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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Help America Vote Act of 2002 to establish deadlines for States to count the ballots cast in elections for Federal office and to certify the results of elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. OBERNOLTE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Help America Vote Act of 2002 to establish deadlines for States to count the ballots cast in elections for Federal office and to certify the results of elections for Federal office, 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 "Election Results Ac-
5 countability Act".

1 **SEC. 2. ESTABLISHMENT OF DEADLINES FOR COUNTING**
2 **BALLOTS AND CERTIFYING RESULTS OF FED-**
3 **ERAL ELECTIONS.**

4 (a) DEADLINES.—Title III of the Help America Vote
5 Act of 2002 (52 U.S.C. 20181 et seq.), as amended by
6 section 2(a) of the COCOA Act of 2024, is amended—

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

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

11 **“SEC. 305. DEADLINES FOR COUNTING BALLOTS AND CER-**
12 **TIFYING RESULTS.**

13 “(a) DEADLINES.—

14 “(1) COUNTING BALLOTS.—Not later than 72
15 hours after the closing of the polls for an election for
16 Federal office held in a State, the State shall count
17 not less than 90 percent of the ballots cast in the
18 election and make the result of the count publicly
19 available.

20 “(2) CERTIFYING RESULTS.—Not later than 2
21 weeks after the closing of the polls for an election
22 for Federal office held in a State, the State shall—

23 “(A) complete the counting of all of the
24 ballots cast in the election; and

25 “(B) officially certify the result of the elec-
26 tion and make the result publicly available.

1 “(b) EXCEPTIONS.—A State shall not be considered
2 to be out of compliance with the requirements of sub-
3 section (a) if the Commission and the Attorney General
4 certify that the State’s failure to meet such requirements
5 is due to any of the following:

6 “(1) A bona fide emergency, including—

7 “(A) a major disaster (as defined in sec-
8 tion 102 of the Robert T. Stafford Disaster Re-
9 lief and Emergency Assistance Act (42 U.S.C.
10 5122));

11 “(B) a significant public health emergency,
12 such as a pandemic or widespread outbreak; or

13 “(C) a cyberattack, data breach, or other
14 significant security threat to the election infra-
15 structure.

16 “(2) Technical difficulties, including—

17 “(A) malfunctioning election equipment or
18 software; or

19 “(B) errors in the tabulation of ballots or
20 the transmission of results that could not have
21 been reasonably anticipated or mitigated in ad-
22 vance.

23 “(3) The implementation of new election proce-
24 dures or reforms and the State certifies that it is in
25 the process of complying with all such requirements,

1 except that this paragraph applies only with respect
2 to the first election held after the implementation of
3 the new procedures or reforms.

4 “(4) The conducting of a recount of the results
5 of the election.

6 “(c) WITHHOLDING OF ELECTION ADMINISTRATION
7 FUNDS FOR FAILURE TO COMPLY WITH DEADLINES.—

8 If the Commission and the Attorney General each certify
9 that a State is not in compliance with the requirements
10 of subsection (a) with respect to an election, the State may
11 not receive any funds from the Commission to support the
12 administration of subsequent elections unless—

13 “(1) the State submits to the Commission and
14 the Attorney General a plan to ensure that the State
15 will comply with such requirements with respect to
16 such subsequent elections; and

17 “(2) the Commission and the Attorney General
18 each certify that the State has taken actions to com-
19 ply with such plan.”.

20 (b) CONFORMING AMENDMENT RELATING TO EXIST-
21 ING ENFORCEMENT PROVISIONS.—Section 401 of such
22 Act (52 U.S.C. 21111), as amended by section 2(b) of the
23 COCOA Act of 2024, is amended by striking “and 304”
24 and inserting “304, and 305”.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 of such Act, as amended by section 2(c) of the COCOA
3 Act of 2024, is amended—

4 (1) by redesignating the items relating to sec-
5 tions 305 and 306 as relating to section 306 and
6 307; and

7 (2) by inserting after the item relating to sec-
8 tion 304 the following:

“Sec. 305. Deadlines for counting ballots and certifying results.”.

9 (d) EFFECTIVE DATE.—This Act and the amend-
10 ments made by this Act shall apply with respect to elec-
11 tions held after the expiration of the 90-day period which
12 begins on the date of the enactment of this Act.