110H281

(Original Signature of Member)

111TH CONGRESS 1ST SESSION



To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

- 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 "Universal Right to

5 Vote by Mail Act of 2009".

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) An inequity of voting rights exists in the9 United States because voters in some States have

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the universal right to vote by mail while voters in
 other States do not.

3 (2) Many voters often have work, family, or
4 other commitments that make getting to polls on the
5 date of an election difficult or impossible. Under
6 current state laws, many of these voters are not per7 mitted to vote by mail.

8 (3) 28 States currently allow universal absentee 9 voting (also known as "no-excuse" absentee voting), 10 which permits any voter to request a mail-in ballot 11 without providing a reason for the request, and no 12 State which has implemented no-excuse absentee 13 voting has switched back.

(4) Voting by mail gives voters more time to
consider their choices, which is especially important
as many ballots contain greater numbers of questions about complex issues than in the past due to
the expanded use of the initiative and referendum
process in many States.

20 (5) Allowing all voters the option to vote by21 mail can lead to increased voter participation.

(6) Allowing all voters the option to vote by
mail can reduce waiting times for those voters who
choose to vote at the polls.

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(7) Voting by mail is preferable to many voters
 as an alternative to going to the polls. Voting by
 mail has become increasingly popular with voters
 who want to be certain that they are able to vote no
 matter what comes up on Election Day.

6 (8) No evidence exists suggesting the potential
7 for fraud in absentee balloting is greater than the
8 potential for fraud by any other method of voting.

9 (9) Many of the reasons which voters in many
10 States are required to provide in order to vote by
11 mail require the revelation of personal information
12 about health, travel plans, or religious activities,
13 which violate voters' privacy while doing nothing to
14 prevent voter fraud.

(10) State laws which require voters to obtain
a notary signature to vote by mail only add cost and
inconvenience to voters without increasing security.
SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL

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IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Subtitle A of title III of the Help
America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is
amended by inserting after section 303 the following new
section:

1 "SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY 2 MAIL.

3 "(a) IN GENERAL.—If an individual in a State is eligible to cast a vote in an election for Federal office, the 4 5 State may not impose any additional conditions or requirements on the eligibility of the individual to cast the vote 6 7 in such election by mail, except to the extent that the 8 State imposes a deadline for requesting the ballot and re-9 lated voting materials from the appropriate State or local election official and for returning the ballot to the appro-10 priate State or local election official. 11

12 "(b) RULE OF CONSTRUCTION.—Nothing in sub-13 section (a) shall be construed to affect the authority of 14 States to conduct elections for Federal office through the 15 use of polling places at which individuals cast ballots on 16 the date of the election.

17 "(c) EFFECTIVE DATE.—A State shall be required
18 to comply with the requirements of subsection (a) with re19 spect to elections for Federal office held in years beginning
20 with 2012.".

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
is amended by striking "and 303" and inserting "303, and
303A".

- 1 (c) CLERICAL AMENDMENT.—The table of contents
- 2 for such Act is amended by inserting after the item relat-
- 3 ing to section 303 the following new item:

"Sec. 303A. Promoting ability of voters to vote by mail.".