

117TH CONGRESS
1ST SESSION

H. R. 4044

To amend the Help America Vote Act of 2002 to require State and local election officials to notify the chief State election official of a State with respect to the number of voted ballots that have been received and counted in an election for Federal office at the time of the closing of polls for such election, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2021

Mr. DONALDS (for himself, Ms. SALAZAR, Mr. BABIN, Mr. PERRY, Mr. GAETZ, Ms. HERRELL, Mr. SESSIONS, Mr. GIBBS, and Mr. GOODEN of Texas) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Help America Vote Act of 2002 to require State and local election officials to notify the chief State election official of a State with respect to the number of voted ballots that have been received and counted in an election for Federal office at the time of the closing of polls for such election, 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 “Vote Outcome Trans-
5 parency in Elections Act” or the “VOTE Act”.

1 **SEC. 2. BALLOT COUNT REPORTING REQUIREMENT.**

2 (a) IN GENERAL.—Subtitle A of title III of the Help
3 America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
4 amended—

5 (1) by redesignating sections 304 and 305 as
6 sections 305 and 306; and

7 (2) by inserting after section 303 the following
8 new section:

9 **“SEC. 304. REPORTING REQUIREMENTS WITH RESPECT TO**
10 **NUMBER OF BALLOTS.**

11 “(a) IN GENERAL.—Not later than 1 hour after a
12 polling place in a State closes in an election for Federal
13 office on the date of such election, the appropriate State
14 or local election official for such polling place shall provide
15 to the chief State election official of the State a report
16 that documents, as of such time—

17 “(1) the total number of voted ballots in the
18 possession of State and local election officials for the
19 election; and

20 “(2) the total number of voted ballots that have
21 been tabulated for such election.

22 “(b) ADDITIONAL REPORTING REQUIREMENTS.—

23 “(1) SUBMISSION TO CHIEF EXECUTIVE.—Not
24 later than 1 hour after the latest time that all poll-
25 ing places in a State close in an election for Federal
26 office on the date of such election, the chief State

1 election official of the State shall prepare and sub-
2 mit to the chief executive of the State a final report
3 that documents the results of each report received
4 under subsection (a).

5 “(2) PUBLIC AVAILABILITY OF FINAL RE-
6 PORT.—Not later than 1 hour after the final report
7 is received under paragraph (1), the chief executive
8 of the State shall make the results of the report
9 publicly available on a Government website.

10 “(c) EFFECTIVE DATE.—This requirement shall
11 apply with respect to the regularly scheduled general elec-
12 tion for Federal office held in November 2022 and each
13 succeeding election for Federal office.”.

14 (b) CONFORMING AMENDMENT RELATING TO EN-
15 FORCEMENT.—Section 401 of the Help America Vote Act
16 of 2002 (52 U.S.C. 21111) is amended by striking “and
17 303” and inserting “303, and 304”.

18 (c) CLERICAL AMENDMENT.—The table of contents
19 of such Act is amended—

20 (1) by redesignating the items relating to sec-
21 tions 304 and 305 as relating to sections 305 and
22 306; and

23 (2) by inserting after the item relating to sec-
24 tion 303 the following new item:

“Sec. 304. Reporting requirements with respect to number of ballots.”.

1 **SEC. 3. REQUIREMENTS FOR BALLOTS DELIVERED BY**
2 **MAIL.**

3 (a) IN GENERAL.—Subtitle A of title III of the Help
4 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
5 amended by section 2(a), is amended—

6 (1) by redesignating sections 305 and 306 as
7 sections 306 and 307; and

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

10 **“SEC. 305. REQUIREMENTS WITH RESPECT TO A BALLOT**
11 **DELIVERED BY MAIL.**

12 “(a) IN GENERAL.—Each State and local jurisdiction
13 shall have in place policies to ensure that a voted ballot
14 delivered by postal mail to the appropriate election official
15 in an election for Federal office can be verified to have
16 been delivered by the United States Postal Service by
17 means of an appropriate postmark, signature, or other in-
18 dication from the United States Postal Service.

19 “(b) EXCEPTIONS.—This section shall not apply with
20 respect to the ballot of an absent uniformed services voter
21 or an overseas voter (as such terms are defined in section
22 107 of the Uniformed and Overseas Citizens Absentee
23 Voting Act (52 U.S.C. 20310)).

24 “(c) EFFECTIVE DATE.—This requirement shall
25 apply with respect to the regularly scheduled general elec-

1 tion for Federal office held in November 2022 and each
2 succeeding election for Federal office.”.

3 (b) CONFORMING AMENDMENT RELATING TO EN-
4 FORCEMENT.—Section 401 of the Help America Vote Act
5 of 2002 (52 U.S.C. 21111), as amended by section 2(b),
6 is amended by striking “303, and 304” and inserting
7 “303, 304, and 305”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act, as amended by section 2(c), is amended—
10 (1) by redesignating the items relating to sec-
11 tions 305 and 306 as relating to sections 306 and
12 307; and

13 (2) by inserting after the item relating to sec-
14 tion 304 the following new item:

“Sec. 305. Requirements with respect to a ballot delivered by mail.”.

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