

116TH CONGRESS
2D SESSION

S. 4707

To amend the Help America Vote Act of 2002 to provide Federal standards for mail-in ballots and reporting of election results with respect to elections for Federal office.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2020

Mr. SCOTT of Florida 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 Federal standards for mail-in ballots and reporting of election results with respect to elections for Federal office.

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 “Verifiable, Orderly,
5 and Timely Election Results Act”.

6 **SEC. 2. FEDERAL STANDARDS FOR MAIL-IN BALLOTS.**

7 (a) IN GENERAL.—Title III of the Help America
8 Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended—

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

3 (2) by inserting after section 303 the following
4 new section:

5 **“SEC. 304. FEDERAL STANDARDS FOR MAIL-IN BALLOTS.**

6 “(a) IN GENERAL.—When otherwise permitted by
7 State law, any vote-by-mail system used in an election for
8 Federal office must be designed and implemented to en-
9 sure a secure, uniform, and timely system to cast a mail-
10 in ballot in accordance with this section.

11 “(b) REQUESTS.—

12 “(1) IN GENERAL.—Requests for a mail-in bal-
13 lot under such system may be submitted electroni-
14 cally or by postal mail using a standardized form ap-
15 proved for such requests by the chief State election
16 official.

17 “(2) REQUEST.—The form for such requests
18 must enable an election official who receives the re-
19 quest to confirm—

20 “(A) the identity of the individual submit-
21 ting the request;

22 “(B) that the individual is validly reg-
23 istered to vote in the jurisdiction where the re-
24 quest is submitted; and

1 “(C) that the individual continues to reside
2 at the physical address where the individual is
3 registered to vote (if different than the mailing
4 address where the ballot is requested to be
5 sent).

6 “(3) DEADLINE FOR SUBMISSION.—Such re-
7 quest must be submitted by an individual and re-
8 ceived by the office of the State or local election su-
9 pervisor not later than 21 days before the date of
10 the election for Federal office.

11 “(4) MAILING OF BALLOTS.—Upon receipt of
12 such a request, the State or local election supervisor
13 shall fulfill the request by mailing a mail-in ballot to
14 the individual within 3 days.

15 “(c) REQUIREMENTS FOR STATE OR LOCAL ELEC-
16 TION OFFICIALS.—The office of the State or local election
17 supervisor shall—

18 “(1) record the total number of mail-in ballots
19 sent to voters pursuant to this section; and

20 “(2) include a notation on the voter rolls main-
21 tained by the office and provided to the individual
22 polling locations, which identifies that a voter has
23 received a mail-in ballot and the date that mail-in
24 ballot was sent to the voter.

25 “(d) BALLOT REQUIREMENTS.—

1 “(1) IN GENERAL.—To be considered validly
2 cast and eligible to be counted in an election for
3 Federal office, a mail-in ballot must—

4 “(A) be marked using blue or black ink,
5 and properly designate the individual’s vote for
6 each candidate;

7 “(B) be signed by the individual using the
8 same signature the individual used to register
9 to vote;

10 “(C) be dated;

11 “(D) be received by the appropriate elec-
12 tion official no later than the time polls close on
13 the date of the election;

14 “(E) include an attestation, signed by the
15 individual, that the individual submitting the
16 mail-in ballot is—

17 “(i) the individual to whom the ballot
18 was mailed;

19 “(ii) registered to vote in the jurisdic-
20 tion where the ballot is being submitted;
21 and

22 “(iii) submitting the mail-in ballot in
23 lieu of casting a ballot in-person, and will
24 not attempt to cast a ballot in-person after
25 submitting the mail-in ballot.

1 “(2) RETURN OF BALLOTS IN-PERSON.—An in-
2 dividual may choose to return a mail-in ballot in-per-
3 son to the polling place where the individual is reg-
4 istered to vote in lieu of returning the ballot by mail.

5 “(e) OPTION TO VOTE IN-PERSON.—

6 “(1) IN GENERAL.—An individual who receives
7 a mail-in ballot with respect to an election for Fed-
8 eral office may instead vote in-person in such elec-
9 tion if the individual turns in the blank or incom-
10 plete mail-in ballot received by the individual to the
11 polling location where the individual plans to vote in-
12 person.

13 “(2) PROVISIONAL BALLOT.—If the individual
14 attempts to vote in-person but does not bring their
15 blank or incomplete mail-in ballot to the polling loca-
16 tion, the individual shall be directed to complete a
17 provisional ballot.

18 “(f) PERSONS PERMITTED TO POSSESS MAIL-IN
19 BALLOTS.—

20 “(1) IN GENERAL.—It shall be unlawful for any
21 person to possess or return a mail-in ballot com-
22 pleted by another person, except as provided in this
23 subsection.

24 “(2) IMMEDIATE FAMILY MEMBER.—

1 “(A) IN GENERAL.—A person may possess
2 or return a mail-in ballot completed by an im-
3 mediate family member, provided that the per-
4 son does not possess more than two such com-
5 pleted mail-in ballots other than his or her own.

6 “(B) DEFINITION OF IMMEDIATE FAMILY
7 MEMBER.—In this paragraph, the term ‘imme-
8 diate family member’ means the spouse, child,
9 parent, grandparent, or sibling of the person.

10 “(3) CAREGIVER.—

11 “(A) IN GENERAL.—A caregiver may pos-
12 sess or return a mail-in ballot completed by a
13 person under the supervision or care of the
14 caregiver, provided that the caregiver does not
15 possess more than two such completed mail-in
16 ballots other than his or her own.

17 “(B) DEFINITION OF CAREGIVER.—In this
18 paragraph, the term ‘caregiver’ means an indi-
19 vidual who has the responsibility for the care of
20 an older individual, either voluntarily, by con-
21 tract, by receipt of payment for care, or as a re-
22 sult of the operation of law and means an indi-
23 vidual who provides (on behalf of such indi-
24 vidual or of a public or private agency, organi-

1 zation, or institution) compensated or uncom-
2 pensated care to an older individual.

3 “(4) INCIDENTAL POSSESSION EXCEPTED.—
4 The prohibition under paragraph (1) shall not apply
5 to the incidental possession of mail-in ballots by a
6 postal worker or election official acting within the
7 scope of his or her official capacity.

8 “(5) PENALTY.—Any person who violates this
9 subsection shall be fined under title 18, United
10 States Code, or imprisoned not more than 1 year, or
11 both.

12 “(g) EFFECTIVE DATE.—This section shall apply
13 with respect to elections for Federal office held after the
14 date of the enactment of this section.”.

15 (b) CONFORMING AMENDMENT RELATING TO EN-
16 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
17 is amended by striking “and 303” and inserting “303, and
18 304”.

19 **SEC. 3. FEDERAL STANDARDS FOR REPORTING ELECTION**
20 **RESULTS.**

21 (a) IN GENERAL.—Title III of the Help America
22 Vote Act of 2002 (52 U.S.C. 20901 et seq.), as amended
23 by section 2(a), is amended—

24 (1) by redesignating sections 305 and 306 as
25 sections 306 and 307, respectively; and

1 (2) by inserting after section 304 the following
2 new section:

3 **“SEC. 305. FEDERAL STANDARDS FOR REPORTING ELEC-**
4 **TION RESULTS.**

5 “(a) IN GENERAL.—The chief State election official
6 shall ensure that ballots validly cast in an election for Fed-
7 eral office are able to be counted and reported in a timely
8 manner as follows:

9 “(1) Mail-in ballots received prior to the date of
10 the election shall be counted beginning at the time
11 polls open on the date of the election.

12 “(2) One hour after polls close on the date of
13 the election, each voting precinct shall report to the
14 chief State election official the following:

15 “(A) The total number of mail-in ballots
16 received by the voting precinct.

17 “(B) The total number of ballots cast in-
18 person in the voting precinct.

19 “(C) Of the ballots reported under sub-
20 paragraphs (A) and (B), the number of such
21 ballots that have been counted and the number
22 of such ballots that remain to be counted.

23 “(3) All ballots validly cast in an election for
24 Federal office shall be counted and reported within

1 24 hours after the conclusion of voting on the date
2 of the election.

3 “(b) EFFECTIVE DATE.—This section shall apply
4 with respect to elections for Federal office held after the
5 date of the enactment of this section.”.

6 (b) CONFORMING AMENDMENT RELATING TO EN-
7 FORCEMENT.—Section 401 of such Act (52 U.S.C.
8 21111), as amended by section 2(b), is amended by strik-
9 ing “and 304” and inserting “304, and 305”.

○