

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4617
OFFERED BY MR. DAVIS**

Insert after title III the following (and conform the
succeeding title accordingly):

1 **TITLE IV—PROHIBITING BALLOT**
2 **HARVESTING**

3 **SEC. 401. PROHIBITION ON COLLECTION AND TRANS-**
4 **MISSION OF BALLOTS BY THIRD PARTIES.**

5 (a) IN GENERAL.—Title III of the Help America
6 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
7 by inserting after section 303 the following new section:

8 **“SEC. 303A. COLLECTION AND TRANSMISSION OF BALLOTS**
9 **BY THIRD PARTIES.**

10 “(a) IN GENERAL.—By not later than January 1,
11 2022, each State shall have in effect a law that prohibits
12 an individual from the knowing collection and trans-
13 mission of a ballot in an election for Federal office that
14 was mailed to another person, other than an individual
15 described as follows:

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

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

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

7 “(4) A family member, household member, or
8 caregiver of the person to whom the ballot was
9 mailed.

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

12 “(1) The term ‘caregiver’ means an individual
13 who provides medical or health care assistance to
14 such person in a residence, nursing care institution,
15 hospice facility, assisted living center, assisted living
16 facility, assisted living home, residential care institu-
17 tion, adult day health care facility, or adult foster
18 care home.

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

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

1 (b) CONFORMING AMENDMENT RELATING TO EN-
2 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
3 is amended by striking “and 303” and inserting “303, and
4 303A”.

5 (c) CLERICAL AMENDMENT.—The table of contents
6 of such Act is amended by inserting after the item relating
7 to section 303 the following new item:

“Sec. 303A. Collection and transmission of ballots by third parties.”.

