

115TH CONGRESS
1ST SESSION

S. _____

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections, to amend the National Voter Registration Act of 1993 to provide for automatic voter registration.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MARKEY, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. UDALL, Mrs. FEINSTEIN, Mr. FRANKEN, Ms. HARRIS, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. SANDERS, Mrs. MURRAY, Mr. HEINRICH, Mr. CARPER, Mr. MURPHY, Mr. COONS, Ms. WARREN, Mr. BOOKER, Mr. SCHATZ, _____) 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 allow all eligible voters to vote by mail in Federal elections, to amend the National Voter Registration Act of 1993 to provide for automatic voter registration.

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 “Vote By Mail Act of
5 2017”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) An inequity of voting rights exists in the
4 United States because voters in some States have
5 the universal right to vote by mail while voters in
6 other States do not.

7 (2) Many voters often have work, family, or
8 other commitments that make getting to polls and
9 waiting in line on the date of an election difficult or
10 impossible. Many citizens with disabilities are phys-
11 ically unable to vote due to long lines, inadequate
12 parking, no curb cuts, steep ramps, and large
13 crowds. In 2012, 30 percent of voters with disabil-
14 ities had difficulty voting, and more than 5,000,000
15 voters waited more than an hour to vote. Under cur-
16 rent State laws, many of these voters are not per-
17 mitted to vote by mail.

18 (3) 28 States currently allow universal absentee
19 voting (also known as “no-excuse” absentee voting),
20 which permits any voter to request a mail-in ballot
21 without providing a reason for the request. No State
22 which has implemented no-excuse absentee voting
23 has repealed it.

24 (4) 3 States currently hold elections entirely by
25 mail. 22 States currently allow some elections to be
26 conducted by mail, especially in large and rural ju-

1 jurisdictions where voting by mail is especially conven-
2 ient. Polling stations in rural jurisdictions tend to
3 have higher costs per voter, smaller staffs, and lim-
4 ited resources. Transportation is often a crucial bar-
5 rier for rural voters.

6 (5) Voting by mail gives voters more time to
7 consider their choices, which is especially important
8 as many ballots contain greater numbers of ques-
9 tions about complex issues than in the past due to
10 the expanded use of the initiative and referendum
11 process in many States.

12 (6) Voting by mail is cost effective. After the
13 State of Oregon adopted vote by mail for all voters
14 in 1996, the cost to administer an election in the
15 State dropped by nearly 30 percent over the next
16 few elections, from \$3.07 per voter to \$2.21 per
17 voter. After Colorado implemented all-mail balloting
18 in 2013, voting administration costs decreased by an
19 average of 40 percent. The cost of conducting vote-
20 by-mail elections is generally one-third to one-half
21 less than conducting polling place elections. Voting
22 by mail also saves a substantial amount by getting
23 rid of the temporary labor costs of hiring poll work-
24 ers. In addition to that cost, many jurisdictions have

1 been facing difficulty in obtaining sufficient numbers
2 of poll workers.

3 (7) Allowing all voters the option to vote by
4 mail can reduce waiting times for those voters who
5 choose to vote at the polls. In 2016, voters in Ari-
6 zona reported waiting in line from 1 to 5 hours to
7 vote; in New York, voters reported that stations ran
8 out of ballots and did not have staff during all of
9 the hours scheduled for voting.

10 (8) Voting by mail is preferable to many voters
11 as an alternative to going to the polls. In 2012, 19
12 percent of ballots in the United States were cast by
13 mail, up from 10 percent in 2000. In 2016, nearly
14 58 percent of California voters chose to vote by mail.
15 Voting by mail has become increasingly popular with
16 voters who want to be certain that they are able to
17 vote no matter what comes up on election day, as it
18 reduces the physical obstacles and eases the time
19 constraints connected with the act of voting.

20 (9) The signature verification process, the
21 tracking system for each ballot, and postal service
22 cooperation in preventing ballots from being deliv-
23 ered to names not recognized as receiving mail at an
24 address nearly eliminate the potential for fraud in
25 vote by mail elections. Evidence of undue influence

1 or voter coercion after vote-by-mail implementation
2 in Oregon has been nonexistent to minimal.

3 (10) Many of the reasons which voters in many
4 States are required to provide in order to vote by
5 mail require the revelation of personal information
6 about health, travel plans, or religious activities,
7 which violate voters' privacy while doing nothing to
8 prevent voter fraud.

9 (11) State laws which require voters to obtain
10 a notary signature to vote by mail only add cost and
11 inconvenience to voters without increasing security.

12 (12) Many voters choose to cast ballots early
13 when they have the option (over 40 percent in Ne-
14 vada, New Mexico, Texas, and Tennessee). Nearly
15 one-third of voters in the 2012 election cast their
16 ballot before election day, which is about double the
17 rate of voters in 2000. In Oregon, 7 years after
18 vote-by-mail election implementation, over 80 per-
19 cent of voters favored the vote-by-mail system.

20 (13) Vote-by-mail typically increases turnout in
21 all elections, but can be particularly effective in in-
22 creasing voter participation in special elections and
23 primary elections. Oregon, Washington, and Colo-
24 rado, the 3 states with entirely vote by mail elec-
25 tions, continue to have consistently high voter turn-

1 out rates. In the 2016 presidential election, while
2 the percentage of registered voters who cast a ballot
3 nationally was 68.1 percent, Oregon's was 80.3 per-
4 cent, Washington's was 78.76 percent, and Colo-
5 rado's was 74.3 percent.

6 (14) A crucial component of a modern voting
7 system is making it easy, affordable, and accessible
8 to register to vote. Thirty States introduced auto-
9 matic voter registration legislation in the first 4
10 months of 2017, and 7 States plus the District of
11 Columbia automatically register their citizens to vote
12 when they apply for or renew a driver's license.
13 Automatic, permanent voter registration has the po-
14 tential to increase participation, protect election in-
15 tegrity, and reduce registration costs.

16 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**
17 **IN FEDERAL ELECTIONS.**

18 (a) VOTING BY MAIL IN FEDERAL ELECTIONS.—

19 (1) IN GENERAL.—Subtitle A of title III of the
20 Help America Vote Act of 2002 (52 U.S.C. 21081
21 et seq.) is amended by inserting after section 303
22 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 eli-
4 gible to cast a vote in an election for Federal office, the
5 State may not impose any additional conditions or require-
6 ments on the eligibility of the individual to cast the vote
7 in such election by mail, except to the extent that the
8 State imposes a deadline for returning the ballot to the
9 appropriate State or local election official.

10 “(b) PROVISION OF BALLOT MATERIALS.—Not later
11 than 2 weeks before the date of any election for Federal
12 office, each State shall mail ballots to individuals who are
13 registered to vote in such election.

14 “(c) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
15 ABILITIES.—All ballots provided under this section shall
16 be accessible to individuals with disabilities in a manner
17 that provides the same opportunity for access and partici-
18 pation (including for privacy and independence) as for
19 other voters.

20 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to affect the authority of States
22 to conduct elections for Federal office through the use of
23 polling places at which individuals cast ballots.

24 “(e) EFFECTIVE DATE.—A State shall be required
25 to comply with the requirements of subsection (a) with re-

1 spect to elections for Federal office held in years beginning
2 with 2020.”.

3 (2) CONFORMING AMENDMENT RELATING TO
4 ENFORCEMENT.—Section 401 of such Act (52
5 U.S.C. 21111) is amended by striking “and 303”
6 and inserting “303, and 303A”.

7 (3) CLERICAL AMENDMENT.—The table of con-
8 tents for such Act is amended by inserting after the
9 item relating to section 303 the following new item:

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

10 (b) FREE POSTAGE FOR VOTING BY MAIL.—

11 (1) IN GENERAL.—Chapter 34 of title 39,
12 United States Code, is amended by adding at the
13 end the following:

14 **“§ 3407. Ballots provided for voting in Federal elec-**
15 **tions**

16 “Ballots mailed pursuant to section 303A(b) of the
17 Help America Vote Act of 2002 (individually or in bulk)
18 shall be carried expeditiously and free of postage.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
20 MENTS.—

21 (A) TABLE OF SECTIONS.—The table of
22 sections for chapter 34 of title 39, United
23 States Code, is amended by adding at the end
24 the following:

“3407. Ballots provided for voting in Federal elections.”.

1 “(2) IDENTIFYING INFORMATION DESCRIBED.—

2 The identifying information described in this para-
3 graph with respect to any individual is as follows:

4 “(A) The individual’s legal name.

5 “(B) The individual’s age.

6 “(C) The individual’s residence.

7 “(D) The individual’s citizenship status.

8 “(E) The individual’s electronic signature.

9 “(b) DUTIES OF OFFICIALS RECEIVING INFORMA-
10 TION.—

11 “(1) IN GENERAL.—Upon receiving the identi-
12 fying information with respect to an applicable indi-
13 vidual under subsection (a), the appropriate State
14 election official shall determine—

15 “(A) whether such individual is eligible to
16 vote in an election for Federal office; and

17 “(B) whether such individual is currently
18 registered to vote in elections for Federal office
19 at the address provided in such identifying in-
20 formation.

21 “(2) NOTIFICATION TO INDIVIDUALS.—

22 “(A) ELIGIBLE UNREGISTERED INDIVID-
23 UALS.—In the case of an applicable individual
24 who is eligible to vote in an election for Federal
25 office and who is not currently registered to

1 vote, the appropriate State election official shall
2 issue a notification to the individual con-
3 taining—

4 “(i) a statement that, unless the indi-
5 vidual notifies the election official prior to
6 the expiration of the 21-calendar day pe-
7 riod which begins on the date the official
8 issued the notification that the individual
9 declines to be registered to vote in elections
10 for Federal office held in the State, the in-
11 dividual’s records and signature will con-
12 stitute a completed registration for the in-
13 dividual;

14 “(ii) a description of the process by
15 which the individual may decline to be reg-
16 istered to vote in elections for Federal of-
17 fice in the State; and

18 “(B) ELIGIBLE INDIVIDUALS REGISTERED
19 AT A DIFFERENT ADDRESS.—In the case of an
20 applicable individual who is eligible to vote in
21 an election for Federal office and who is reg-
22 istered to vote in such election at a different
23 address than the address provided in the identi-
24 fying information, the appropriate State elec-

1 tion official shall issue a notification to the indi-
2 vidual containing—

3 “(i) a statement that, unless the indi-
4 vidual notifies the election official prior to
5 the expiration of the 21-calendar day pe-
6 riod which begins on the date the official
7 issued the notification that the address
8 provided in the identifying information
9 should not be used for voter registration
10 purposes, the address provided in the iden-
11 tifying information shall be used as the in-
12 dividual’s address for voter registration
13 purposes; and

14 “(ii) a description of the process by
15 which the individual may decline a change
16 of address for voter registration purposes.

17 “(c) AUTOMATIC REGISTRATION OF ELIGIBLE INDI-
18 VIDUALS; AUTOMATIC CHANGE OF ADDRESS.—

19 “(1) REGISTRATION.—Upon the expiration of
20 the 21-calendar day period which begins on the date
21 the appropriate State election official issues a notifi-
22 cation to an individual under subsection (b)(2)(A),
23 the official shall ensure that the individual is reg-
24 istered to vote in elections for Federal office held in
25 the State unless—

1 “(A) the official later determines that the
2 individual does not meet the eligibility require-
3 ments for registering to vote in such elections;
4 or

5 “(B) prior to the expiration of such 21-cal-
6 endar day period, the individual notifies the of-
7 ficial that the individual declines to be reg-
8 istered to vote in such elections.

9 “(2) CHANGE OF ADDRESS.—Upon the expira-
10 tion of the 21-calendar day period which begins on
11 the date the appropriate State election official issues
12 a notification to an individual under subsection
13 (b)(2)(B), the official shall ensure that the indi-
14 vidual is registered to vote in elections for Federal
15 office at the address provided in the identifying in-
16 formation unless—

17 “(A) the official later determines that the
18 individual does not meet the eligibility require-
19 ments for registering to vote in such elections;
20 or

21 “(B) prior to the expiration of such 21-cal-
22 endar day period, the individual notifies the of-
23 ficial that the individual declines a change of
24 address for voter registration purposes.

1 “(d) APPLICABLE INDIVIDUAL.—For purposes of this
2 section, the term ‘applicable individual’ means any indi-
3 vidual who seeks assistance from, receives benefits from,
4 or receives service or assistance from a State motor vehicle
5 authority that issues motor vehicle driver’s licenses.”.

6 (b) CONFORMING AMENDMENT RELATING TO TIM-
7 ING OF REGISTRATION PRIOR TO ELECTIONS.—Section
8 8(a)(1)(A) of such Act (52 U.S.C. 20507(a)(1)(A)) is
9 amended to read as follows:

10 “(A) in the case of registration through a
11 motor vehicle authority under section 5, if the
12 identifying information with respect to the indi-
13 vidual is transmitted by the authority to the ap-
14 propriate State election official under section
15 5(a)(1) not later than the lesser of 30 days, or
16 the period provided by State law, before the
17 date of the election;”.

18 (c) OTHER CONFORMING AMENDMENT.—Section
19 4(a)(1) of such Act (52 U.S.C. 20503(a)(1)) is amended
20 to read as follows:

21 “(1) through the State motor vehicle authority
22 pursuant to section 5;”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect upon the expiration of the

- 1 180-day period which begins on the date of the enactment
- 2 of this Act.