

117TH CONGRESS
1ST SESSION

S. 301

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

FEBRUARY 8, 2021

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.—Mail-in ballots may only be
13 provided upon request submitted by the voter in ac-
14 cordance with this subsection. Requests for a mail-
15 in ballot under a vote-by-mail system described in
16 subsection (a) may be submitted electronically or by
17 postal mail using a standardized form approved for
18 such requests by the chief State election official.

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

22 “(A) the identity of the individual submit-
23 ting the request;

1 “(B) that the individual is validly reg-
2 istered and eligible to vote in the jurisdiction
3 where the request is submitted; and

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

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

14 “(4) METHODS TO CONFIRM IDENTITY, REG-
15 ISTRATION, AND ELIGIBILITY OF REQUESTER.—

16 “(A) IN GENERAL.—Upon receipt of a re-
17 quest for a mail-in ballot, an election official
18 shall confirm the identity, voter registration,
19 and eligibility to vote of an individual request-
20 ing a mail-in ballot, by comparing the identi-
21 fying information of the individual requester
22 with, at a minimum, the following records and
23 databases:

1 “(i) The voter registration record
2 maintained by the jurisdiction where the
3 request is submitted.

4 “(ii) The Death Master File (as such
5 term is defined in section 203(d) of the Bi-
6 partisan Budget Act of 2013 (42 U.S.C.
7 1306c(d))).

8 “(iii) The E-Verify Program described
9 in section 403(a) of the Illegal Immigra-
10 tion Reform and Immigrant Responsibility
11 Act of 1996.

12 “(B) PROMPT RESPONSE TO REQUEST.—
13 Within 3 days of receiving a request for a mail-
14 in ballot from an individual, an election official
15 shall take one of the following actions with re-
16 spect to such request:

17 “(i) If the election official is unable to
18 confirm the identity, voter registration, or
19 eligibility to vote of the individual, the elec-
20 tion official shall deny the request for a
21 mail-in ballot and notify the individual in
22 writing of the reason for such denial.

23 “(ii) If the election official is able to
24 confirm the identity, voter registration, or
25 eligibility to vote of the individual, the elec-

1 tion official shall fulfill the request by
2 mailing a mail-in ballot to the individual.

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

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

8 “(2) include a notation on the voter rolls main-
9 tained by the office and provided to the individual
10 polling locations, which identifies that a voter has
11 received a mail-in ballot and the date that mail-in
12 ballot was sent to the voter.

13 “(d) BALLOT REQUIREMENTS.—

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

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

20 “(B) be signed by the individual using the
21 same signature the individual used to register
22 to vote;

23 “(C) be dated;

1 “(D) be received by the appropriate elec-
 2 tion official no later than the time polls close on
 3 the date of the election; and

4 “(E) include an attestation, signed by the
 5 individual, that the individual submitting the
 6 mail-in ballot is—

7 “(i) the individual to whom the ballot
 8 was mailed;

9 “(ii) registered to vote in the jurisdic-
 10 tion where the ballot is being submitted;
 11 and

12 “(iii) submitting the mail-in ballot in
 13 lieu of casting a ballot in-person, and will
 14 not attempt to cast a ballot in-person after
 15 submitting the mail-in ballot.

16 “(2) RETURN OF BALLOTS IN-PERSON.— An
 17 individual may choose to return a mail-in ballot in-
 18 person to the polling place where the individual is
 19 registered to vote in lieu of returning the ballot by
 20 mail.

21 “(e) OPTION TO VOTE IN-PERSON.—

22 “(1) IN GENERAL.—An individual who receives
 23 a mail-in ballot with respect to an election for Fed-
 24 eral office may instead vote in-person in such elec-
 25 tion if the individual turns in the blank or incom-

1 plete mail-in ballot received by the individual to the
2 polling location where the individual plans to vote in-
3 person.

4 “(2) PROVISIONAL BALLOT.—If the individual
5 attempts to vote in-person but does not bring their
6 blank or incomplete mail-in ballot to the polling loca-
7 tion, the individual shall be directed to complete a
8 provisional ballot.

9 “(f) PERSONS PERMITTED TO POSSESS MAIL-IN
10 BALLOTS.—

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

15 “(2) IMMEDIATE FAMILY MEMBER.—

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

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

25 “(3) CAREGIVER.—

1 “(A) IN GENERAL.—A caregiver may pos-
 2 sess or return a mail-in ballot completed by a
 3 person under the supervision or care of the
 4 caregiver, provided that the caregiver does not
 5 possess more than 2 such completed mail-in
 6 ballots other than his or her own.

7 “(B) DEFINITION OF CAREGIVER.—In this
 8 paragraph, the term ‘caregiver’ means an indi-
 9 vidual who has the responsibility for the care of
 10 an older individual, either voluntarily, by con-
 11 tract, by receipt of payment for care, or as a re-
 12 sult of the operation of law and means an indi-
 13 vidual who provides (on behalf of such indi-
 14 vidual or of a public or private agency, organi-
 15 zation, or institution) compensated or uncom-
 16 pensated care to an older individual.

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

22 “(5) PENALTY.—Any person who violates this
 23 subsection shall be fined under title 18, United
 24 States Code, or imprisoned not more than 1 year, or
 25 both.

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

4 (b) CONFORMING AMENDMENTS.—

5 (1) ENFORCEMENT.—Section 401 of such Act
6 (52 U.S.C. 21111) is amended by striking “and
7 303” and inserting “303, and 304”.

8 (2) TABLE OF CONTENTS.—The table of con-
9 tents of such Act is amended—

10 (A) by redesignating the items relating to
11 sections 304 and 305 as relating to sections
12 305 and 306, respectively; and

13 (B) by inserting after the item relating to
14 section 303 the following:

“Sec. 304. Federal standards for mail-in ballots.”.

15 **SEC. 3. FEDERAL STANDARDS FOR REPORTING ELECTION**
16 **RESULTS.**

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

20 (1) by redesignating sections 305 and 306 as
21 sections 306 and 307, respectively; and

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

1 **“SEC. 305. FEDERAL STANDARDS FOR REPORTING ELEC-**
2 **TION RESULTS.**

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

7 “(1) Mail-in ballots received prior to the date of
8 the election shall be counted upon receipt (except in
9 the case of a mail-in ballot received prior to the date
10 that is 22 days before the date of the election, no
11 earlier than the date that is 22 days before the date
12 of the election), provided that the results of such
13 votes counted and recorded must be kept confiden-
14 tial and may not be disclosed until the time polls
15 close on the date of the election.

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

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

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

23 “(C) Of the ballots reported under sub-
24 paragraphs (A) and (B), the number of such
25 ballots that have been counted and the number
26 of such ballots that remain to be counted.

1 “(3)(A) All ballots validly cast in an election for
2 Federal office shall be counted and reported within
3 24 hours after the polls close on the date of the elec-
4 tion.

5 “(B) If the chief State election official is unable
6 to complete the count of votes cast within 24 hours
7 after the polls close on the date of the election, the
8 official must identify with particularity and publicly
9 report—

10 “(i) the reason why the vote count has not
11 been completed;

12 “(ii) the steps the official is taking to en-
13 sure the vote count is completed as expedi-
14 tiously as possible; and

15 “(iii) the anticipated time when the vote
16 count will be completed.

17 “(4) If more than 24 hours have passed after
18 the conclusion of voting without a final vote count,
19 the chief State election official must report the unof-
20 ficial vote count on an hourly basis until the vote
21 count is completed.

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

25 (b) CONFORMING AMENDMENTS.—

1 (1) ENFORCEMENT.—Section 401 of such Act
 2 (52 U.S.C. 21111), as amended by section 2(b), is
 3 amended by striking “and 304” and inserting “304,
 4 and 305”.

5 (2) TABLE OF CONTENTS.—The table of con-
 6 tents of such Act, as amended by section 2(b), is
 7 amended—

8 (A) by redesignating the items relating to
 9 sections 305 and 306 as relating to sections
 10 306 and 307, respectively; and

11 (B) by inserting after the item relating to
 12 section 304 the following:

“Sec. 305. Federal standards for reporting election results.”.

13 **SEC. 4. PROMOTING VOTER ROLL INTEGRITY.**

14 (a) IN GENERAL.—Subtitle D of Title II of the Help
 15 America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is
 16 amended by adding at the end the following new part:

17 **“PART 7—PROMOTING VOTER ROLL INTEGRITY**
 18 **“SEC. 297. PAYMENT INELIGIBILITY FOR STATES WITHOUT**
 19 **ADEQUATE VOTER ROLL INTEGRITY MEAS-**
 20 **URES.**

21 “(a) IN GENERAL.—A State shall be ineligible to re-
 22 ceive funds under this Act unless the State meets the fol-
 23 lowing requirements with respect to each election for Fed-
 24 eral office held on or after January 1, 2021:

1 “(1) IDENTIFICATION REQUIRED TO CAST BAL-
2 LOT.—The State has in effect a law that—

3 “(A) requires an individual to present a
4 current and valid form of photographic identi-
5 fication at a polling location prior to being able
6 to cast a ballot in an election for Federal office;

7 “(B) specifies approved forms of identifica-
8 tion for meeting such requirement;

9 “(C) requires a supervisor of elections or
10 other authorized elections official to confirm the
11 individual is validly registered and eligible to
12 vote at that polling location; and

13 “(D) requires the individual be provided a
14 provisional ballot if—

15 “(i) the individual is unable to present
16 a current and valid approved form of iden-
17 tification; or

18 “(ii) the supervisor of elections or
19 other authorized elections official is unable
20 to confirm that the individual is validly
21 registered and eligible to vote at the poll-
22 ing location.

23 “(2) VOTER SIGNATURE VERIFICATION.—The
24 State has in effect a law that—

1 “(A) requires the supervisor of elections or
2 other authorized election official to compare
3 and confirm that an individual’s signature on a
4 mail-in ballot matches the authorized signature
5 appearing in the individual’s voter registration
6 file; and

7 “(B) specifies procedures for a supervisor
8 of elections or other authorized elections offi-
9 cial—

10 “(i) to notify the individual if the sig-
11 nature on the individual’s mail-in ballot is
12 determined not to match the authorized
13 signature appearing in the individual’s
14 voter registration file;

15 “(ii) to permit the individual to pro-
16 vide a copy of an approved form of photo-
17 graphic identification and a sworn state-
18 ment attesting that—

19 “(I) the individual is validly reg-
20 istered and eligible to vote in the ju-
21 risdiction;

22 “(II) the signature on the mail-in
23 ballot belongs to that individual; and

1 “(III) the individual has not cast
 2 another ballot in the election for Fed-
 3 eral office; and

4 “(iii) to mark the mail-in ballot as il-
 5 legal and ineligible to be counted if the in-
 6 dividual fails to respond within the des-
 7 ignated period of time to cure the reported
 8 defect in the individual’s authorized signa-
 9 ture.

10 “(3) SAME-DAY REGISTRATION PROHIBITED
 11 FOR FIRST-TIME VOTERS.—The State has in effect
 12 a law that prohibits an individual from registering to
 13 vote for the first time and casting a ballot on the
 14 same day at a polling location.

15 “(4) AUDIT OF VOTER ROLLS.—The State has
 16 in effect a law that requires the chief election official
 17 of each jurisdiction or precinct to—

18 “(A) complete an audit of the voter roll of
 19 the registered voters within that jurisdiction or
 20 precinct in each year in which an election for
 21 Federal office is held;

22 “(B) compare the names of the registered
 23 voters within the jurisdiction or precinct with—

24 “(i) the Death Master File (as such
 25 term is defined in section 203(d) of the Bi-

1 partisan Budget Act of 2013 (42 U.S.C.
2 1306c(d)); and

3 “(ii) the E-Verify Program described
4 in section 403(a) of the Illegal Immigra-
5 tion Reform and Immigrant Responsibility
6 Act of 1996;

7 “(C) promptly notify an individual identi-
8 fied as ineligible pursuant to subparagraph (B)
9 to provide an opportunity to prove their eligi-
10 bility to be registered to vote according to pro-
11 cedures defined in State law for that purpose;

12 “(D) remove from the voter roll an indi-
13 vidual who fails to prove their eligibility to vote
14 in an election for Federal office pursuant to
15 subparagraph (C); and

16 “(E) file a written certification with the
17 chief State election official certifying the com-
18 pletion of the audit and the accuracy of the
19 voter roll of registered voters within the rel-
20 evant jurisdiction or precinct, which is required
21 under such law to be submitted not later than
22 6 months prior to the date of an election for
23 Federal office.”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 such Act is amended by inserting after the item relating
3 to section 296 the following:

“PART 7—PROMOTING VOTER ROLL INTEGRITY

“Sec. 297. Payment ineligibility for States without adequate voter roll integrity
measures.”.

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