

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1646

To amend the Help America Vote Act of 2002 to require States to implement procedures for tracking ballots which are transmitted by mail, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 2007

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to require States to implement procedures for tracking ballots which are transmitted by mail, 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 “Mail-In Ballot Track-  
5 ing Act of 2007”.

1 **SEC. 2. REQUIREMENTS FOR TRACKING BALLOTS TRANS-**  
2 **MITTED BY MAIL.**

3 (a) REQUIRING STATES TO MEET REQUIRE-  
4 MENTS.—Subtitle A of title III of the Help America Vote  
5 Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

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

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

10 **“SEC. 304. REQUIREMENTS FOR TRACKING BALLOTS**  
11 **TRANSMITTED BY MAIL.**

12 “(a) IN GENERAL.—

13 “(1) TRACKING REQUIREMENTS.—Each State  
14 and jurisdiction which transmits ballots by mail in  
15 the administration of an election for Federal office  
16 shall implement such procedures as the State or ju-  
17 risdiction considers appropriate to ensure that the  
18 ballots may be tracked throughout the administra-  
19 tion of the election, including procedures to ensure  
20 that—

21 “(A) the appropriate election official may  
22 track the progress of the ballot through the  
23 mail from the time it is transmitted to the voter  
24 until it is received by the appropriate election  
25 official; and

1           “(B) a voter who casts a ballot by mail  
2           may track the progress of the ballot using the  
3           Internet, an automated telephone system, and  
4           such other methods as the State or jurisdiction  
5           considers appropriate.

6           “(2) SPECIFIC EVENTS TO BE TRACKED.—  
7           Under the procedures implemented pursuant to this  
8           subsection, an individual shall be able to determine  
9           whether each of the following has occurred with re-  
10          spect to a ballot transmitted by mail:

11           “(A) The ballot has been transmitted by  
12          the appropriate election official.

13           “(B) The ballot has been processed by the  
14          Postal Service, including the determination of  
15          the date and time of processing and the location  
16          of the processing facility involved.

17           “(C) After the individual has submitted  
18          the ballot by mail, the ballot has been received  
19          by the appropriate election official.

20           “(D) The appropriate election official has  
21          made a determination as to whether or not the  
22          ballot has been validly cast, including whether  
23          or not the individual has met any applicable  
24          signature requirements.

1           “(E) The ballot has been counted or re-  
2           jected by the appropriate election official.

3           “(3) PROTECTION OF PRIVACY OF INFORMA-  
4           TION.—In carrying out paragraph (1), the State and  
5           jurisdiction shall ensure that a ballot may be tracked  
6           without revealing or exposing the content of the bal-  
7           lot to unauthorized individuals.

8           “(b) EXCEPTION FOR BALLOTS OF ABSENT OVER-  
9           SEAS AND MILITARY VOTERS.—The requirements of this  
10          section do not apply with respect to a ballot which is trans-  
11          mitted to or submitted by an individual who is entitled  
12          to vote by absentee ballot under the Uniformed and Over-  
13          seas Citizens Absentee Voting Act.

14          “(c) EFFECTIVE DATE.—This section shall apply  
15          with respect to the regularly scheduled general election for  
16          Federal office held in November 2010 and each succeeding  
17          election for Federal office.”.

18          (b) AVAILABILITY OF ENFORCEMENT.—Section 401  
19          of such Act (42 U.S.C. 15511) is amended by striking  
20          “and 303” and inserting “303, and 304”.

21          (c) CLERICAL AMENDMENT.—The table of contents  
22          of such Act is amended—

23                  (1) by redesignating the items relating to sec-  
24          tions 304 and 305 as relating to sections 305 and  
25          306; and

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

          “Sec. 304. Requirements for tracking ballots transmitted by mail.”.

3   **SEC. 3. REAUTHORIZATION OF REQUIREMENTS PAYMENTS**  
4                           **FOR STATES.**

5           Section 257(a) of the Help America Vote Act of 2002  
6   (42 U.S.C. 15407(a)) is amended by adding at the end  
7   the following new paragraph:

8           “(4) For fiscal year 2008, such sums as may be  
9           necessary.”.

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