

# The Universal Right to Vote by Mail Act

## “No-Excuse” Absentee Voting (H R 1604, Sponsored by Rep. Susan Davis)

### Bill Summary

- Gives all voters the option to vote by absentee ballot in federal elections for any reason. (Currently only voters in half the states have that ability).
- Removes additional excuse restrictions such as notary signatures and doctor’s note requirements imposed by some states.
- Removes invasive private information requirements from state forms such as questions about vacation location, nature of illness, religious obligation and pregnancy status.

### What are some examples of Restrictive and/or Invasive State Requirements?

- **Delaware:** A notary signature is required if a voter wants a mail ballot because of work, school, incarceration, vacation or religious reasons.
- **Tennessee:** An ill voter’s physician must file a statement saying the person is not medically able to vote in person.
- **Virginia** – Working applicants must list their work and commute hours and name and address of employer. Applicants who are caregivers must explain which family member they are caring for and the nature of that person’s disability. Expectant mothers must disclose that they are pregnant. All of this information is public.
- **Illinois** – No exceptions for work other than military, government and elections duties.

### Why We Need This Bill

- **Many circumstances can often prevent voters from making it to the polls on Election Day – including work, family commitments or other responsibilities.** In about half the states, voters are only eligible for mail-in or absentee ballots if they have certain excuses such as being elderly, ill, out of town on Election Day or engaged in military service while voters in the other states can vote by mail at will.
- **A level playing field--**Voters in some states should not have an advantage over voters in other states for the same election.
- **Voter preference—**Some people simply prefer to vote by mail, especially now that ballots have 20-30 questions in initiative states. In 1973, 2 percent of the population voted by mail. In 2008, around 1/3 of voters voted by mail because many states allowed it.
- **Eases strain on the Election Day--**When some people choose to vote from home, the polls feel less of a strain and lines are shorter for those who want to vote in person.
- **Eases strain on Elections officials—**Because of antiquated Excuse provisions, some elections offices have to spend great amounts of time and money processing and returning absentee applications to people who have filled out excuse sections incorrectly or incompletely.
- **Excuse provisions do not prevent fraud—**While many excuse provisions were originally intended to prevent voter fraud, there is no evidence that preventing some people from voting by mail while allowing other in any way prevents fraud. Officials in excuse states state that they do not verify the validity of excuses.
- **Many state excuse forms violate voters’ privacy for no good reason—**Requiring voters to state their work, vacation or health details on the public record just so they can vote is an unnecessary invasion of privacy.
- **All states will not adopt no excuse absentee voting on their own—**Although more and more states are changing their laws, some cannot because they need state constitutional amendments passed by consecutive legislatures. Others are simply not familiar with No Excuse absentee voting.
- **It works—**No state has ever switched back after going to No Excuse because it is so popular with voters and elections officials.

### Cost

- The Congressional Budget Office (CBO) found that this bill will have no impact on the federal budget and is not an unfunded mandate because it is a voter eligibility civil rights bill.
- Most states which allow No Excuse absentee voting find that it saves them money in the long run because of central processing and reduced costs for polling place expenses.

### Bill Status

H.R. 1604 passed the House Administration Committee on June 10, 2009 by a 4-2 party line vote. A minority amendment was accepted to require states to implement signature checks for absentee ballot security.

## What States and Territories Currently Allow the Universal Right to Vote by Mail?

Alaska, Arkansas, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming.

## What States and Territories Have Restrictions on Voting by Mail?

Alabama, American Samoa, Connecticut, Delaware, District of Columbia, Guam, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Northern Mariana Islands, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Virgin Islands and West Virginia.

## Is It Safe? What Safeguards Exist for Voting by Mail?

- There is zero evidence that excuses make voting any more secure. In fact, most elections officials never verify the validity of any of the excuses on their forms.
- Studies show that “Vote by Mail” is at least as secure as any other method of voting.
- Oregon – which runs its elections entirely by mail – has only prosecuted 4 cases of fraud over the last 6 elections.
- The 28 states and territories which currently allow voters to vote by mail for any reason have not had security problems because it is nearly impossible for anyone other than an election official to corrupt enough absentee ballots to change the outcome of an election.
- Safeguards include, but are not limited to, the following:
  - **Signature verification** – signatures can be checked against the voter’s original registration form or compared to a digitized version electronically.
  - **Address verification** – ballot envelopes must be properly addressed and cannot be forwarded. This provides an added level of address authentication not available at the polls.
  - **Coded ballot envelopes** and other state systems ensure no one can vote more than once in the same election.
  - **Cameras at the registrar’s office** to ensure that no one tampers with ballots during storage and counting.

## Will Voters Still Have the Option of Going to the Polls to Vote?

Absolutely! Going to the polls on Election Day is a time-honored ritual that brings American voters together in a common act of civic participation. This bill simply gives voters the option to vote by mail.

## Isn’t Early In-Person Voting a Substitute for No Excuse Mail Voting?

No. Early in-person voting gives many people an increased opportunity to vote but it has a more limited reach because officials can only staff and equip a limited number of sites for a limited amount of time particularly in jurisdictions which use only paper ballots and have hundreds of ballot types and multiple language options. Early in-person voting often forces voters to wait in long lines which can be avoided by voting by mail.

## Who Supports the Universal Right to Vote by Mail?

- Studies show that overwhelming support for voting by mail is consistent across nearly every demographic – including age, income level, race, education, employment status, geographic location and party affiliation.
- A recently conducted national poll by the Election Assistance Commission showed that 65% of Americans think that all voters should have the option to cast an absentee ballot.
- States that give voters the universal right to vote by mail experience up to 30% growth in the use of mail-in ballots.

## More Information

To cosponsor or find out more about this bill, please contact Lisa Sherman in Rep. Davis’s office at 202-225-2040 or [lisa.sherman@mail.house.gov](mailto:lisa.sherman@mail.house.gov).