case of an individual who submits a provisional bal-
15 lot, the requirements of this subsection shall be in
16 addition to the requirements applicable to such an
17 individual under section 302(a).

18 “(c) OPPORTUNITY TO CURE.—

19 “(1) ESTABLISHMENT OF PROCEDURES.—A
20 covered State shall, in a uniform and nondiscrim-
21 inatory manner, establish procedures—

22 “(A) to allow an individual to whom notice
23 is provided under subsection (b)—

24 “(i) to provide information to cure the
25 discrepancy described in subsection (b)(1)

1 by a date that is not less than 10 calendar
2 days following the date on which the notice
3 required under subsection (a) is given; and

4 “(ii) if such information is rejected, to
5 appeal the rejection; and

6 “(B) prior to the date of final certification
7 of ballots in the election by such State, to pro-
8 vide such individual a final determination as to
9 the validity of the ballot.

10 “(2) COUNTING OF VOTE.—If the appropriate
11 State or local election official to whom information
12 is provided under the procedures established pursu-
13 ant to paragraph (1)(A) determines that the indi-
14 vidual has a valid ballot, such ballot shall be counted
15 as a vote in that election in accordance with State
16 law.

17 “(d) TRAINING REQUIRED.—A covered State shall
18 prohibit an election official from participating in the
19 counting of ballots submitted by mail or provisional ballots
20 unless such official has completed formal signature match-
21 ing training (as determined appropriate by the covered
22 State).

23 “(e) REPORT.—

24 “(1) IN GENERAL.—Not later than 120 days
25 after the end of a Federal election cycle, each chief

1 State election official in a covered State shall submit
2 to Congress a report containing the following infor-
3 mation for the applicable Federal election cycle in
4 the State:

5 “(A) The number of ballots invalidated due
6 to a discrepancy under this section.

7 “(B) Description of attempts to contact
8 voters to provide notice as required by this sec-
9 tion.

10 “(C) Description of the cure process devel-
11 oped by such State pursuant to this section, in-
12 cluding the number of ballots determined valid
13 as a result of such process.

14 “(2) FEDERAL ELECTION CYCLE DEFINED.—
15 For purposes of this subsection, the term ‘Federal
16 election cycle’ means the period beginning on Janu-
17 ary 1 of any odd numbered year and ending on De-
18 cember 31 of the following year.”.

19 (b) CONFORMING AMENDMENT RELATING TO VOL-
20 UNTARY GUIDANCE BY ELECTION ASSISTANCE COMMIS-
21 SION.—Section 311(b) of such Act (52 U.S.C. 21101) is
22 amended—

23 (1) in paragraph (2), by striking “and”;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(4) in the case of the recommendations with
3 respect to section 304, 1 year after the date of en-
4 actment of the Protecting American Votes Act.”.

5 (c) CONFORMING AMENDMENT RELATING TO EN-
6 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
7 is amended by striking “and 303” and inserting “303, and
8 304”.

9 (d) CLERICAL AMENDMENTS.—The table of contents
10 of such Act is amended—

11 (1) by redesignating the items relating to sec-
12 tions 304 and 305 as relating to sections 305 and
13 306, respectively; and

14 (2) by inserting after the item relating to sec-
15 tion 303 the following new item:

“Sec. 304. Signature mismatch on ballot submitted by mail or provisional bal-
lot.”.

16 **SEC. 4. EFFECTIVE DATE.**

17 The amendments by made this Act shall apply with
18 respect to elections for Federal office held in 2020 or any
19 succeeding year.

○