

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1
OFFERED BY MR. LAMALFA OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Election Certainty
3 Act”.

4 SEC. 2. REQUIREMENTS WITH RESPECT TO A DELIVERED
5 BALLOT.

6 (a) REQUIREMENTS.—Title III of the Help America
7 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended—

8 (1) by redesignating sections 304 and 305 as
9 sections 305 and 306, respectively; and

10 (2) by inserting after section 303 the following
11 new section:

12 “SEC. 304. REQUIREMENTS WITH RESPECT TO A DELIV-
13 ERED BALLOT.

14 “(a) IN GENERAL.—A ballot submitted by mail or
15 otherwise delivered in an election for Federal office shall
16 not be counted unless such ballot—

1 “(1) includes the signature of the voter and
2 such signature matches the signature included in the
3 voter registration record of the voter; and

4 “(2) is received by the appropriate election offi-
5 cial by the date of the election.

6 “(b) BALLOTS DELIVERED BY A THIRD PARTY.—

7 “(1) IN GENERAL.—A ballot delivered to the
8 appropriate election official in an election for Fed-
9 eral office by an individual who is not the voter shall
10 not be counted unless the ballot includes the signa-
11 ture of the individual who delivers such ballot and
12 such individual—

13 “(A) is 18 years of age or older;

14 “(B) presents to the appropriate election
15 official a document that shows the address of
16 the individual and such address matches the ad-
17 dress included in the voter registration record
18 of the individual; and

19 “(C) is a covered individual described in
20 subsection (d).

21 “(2) MAIL CARRIER EXCEPTION.—This sub-
22 section shall not apply to—

23 “(A) an employee of the United States
24 Postal Service while engaged in official duties
25 as authorized by law; or

1 “(B) any other individual who is allowed
2 by law to collect and transmit United States
3 mail, while engaged in official duties as author-
4 ized by law.

5 “(c) APPLICABILITY TO ABSENT UNIFORMED SERV-
6 ICES VOTERS.—This section shall not apply with respect
7 to an absent uniformed services voter (as such term is de-
8 fined in section 107 of the Uniformed and Overseas Citi-
9 zens Absentee Voting Act (52 U.S.C. 20310)).

10 “(d) DEFINITIONS.—In this section:

11 “(1) COVERED INDIVIDUAL.—The term ‘cov-
12 ered individual’ means, with respect to the voter—

13 “(A) a parent;

14 “(B) a spouse;

15 “(C) a child;

16 “(D) a grandparent;

17 “(E) a great grandparent;

18 “(F) a grandchild;

19 “(G) a great grandchild;

20 “(H) a caregiver; or

21 “(I) a household member.

22 “(2) CAREGIVER.—The term ‘caregiver’ means
23 an individual who provides medical or health care as-
24 sistance to the voter in a residence, nursing care in-
25 stitution, hospice facility, assisted living center, as-

1 sisted living facility, assisted living home, residential
2 care institution, adult day health care facility, or
3 adult foster care home.

4 “(3) HOUSEHOLD MEMBER.—The term ‘house-
5 hold member’ means an individual who resides at
6 the same residence as the voter.”.

7 (b) CONFORMING AMENDMENT RELATING TO EN-
8 FORCEMENT.—Section 401 of the Help America Vote Act
9 of 2002 (52 U.S.C. 21111) is amended by striking “and
10 303” and inserting “303, and 304”.

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

13 (1) by redesignating the items relating to sec-
14 tions 304 and 305 as relating to sections 305 and
15 306, respectively; and

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

“Sec. 304. Requirements with respect to a delivered ballot.”.

Amend the title so as to read: “A bill to amend the
Help America Vote Act of 2002 to establish certain re-
quirements with respect to a delivered ballot in an elec-
tion for Federal office, and for other purposes.”.

