

116TH CONGRESS
2D SESSION

H. R. 7905

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to make payments to States to assist in administering elections during the COVID–19 Pandemic, to direct the Election Assistance Commission to adopt voluntary guidelines for use of nonvoting election technology, to prohibit payments under such Act to States which do not prohibit ballot harvesting, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2020

Mr. RODNEY DAVIS of Illinois (for himself, Mr. YOUNG, Mr. GARCIA of California, Mr. CHABOT, Ms. STEFANIK, Mr. MEUSER, Mr. NUNES, Mr. McCAUL, Mr. CALVERT, Mr. GUTHRIE, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Help America Vote Act of 2002 to direct the Election Assistance Commission to make payments to States to assist in administering elections during the COVID–19 Pandemic, to direct the Election Assistance Commission to adopt voluntary guidelines for use of nonvoting election technology, to prohibit payments under such Act to States which do not prohibit 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Emergency Assistance for Safe Elections Act” or the
 6 “EASE Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FUNDING FOR ELECTION ADMINISTRATION

Sec. 101. Payments to States to assist in administering elections during
 COVID–19 Pandemic.

“PART 7—ASSISTANCE IN ADMINISTERING ELECTIONS DURING COVID–19
 PANDEMIC

“Sec. 297. Student loan repayments on behalf of volunteer poll workers
 and absentee ballot tabulators in 2020 general elections.

“Sec. 297A. Voter registration list maintenance.

“Sec. 297B. Protection from COVID–19.

“Sec. 297C. General provisions.

Sec. 102. Sense of Congress regarding exclusion of poll worker income from de-
 termination of eligibility for unemployment insurance.

TITLE II—VOTING TECHNOLOGY

Sec. 201. Voluntary guidelines for use of nonvoting election technology.

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Emerging Election Technology Committee.

“Sec. 298B. Nonvoting election technology defined.

Sec. 202. Status reports by National Institute of Standards and Technology.

Sec. 203. Establishment of Election Cyber Assistance Unit in Election Assis-
 tance Commission.

Sec. 204. Certification program in election administration or cybersecurity.

TITLE III—ELECTION FRAUD PREVENTION

Sec. 301. Findings.

Sec. 302. Prohibition on payments to States allowing collection and trans-
 mission of ballots by certain third parties.

1 **TITLE I—FUNDING FOR**
 2 **ELECTION ADMINISTRATION**

3 **SEC. 101. PAYMENTS TO STATES TO ASSIST IN ADMIN-**
 4 **ISTERING ELECTIONS DURING COVID-19 PAN-**
 5 **DEMIC.**

6 (a) **PAYMENTS.**—Subtitle D of title II of the Help
 7 America Vote Act of 2002 (52 U.S.C. 21001 et seq.) is
 8 amended by adding at the end the following new part:

9 **“PART 7—ASSISTANCE IN ADMINISTERING**
 10 **ELECTIONS DURING COVID-19 PANDEMIC**

11 **“SEC. 297. STUDENT LOAN REPAYMENTS ON BEHALF OF**
 12 **VOLUNTEER POLL WORKERS AND ABSENTEE**
 13 **BALLOT TABULATORS IN 2020 GENERAL**
 14 **ELECTIONS.**

15 “(a) **REPAYMENTS BY ELECTION ASSISTANCE COM-**
 16 **MISSION.**—The Commission shall make a payment to each
 17 eligible State for the costs incurred by the State in repay-
 18 ing (by direct payments on behalf of a qualified student
 19 volunteer) a portion of a student loan previously taken out
 20 by an individual who serves as a qualified student volun-
 21 teer with respect to a regularly scheduled general election
 22 for Federal office held in the State in November 2020.

23 “(b) **ELIGIBILITY.**—A State is eligible to receive a
 24 payment under this section if the State submits to the
 25 Commission, at such time and in such form as the Com-

1 mission may require, an application containing such infor-
2 mation and assurances as the Commission may require.

3 “(c) AMOUNT OF REPAYMENT.—Subject to the
4 amount of the payment made to the State under sub-
5 section (d), the amount of the costs the State incurs on
6 behalf of a qualified student volunteer for purposes of sub-
7 section (a) shall be equal to the product of—

8 “(1) a repayment rate established by the Com-
9 mission; and

10 “(2) the number of hours the volunteer serves
11 as a volunteer poll worker or as a volunteer absentee
12 ballot tabulator, as certified to the Commission by
13 the appropriate State or local election official.

14 “(d) AMOUNT OF PAYMENT.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 the amount of a payment made to a State under this
17 section shall be equal to the product of—

18 “(A) the total amount appropriated for
19 such payments pursuant to the authorization
20 under subsection (e); and

21 “(B) the State allocation percentage for
22 the State.

23 “(2) MINIMUM AMOUNT OF PAYMENT.—The
24 amount of a payment made to a State under this
25 section may not be less than—

1 “(A) in the case of any of the several
2 States or the District of Columbia, one-half of
3 1 percent of the total amount appropriated for
4 such payments; or

5 “(B) in the case of the Commonwealth of
6 Puerto Rico, Guam, American Samoa, the
7 United States Virgin Islands, and the Common-
8 wealth of the Northern Mariana Islands, one-
9 tenth of 1 percent of such total amount.

10 “(3) PRO RATA REDUCTIONS.—The Commis-
11 sion shall make such pro rata reductions to the allo-
12 cations determined under paragraph (1) as are nec-
13 essary to comply with the requirements of paragraph
14 (2).

15 “(e) QUALIFIED STUDENT VOLUNTEER DEFINED.—
16 In this section, a ‘qualified student volunteer’ means an
17 individual—

18 “(1) who, as certified to the Commission by the
19 appropriate State or local election official, serves—

20 “(A) as a volunteer poll worker at a polling
21 place, including any location at which voters
22 may cast ballots prior to the date of the elec-
23 tion, or

1 “(B) as a volunteer absentee ballot tab-
2 ulator, as certified to the Commission by the
3 appropriate State or local election official; and

4 “(2) at the time of serving as a volunteer poll
5 worker or volunteer absentee ballot tabulator, is en-
6 rolled at an institution of higher education (as de-
7 fined in section 102 of the Higher Education Act of
8 1965 (20 U.S.C. 1002)).

9 “(f) APPLICATION OF REGULATIONS UNDER STU-
10 DENT LOAN REPAYMENT PROGRAM FOR FEDERAL EM-
11 PLOYEES.—In carrying out the program under this sec-
12 tion, the Commission may make applicable such provisions
13 of section 5379 of title 5, United States Code, as the Com-
14 mission considers appropriate.

15 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$100,000,000 for pay-
17 ments under this section.

18 **“SEC. 297A. VOTER REGISTRATION LIST MAINTENANCE.**

19 “(a) PAYMENTS.—

20 “(1) IN GENERAL.—The Commission shall
21 make a payment to each eligible State for carrying
22 out maintenance of the computerized Statewide
23 voter registration list under section 303 and car-
24 rying out programs under section 8 of the National
25 Voter Registration Act of 1993 (52 U.S.C. 20507)

1 to ensure the accuracy of voter registration lists in
2 the State.

3 “(2) AVAILABILITY OF PAYMENTS TO STATES
4 WITHOUT VOTER REGISTRATION.—In the case of an
5 eligible State in which, under a State law in effect
6 continuously on and after the date of the enactment
7 of this Act, there is no voter registration require-
8 ment for individuals in the State with respect to
9 elections for Federal office, an eligible State shall
10 use the payment under this section for carrying out
11 activities to protect polling places in the State, and
12 individuals present in such polling places, from expo-
13 sure to SARS-CoV-2 or COVID-19 (as described in
14 section 297B).

15 “(b) ELIGIBILITY.—A State is eligible to receive a
16 payment under this section if the State submits to the
17 Commission, at such time and in such form as the Com-
18 mission may require, an application containing such infor-
19 mation and assurances as the Commission may require.

20 “(c) AMOUNT OF PAYMENT.—

21 “(1) IN GENERAL.—Subject to paragraph (2),
22 the amount of a payment made to a State under this
23 section shall be equal to the product of—

1 “(A) the total amount appropriated for
2 such payments pursuant to the authorization
3 under subsection (d); and

4 “(B) the State allocation percentage for
5 the State.

6 “(2) MINIMUM AMOUNT OF PAYMENT.—The
7 amount of a payment made to a State under this
8 section may not be less than—

9 “(A) in the case of any of the several
10 States or the District of Columbia, one-half of
11 1 percent of the total amount appropriated for
12 such payments; or

13 “(B) in the case of the Commonwealth of
14 Puerto Rico, Guam, American Samoa, the
15 United States Virgin Islands, and the Common-
16 wealth of the Northern Mariana Islands, one-
17 tenth of 1 percent of such total amount.

18 “(3) PRO RATA REDUCTIONS.—The Commis-
19 sion shall make such pro rata reductions to the allo-
20 cations determined under paragraph (1) as are nec-
21 essary to comply with the requirements of paragraph
22 (2).

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated \$100,000,000 for pay-
25 ments under this section.

1 **“SEC. 297B. PROTECTION FROM COVID-19.**

2 “(a) PAYMENTS.—The Commission shall make the
3 following payments to each eligible State:

4 “(1) A payment for the chief State election offi-
5 cial to for carrying out Statewide activities to pro-
6 tect polling places in the State, and individuals
7 present in such polling places, from exposure to
8 SARS-CoV-2 or COVID-19.

9 “(2) A payment for the chief State election offi-
10 cial to pass through to local jurisdictions in the
11 State for carrying out a plan prepared by the chief
12 State election official and approved by the Commis-
13 sion to protect polling places in the jurisdiction, and
14 individuals present in such polling places, from expo-
15 sure to SARS-CoV-2 or COVID-19.

16 “(b) ELIGIBILITY.—A State is eligible to receive a
17 payment under this section if the State submits to the
18 Commission, at such time and in such form as the Com-
19 mission may require, an application containing such infor-
20 mation and assurances as the Commission may require.

21 “(c) AMOUNT OF PAYMENT.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the amount of a payment made to a State under
24 paragraph (1) or paragraph (2) of subsection (a)
25 shall be equal to the product of—

1 “(A) the total amount appropriated for
2 payments under such paragraph pursuant to
3 the authorization under subsection (d); and

4 “(B) the State allocation percentage for
5 the State.

6 “(2) MINIMUM AMOUNT OF PAYMENT.—The
7 amount of a payment made to a State under para-
8 graph (1) or paragraph (2) of subsection (a) may
9 not be less than—

10 “(A) in the case of any of the several
11 States or the District of Columbia, one-half of
12 1 percent of the total amount appropriated for
13 payments under such paragraph; or

14 “(B) in the case of the Commonwealth of
15 Puerto Rico, Guam, American Samoa, the
16 United States Virgin Islands, and the Common-
17 wealth of the Northern Mariana Islands, one-
18 tenth of 1 percent of such total amount.

19 “(3) PRO RATA REDUCTIONS.—The Commis-
20 sion shall make such pro rata reductions to the allo-
21 cations determined under paragraph (1) as are nec-
22 essary to comply with the requirements of paragraph
23 (2).

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$200,000,000 for pay-
3 ments under this section, of which—

4 “(1) \$100,000,000 is authorized to be appro-
5 priated for payments under paragraph (1) of sub-
6 section (a); and

7 “(2) \$100,000,000 is authorized to be appro-
8 priated for payments under paragraph (2) of sub-
9 section (a).

10 **“SEC. 297C. GENERAL PROVISIONS.**

11 “(a) DEFINITIONS.—

12 “(1) STATE.—In this part, the term ‘State’
13 means each State, the District of Columbia, the
14 Commonwealth of Puerto Rico, American Samoa,
15 Guam, the United States Virgin Islands, and the
16 Commonwealth of the Northern Mariana Islands.

17 “(2) STATE ALLOCATION PERCENTAGE.—In
18 this part, the term ‘State allocation percentage’
19 means, with respect to a State, the amount (ex-
20 pressed as a percentage) equal to the quotient of—

21 “(A) the voting age population of the State
22 (as reported in the most recent decennial cen-
23 sus); and

1 “(B) the total voting age population of all
2 States (as reported in the most recent decennial
3 census).

4 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
5 APPROPRIATION.—A payment made to a State under this
6 part shall be available to the State without fiscal year limi-
7 tation.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by adding at the end of the items
10 relating to subtitle D of title II the following:

“PART 7—ASSISTANCE IN ADMINISTERING ELECTIONS DURING COVID–19
PANDEMIC

“Sec. 297. Student loan repayments on behalf of volunteer poll workers and ab-
sentee ballot tabulators in 2020 general elections.

“Sec. 297A. Voter registration list maintenance.

“Sec. 297B. Protection from COVID–19.

“Sec. 297C. General provisions.”.

11 **SEC. 102. SENSE OF CONGRESS REGARDING EXCLUSION OF**
12 **POLL WORKER INCOME FROM DETERMINA-**
13 **TION OF ELIGIBILITY FOR UNEMPLOYMENT**
14 **INSURANCE.**

15 Because the Nation is in an unprecedented battle
16 against COVID–19, it is the Sense of Congress that State
17 legislatures should be encouraged to revisit their unem-
18 ployment insurance systems to ensure that any volunteer
19 who receives compensation for services as a poll worker
20 does not fail to qualify for such unemployment insurance
21 solely on the basis of service as a poll worker.

1 **TITLE II—VOTING TECHNOLOGY**

2 **SEC. 201. VOLUNTARY GUIDELINES FOR USE OF NON-**
3 **VOTING ELECTION TECHNOLOGY.**

4 (a) ADOPTION OF VOLUNTARY GUIDELINES BY
5 ELECTION ASSISTANCE COMMISSION.—Title II of the
6 Help America Vote Act of 2002 (52 U.S.C. 20921 et seq.)
7 is amended by adding at the end the following new sub-
8 title:

9 **“Subtitle E—Voluntary Guidelines**
10 **for Use of Nonvoting Election**
11 **Technology**

12 **“SEC. 298. ADOPTION OF VOLUNTARY GUIDELINES BY COM-**
13 **MISSION.**

14 “(a) ADOPTION.—The Commission shall adopt vol-
15 untary guidelines for election officials on the use of non-
16 voting election technology, taking into account the rec-
17 ommendations of the Emerging Election Technology Com-
18 mittee under section 298A.

19 “(b) REVIEW.—The Commission shall review and up-
20 date the guidelines adopted under this subtitle not less fre-
21 quently than once every 2 years.

22 “(c) PROCESS FOR ADOPTION.—The adoption of the
23 voluntary guidelines under this subtitle shall be carried
24 out by the Commission in a manner that provides for each
25 of the following:

1 “(1) Publication of notice of the proposed
2 guidelines in the Federal Register.

3 “(2) An opportunity for public comment on the
4 proposed guidelines.

5 “(3) An opportunity for a public hearing on the
6 record.

7 “(4) Publication of the final recommendations
8 in the Federal Register.

9 “(d) DEADLINE FOR INITIAL SET OF GUIDELINES.—
10 The Commission shall adopt the initial set of voluntary
11 guidelines under this section not later than June 1, 2021.

12 **“SEC. 298A. EMERGING ELECTION TECHNOLOGY COM-**
13 **MITTEE.**

14 “(a) ESTABLISHMENT.—There is established in the
15 Commission the Emerging Election Technology Com-
16 mittee (hereafter in this section referred to as the ‘Tech-
17 nology Committee’).

18 “(b) DUTIES.—The Technology Committee shall as-
19 sist the Commission in the adoption of voluntary guide-
20 lines under section 298, including by providing the Com-
21 mission with recommendations on appropriate standards
22 for the use of nonvoting election technology, including
23 standards to ensure the security and promote the usability
24 of such technology.

25 “(c) MEMBERSHIP.—

1 “(1) IN GENERAL.—The Technology Committee
2 shall be composed of members appointed by the
3 Commission as follows:

4 “(A) Each member shall have expertise in
5 the operation of nonvoting election technology.

6 “(B) At least three of the members shall
7 be State or local election officials.

8 “(C) At least four of the members shall be
9 individuals who are not employees of the Com-
10 mission.

11 “(2) NUMBER.—The number of members of the
12 Technology Committee shall be determined by the
13 Commission.

14 “(3) QUORUM.—A majority of the members of
15 the Technology Committee shall constitute a
16 quorum, except that the Technology Committee may
17 not conduct any business prior to the appointment
18 of all of its members.

19 “(d) CHAIR.—The members of the Technology Com-
20 mittee shall select one of the members to serve as chair
21 of the Committee.

22 “(e) NO COMPENSATION FOR SERVICE.—Members of
23 the Technology Committee shall not receive any compensa-
24 tion for their service, but shall be paid travel expenses,
25 including per diem in lieu of subsistence, at rates author-

1 ized for employees of agencies under subchapter I of chap-
 2 ter 57 of title 5, United States Code, while away from
 3 their homes or regular places of business in the perform-
 4 ance of services for the Committee.

5 **“SEC. 298B. NONVOTING ELECTION TECHNOLOGY DEFINED.**

6 “In this subtitle, the term ‘nonvoting election tech-
 7 nology’ means technology used in the administration of
 8 elections for Federal office which is not used directly in
 9 the casting, counting, tabulating, or collecting of ballots
 10 or votes, including each of the following:

11 “(1) Electronic pollbooks.

12 “(2) Election result reporting systems.

13 “(3) Electronic ballot delivery systems.

14 “(4) Online voter registration systems.

15 “(5) Polling place location search systems.

16 “(6) Sample ballot portals.

17 “(7) Such other technology as may be rec-
 18 ommended for treatment as nonvoting election tech-
 19 nology as the Emerging Election Technology Com-
 20 mittee may recommend.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
 22 of such Act is amended by adding at the end of the items
 23 relating to title II the following:

“Subtitle E—Voluntary Guidelines for Use of Nonvoting Election Technology

“Sec. 298. Adoption of voluntary guidelines by Commission.

“Sec. 298A. Emerging Election Technology Committee.

“Sec. 298B. Nonvoting election technology defined.”.

1 **SEC. 202. STATUS REPORTS BY NATIONAL INSTITUTE OF**
2 **STANDARDS AND TECHNOLOGY.**

3 Section 231 of the Help America Vote Act of 2002
4 (52 U.S.C. 20971) is amended by adding at the end the
5 following new subsection:

6 “(e) STATUS REPORTS BY NATIONAL INSTITUTE OF
7 STANDARDS AND TECHNOLOGY.—Not later than 60 days
8 after the end of each fiscal year (beginning with 2020),
9 the Director of the National Institute of Standards and
10 Technology shall submit to Congress a status report de-
11 scribing—

12 “(1) the extent to which the Director carried
13 out the Director’s responsibilities under this Act
14 during the fiscal year, including the responsibilities
15 imposed under this section and the responsibilities
16 imposed with respect to the Technical Guidelines
17 Development Committee under section 222, together
18 with the Director’s best estimate of when the Direc-
19 tor will completely carry out any responsibility which
20 was not carried out completely during the fiscal
21 year; and

22 “(2) the extent to which the Director carried
23 out any projects requested by the Commission dur-
24 ing the fiscal year, together with the Director’s best
25 estimate of when the Director will complete any such

1 project which the Director did not complete during
2 the fiscal year.”.

3 **SEC. 203. ESTABLISHMENT OF ELECTION CYBER ASSIST-**
4 **ANCE UNIT IN ELECTION ASSISTANCE COM-**
5 **MISSION.**

6 (a) IN GENERAL.—Subtitle A of title II of the Help
7 America Vote Act of 2002 (52 U.S.C. 20921 et seq.) is
8 amended by adding at the end the following new part:

9 **“PART 4—ELECTION CYBER ASSISTANCE UNIT**

10 **“SEC. 225. ELECTION CYBER ASSISTANCE UNIT.**

11 “(a) ESTABLISHMENT.—There is established in the
12 Commission the Election Cyber Assistance Unit (hereafter
13 in this part referred to as the ‘Unit’).

14 “(b) DUTIES.—The Unit will provide State and local
15 election officials in various geographic regions of the
16 United States with access to risk-management, resiliency,
17 and technical support services provided by election admin-
18 istration and cybersecurity experts who will be based in
19 such regions and who may provide such services in person,
20 by telephone, or online.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 of such Act is amended by adding at the end of the items
23 relating to subtitle A of title II the following:

“PART 4—ELECTION CYBER ASSISTANCE UNIT

“Sec. 225. Election Cyber Assistance Unit.”.

1 **SEC. 204. CERTIFICATION PROGRAM IN ELECTION ADMIN-**
2 **ISTRATION OR CYBERSECURITY.**

3 (a) ESTABLISHMENT OF PROGRAM.—Subtitle C of
4 title II of the Help America Vote Act of 2002 (52 U.S.C.
5 20981 et seq.) is amended by adding at the end the fol-
6 lowing new section:

7 **“SEC. 248. CERTIFICATION PROGRAM IN ELECTION ADMIN-**
8 **ISTRATION OR CYBERSECURITY.**

9 “(a) ESTABLISHMENT.—The Commission shall es-
10 tablish and operate a program to provide a certification
11 in election administration or election cybersecurity to elec-
12 tion officials and their employees who meet standards and
13 criteria established by the Commission.

14 “(b) USE OF PARTNERSHIPS.—The Commission may
15 carry out the program under this section in partnership
16 with qualified entities, including institutions of higher edu-
17 cation (as defined under section 101 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001)) and nonprofit and
19 for-profit organizations with expertise in election adminis-
20 tration and election cybersecurity.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this sec-
23 tion—

24 “(1) \$1,000,000 for fiscal year 2021; and

25 “(2) such sums as may be necessary for fiscal
26 years 2022 through 2028.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act is amended by adding at the end of the items
3 relating to subtitle C of title II the following:

“Sec. 248. Certification program in election administration or cybersecurity.”.

4 **TITLE III—ELECTION FRAUD**
5 **PREVENTION**

6 **SEC. 301. FINDINGS.**

7 Congress finds that—

8 (1) the right to vote is a fundamental right of
9 citizens of the United States;

10 (2) it is the responsibility of the State and Fed-
11 eral Governments to ensure that elections are con-
12 ducted with integrity;

13 (3) the Committee on House Administration of
14 the House of Representatives, which is charged with
15 investigating election irregularities, received reports
16 through its official Election Observer Program for
17 the 2018 general election that individuals other than
18 voters themselves were depositing large amounts of
19 absentee ballots at polling places throughout Cali-
20 fornia, a practice colloquially known as “ballot har-
21 vesting”;

22 (4) the practice of ballot harvesting in Cali-
23 fornia creates significant vulnerabilities in the chain-
24 of-custody of ballots because individuals collecting
25 ballots are not required to be registered voters and

1 are not required to identify themselves at a voter's
2 home, and the State does not track how many bal-
3 lots are harvested in an election;

4 (5) in North Carolina, a congressional election
5 was invalidated due to fraud associated with ballot
6 harvesting committed by a political operative, and it
7 is unlikely such activity would have been detected
8 were it not for the prohibition against ballot har-
9 vesting in the State; and

10 (6) ballot harvesting invites electioneering activ-
11 ity at home and creates the possibility of undue in-
12 fluence over voters by political operatives.

13 **SEC. 302. PROHIBITION ON PAYMENTS TO STATES ALLOW-**
14 **ING COLLECTION AND TRANSMISSION OF**
15 **BALLOTS BY CERTAIN THIRD PARTIES.**

16 (a) IN GENERAL.—Title IX of the Help America Vote
17 Act of 2002 (52 U.S.C. 21141 et seq.) is amended—

18 (1) by redesignating section 906 as section 907;

19 and

20 (2) by inserting after section 905 the following
21 new section:

1 **“SEC. 906. PROHIBITION ON PAYMENTS TO STATES ALLOW-**
2 **ING COLLECTION AND TRANSMISSION OF**
3 **BALLOTS BY CERTAIN THIRD PARTIES.**

4 “(a) IN GENERAL.—A State (including the Common-
5 wealth of the Northern Mariana Islands) is not eligible
6 to receive funds under this Act unless the State has in
7 effect a law that prohibits an individual from the knowing
8 collection and transmission of a ballot in an election for
9 Federal office that was mailed to another person, other
10 than an individual described as follows:

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

13 “(2) An employee of the United States Postal
14 Service while engaged in official duties as authorized
15 by law.

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

19 “(4) A family member, household member, or
20 caregiver of the person to whom the ballot was
21 mailed.

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

24 “(1) The term ‘caregiver’ means an individual
25 who provides medical or health care assistance to
26 such person in a residence, nursing care institution,

1 hospice facility, assisted living center, assisted living
2 facility, assisted living home, residential care institu-
3 tion, adult day health care facility, or adult foster
4 care home.

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

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

11 (b) CLERICAL AMENDMENT.—The table of contents
12 of such Act is amended—

13 (1) by redesignating the item relating to section
14 906 as relating to section 907; and

15 (2) by inserting after the item relating to sec-
16 tion 905 the following:

“Sec. 906. Prohibition on payments to States allowing collection and trans-
mission of ballots by certain third parties.”.

○