

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Help America Vote Act of 2002 to provide for the establishment of election integrity measures by States and to prohibit ballot harvesting in Federal elections.

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IN THE SENATE OF THE UNITED STATES

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Help America Vote Act of 2002 to provide for the establishment of election integrity measures by States and to prohibit ballot harvesting in Federal elections.

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 “Protect Election Integ-  
5 rity Act of 2020”.

6 **SEC. 2. ELECTION INTEGRITY MEASURES.**

7 (a) IN GENERAL.—



1           “(D) A family member, household member,  
2           or caregiver of the person to whom the ballot  
3           was mailed.

4           “(2) OBSERVATION.—The State has in effect a  
5           law that permits the observation of polling places or  
6           counting of ballots, at any site where voting or ballot  
7           counting is occurring, by at least 2 appointed cam-  
8           paign representatives per campaign.

9           “(3) RECORD.—The State has in effect a law  
10          requiring that mail-in or absentee ballots be counted  
11          and recorded immediately upon receipt, with no re-  
12          sults to be disclosed until after the closure of polling  
13          places on the date of the election.

14          “(4) BALLOT COUNTING.—The State has in ef-  
15          fect a law providing that after the closure of polling  
16          places on the date of the election, ballot counting be-  
17          gins and does not stop, for any reason except immi-  
18          nent emergency, until all ballots are counted.

19          “(5) SURVEILLANCE.—The State has in effect  
20          a law that provides for round-the-clock video surveil-  
21          lance monitoring of absentee ballot drop boxes, with  
22          unedited footage to be made available upon request  
23          to members of the public at no charge.

24          “(6) REPORT.—The State has in effect a law  
25          that each supervisor of elections must post a report

1 on the official website of such supervisor at least 3  
2 months before a general election for Federal office  
3 which outlines preparations for the upcoming gen-  
4 eral election. Each report under this paragraph must  
5 include, at a minimum, the following elements:

6 “(A) The anticipated staffing levels during  
7 the early voting period, on election day, and  
8 after election day.

9 “(B) The anticipated amount of automatic  
10 tabulating equipment at each early voting site  
11 and polling place.

12 “(7) CERTIFICATION.—The State has in effect  
13 a law providing that following the certification of the  
14 election, the municipal entity responsible for certi-  
15 fying the election shall conduct a manual audit or an  
16 automated, independent audit of the voting systems  
17 used in randomly selected precincts. The resulting  
18 report must be made available to the public within  
19 15 days after completion of the audit.

20 “(b) DEFINITIONS.—For purposes of this section:

21 “(1) APPOINTED CAMPAIGN REPRESENTA-  
22 TIVE.—The term ‘appointed campaign representa-  
23 tive’ means, with respect to the official campaign of  
24 a candidate appearing on a ballot, an individual au-  
25 thorized to observe voting procedures or the count-

1 ing of ballots by the campaign, but not the can-  
2 didate himself or herself. A political committee  
3 formed for the specific purpose of expressly adv-  
4 eating the passage or defeat of an issue on the ballot  
5 may also authorize appointed campaign representa-  
6 tives.

7 “(2) CAREGIVER.—The term ‘caregiver’ means,  
8 with respect to a person, an individual who provides  
9 medical or health care assistance to such person in  
10 a residence, nursing care institution, hospice facility,  
11 assisted living center, assisted living facility, assisted  
12 living home, residential care institution, adult day  
13 health care facility, or adult foster care home.

14 “(3) FAMILY MEMBER.—The term ‘family  
15 member’ means, with respect to a person, an indi-  
16 vidual who is related to such person by blood, mar-  
17 riage, adoption, or legal guardianship.

18 “(4) HOUSEHOLD MEMBER.—The term ‘house-  
19 hold member’ means, with respect to a person, an  
20 individual who resides at the same residence as such  
21 person.”.

22 (2) CLERICAL AMENDMENT.—The table of con-  
23 tents of such Act is amended by inserting after the  
24 item relating to section 296 the following new item:

“PART 7—ELECTION INTEGRITY MEASURES

“Sec. 297. Eligibility for payments of States lacking election integrity measures.”.

1 (b) PROHIBITION ON BALLOT HARVESTING IN FED-  
2 ERAL ELECTIONS.—

3 (1) IN GENERAL.—Chapter 29 of title 18,  
4 United States Code is amended by adding at the end  
5 the following new section:

6 **“§ 612. Prohibition on ballot harvesting in Federal**  
7 **elections**

8 “(a) IN GENERAL.—It shall be unlawful for any per-  
9 son to knowingly collect and transmit a ballot in an elec-  
10 tion for Federal office that was mailed to another person,  
11 other than an individual described as follows:

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

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

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

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

23 “(b) PENALTY.—Any person who violates subsection  
24 (a) shall be fined not more than \$10,000 for each ballot

1 collected and transmitted in violation of such subsection,  
2 imprisoned for not more than 5 years, or both.

3 “(c) DEFINITIONS.—For purposes of this section:

4 “(1) CAREGIVER.—The term ‘caregiver’ means,  
5 with respect to a person, an individual who provides  
6 medical or health care assistance to such person in  
7 a residence, nursing care institution, hospice facility,  
8 assisted living center, assisted living facility, assisted  
9 living home, residential care institution, adult day  
10 health care facility, or adult foster care home.

11 “(2) FAMILY MEMBER.—The term ‘family  
12 member’ means, with respect to a person, an indi-  
13 vidual who is related to such person by blood, mar-  
14 riage, adoption, or legal guardianship.

15 “(3) HOUSEHOLD MEMBER.—The term ‘house-  
16 hold member’ means, with respect to a person, an  
17 individual who resides at the same residence as such  
18 person.

19 “(d) EFFECTIVE DATE.—This section shall apply  
20 with respect to elections for Federal office held after Janu-  
21 ary 1, 2021.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions for chapter 29 of title 18, United States Code  
24 is amended by adding at the end the following new  
25 item:

“612. Prohibition on ballot harvesting in Federal elections.”.