

119TH CONGRESS
2D SESSION

S. _____

To amend the Help America Vote Act of 2002 to provide a deadline for
the receipt of ballots in elections for Federal office.

IN THE SENATE OF THE UNITED STATES

Mr. LANKFORD (for himself and Mr. LEE) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To amend the Help America Vote Act of 2002 to provide
a deadline for the receipt of ballots in elections for Federal
office.

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 “Ballots by Election
5 Day Act”.

6 **SEC. 2. DEADLINE FOR RECEIPT OF BALLOTS.**

7 (a) IN GENERAL.—Title III of the Help America
8 Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended—

9 (1) by redesignating sections 305 and 306 as
10 sections 306 and 307, respectively; and

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

3 **“SEC. 305. DEADLINE FOR RECEIPT OF BALLOTS.**

4 “(a) IN GENERAL.—To be considered validly cast and
5 eligible to be counted in an election for Federal office, an
6 absentee or mail-in ballot must be received by the appro-
7 priate election official no later than the time polls close
8 on the date of the election and, in the case of a general
9 election for Federal office, no later than the time polls
10 close on the date established under section 25 of the Re-
11 vised Statutes of the United States (2 U.S.C. 7) for each
12 general election for Federal office.

13 “(b) UNTIMELY BALLOT.—No State may accept for
14 tabulation an absentee or mail-in ballot that is received
15 by the appropriate election official following the time polls
16 close on the date of the election.

17 “(c) EXCEPTION.—

18 “(1) IN GENERAL.—The deadline described in
19 subsection (a) shall not apply with respect to ballots
20 cast by absent uniformed services voter or overseas
21 voters, as defined in section 107 of the Uniformed
22 and Overseas Citizens Absentee Voting Act (52
23 U.S.C. 20310).

24 “(2) NO INFERENCE.—Nothing in this sub-
25 section shall be construed to preempt any State law

1 that requires ballots cast by voters described in
2 paragraph (1) to be received on or before the date
3 of the election.

4 “(d) EFFECTIVE DATE.—This section shall apply
5 with respect to elections for Federal office held in 2027
6 or any succeeding year.”.

7 (b) ENFORCEMENT.—Section 401 of the Help Amer-
8 ica Vote Act of 2002 (52 U.S.C. 2111) is amended by
9 striking “and 304” and inserting “304, and 305”.

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

12 (1) by redesignating the items relating to sec-
13 tions 305 and 306 as relating to sections 306 and
14 307, respectively; and

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

 “Sec. 305. Deadline for receipt of ballots.”.