

116TH CONGRESS  
2D SESSION

# H. R. 8189

To amend the Help America Vote Act of 2002 to prohibit a State from counting a ballot cast in an election for Federal office which is received by the State after the date of the election.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2020

Mr. GOHMERT introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to prohibit a State from counting a ballot cast in an election for Federal office which is received by the State after the date of the election.

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. PROHIBITING COUNTING BALLOTS RECEIVED**

4 **AFTER DATE OF ELECTION.**

5 (a) PROHIBITION.—Title III of the Help America  
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended  
7 by inserting after section 303 the following new section:

1 **“SEC. 303A. PROHIBITING COUNTING OF BALLOTS RE-**  
2 **CEIVED AFTER DATE OF ELECTION.**

3       “(a) PROHIBITION.—A State may not count a ballot  
4 cast in an election for Federal office which is received by  
5 the State after the date of the election. For purposes of  
6 this subsection, a ballot shall be considered to be received  
7 by the State after the date of the election if the ballot  
8 is not received by the appropriate State or local election  
9 official prior to 12:01 a.m. on the day after the date of  
10 the election.

11       “(b) EXCEPTION FOR ABSENT UNIFORMED SERV-  
12 ICES VOTERS AND OVERSEAS CITIZENS.—Subsection (a)  
13 does not apply with respect to any individual who is enti-  
14 tled to vote by absentee ballot under the Uniformed and  
15 Overseas Citizens Absentee Voting Act (52 U.S.C. 20301  
16 et seq.).

17       “(c) EFFECTIVE DATE.—This section shall apply  
18 with respect to the regularly scheduled general election for  
19 Federal office held in November 2020 and each succeeding  
20 election for Federal office.”.

21       (b) CONFORMING AMENDMENT RELATING TO EN-  
22 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
23 is amended by striking “and 303” and inserting “303, and  
24 303A”.

1           (c) CLERICAL AMENDMENT.—The table of contents  
2 of such Act is amended by inserting after the item relating  
3 to section 303 the following new item:

“Sec. 303A. Prohibiting counting of ballots received after date of election.”.

