

[DISCUSSION DRAFT]

116TH CONGRESS
2^D SESSION

H. R. _____

To amend the Help America Vote Act of 2002 to prohibit payments under such Act to States which permit ballot harvesting, and for other purposes

IN THE HOUSE OF REPRESENTATIVES

Ms. GABBAR introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Help America Vote Act of 2002 to prohibit payments under such Act to States which permit ballot harvesting, 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 “Election Fraud Pre-
5 vention Act.”

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The elections clause in the United States
2 Constitution provides the States the responsibility of
3 the administration of the elections process within
4 their jurisdictions.

5 (2) Free and fair elections are the lock and key
6 to the democratic process in the United States and
7 it is Congress's duty to protect and uphold the re-
8 sponsibility of the States to conduct an election
9 process with the utmost integrity regardless of polit-
10 ical party affiliation.

11 (3) Depending on the State or locality, voters
12 have the option of leaving their mail ballots in a
13 drop box, having their ballots collected and sub-
14 mitted by a third party, or returning them at the
15 polls or a local election office.

16 (4) Third-party collection of ballots, which some
17 refer to as "ballot harvesting," is a practice long
18 used by special-interest groups and both major polit-
19 ical parties that is viewed either as a voter service
20 that boosts voter turnout or an activity that has the
21 potential to make elections vulnerable to fraud.

22 (5) Today, several States have allowed or tried
23 to limit ballot harvesting by restricting who can turn
24 in another person's ballot. Nine States allow a fam-
25 ily member to return a ballot for a voter, 27 States

1 allow voters to designate someone to return their
2 ballot for them, although some of these States have
3 placed limits on who may collect the ballots or how
4 many they may collect, and 13 States are silent on
5 the issue of ballot collection.

6 **SEC. 3. PROHIBITION ON PAYMENTS TO STATES ALLOWING**
7 **COLLECTION AND TRANSMISSION OF BAL-**
8 **LOTS BY CERTAIN THIRD PARTIES.**

9 (a) IN GENERAL.—Subtitle D of title II of the Help
10 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
11 amended by adding at the end the following new part:

12 **“PART 7—PROHIBITION ON PAYMENTS TO**
13 **STATES ALLOWING COLLECTION AND**
14 **TRANSMISSION OF BALLOTS BY CERTAIN**
15 **THIRD PARTIES**

16 **“SEC. 297 ELIGIBILITY FOR PAYMENTS OF STATES ALLOW-**
17 **ING COLLECTION AND TRANSMISSION OF**
18 **BALLOTS BY CERTAIN THIRD PARTIES.**

19 “(a) IN GENERAL.—A State is not eligible to receive
20 funds under this Act unless the State has in effect a law
21 that prohibits an individual from the knowing collection
22 and transmission of a ballot in an election for Federal of-
23 fice that was mailed to another person, other than an indi-
24 vidual described as follows:

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

3 “(2) An employee of the United States Postal
4 Service while engaged in official duties as authorized
5 by law.

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

9 “(4) A family member, household member, or
10 caregiver of the person to whom the ballot was
11 mailed.

12 “(b) DEFINITIONS.—For purposes of this section,
13 with respect to a person to whom the ballot was mailed:

14 “(1) The term ‘caregiver’ means an individual
15 who provides medical or health care assistance to
16 such person in a residence, nursing care institution,
17 hospice facility, assisted living center, assisted living
18 facility, assisted living home, residential care institu-
19 tion, adult day health care facility, or adult foster
20 care home.

21 “(2) The term ‘family member’ means an indi-
22 vidual who is related to such person by blood, mar-
23 riage, adoption or legal guardianship.

1 “(3) The term ‘household member’ means an
2 individual who resides at the same residence as such
3 person.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 of such Act is amended by inserting after the item relating
6 to section 296 the following new item:

“PART 7—PROHIBITION ON PAYMENTS TO STATES ALLOWING
COLLECTION AND TRANSMISSION OF BALLOTS BY CERTAIN
THIRD PARTIES

“Sec. 297 Eligibility for payments of States allowing collection and trans-
mission of ballots by certain third parties.”.