

118TH CONGRESS
1ST SESSION

H. R. 2987

To amend title 39, United States Code, and the Help America Vote Act of 2002 to improve procedures and requirements related to election mail.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2023

Ms. WILLIAMS of Georgia (for herself, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Ms. CROCKETT, Ms. JACKSON LEE, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. MOULTON, Mr. SCHIFF, Ms. SEWELL, Mr. TRONE, Mr. VEASEY, Mr. MULLIN, Ms. LEE of California, Ms. TOKUDA, Ms. BARRAGÁN, Ms. BROWNLEY, Mr. ESPAILLAT, and Mr. LANDSMAN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 39, United States Code, and the Help America Vote Act of 2002 to improve procedures and requirements related to election mail.

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 Mail Act”.

1 **SEC. 2. SAME-DAY PROCESSING OF ABSENTEE BALLOTS.**

2 (a) IN GENERAL.—Chapter 34 of title 39, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 3407. Same-day processing of ballots**

6 “(a) IN GENERAL.—The Postal Service shall ensure,
7 to the maximum extent practicable, that any ballot carried
8 by the Postal Service is processed by and cleared from
9 any postal facility or post office on the same day that the
10 ballot is received by that postal facility or post office.

11 “(b) DEFINITIONS.—As used in this section—

12 “(1) the term ‘ballot’ means any ballot trans-
13 mitted by a voter by mail in an election for Federal
14 office, but does not include any ballot covered by
15 section 3406; and

16 “(2) the term ‘election for Federal office’ means
17 a general, special, primary, or runoff election for the
18 office of President or Vice President, or of Senator
19 or Representative in, or Delegate or Resident Com-
20 missioner to, the Congress.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) CHAPTER HEADING.—The heading for
23 chapter 34 of title 39, United States Code, is
24 amended by striking “**ARMED FORCES AND**
25 **FREE POSTAGE**” and inserting “**ARMED**

1 **FORCES; FREE POSTAGE; ELECTION**
 2 **MAIL”.**

3 (2) TABLE OF CHAPTERS.—The table of chap-
 4 ters for part IV of title 39, United States Code, is
 5 amended by striking the item relating to chapter 34
 6 and inserting the following:

“34. Armed Forces; Free Postage; Election Mail 3401”.

7 (3) TABLE OF SECTIONS.—The table of sections
 8 for chapter 34 of title 39, United States Code, is
 9 amended by adding at the end the following:

 “3407. Same-day processing of ballots.”.

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this subsection shall apply to absentee ballots relating to
 12 an election for Federal office occurring on or after the
 13 date that is 60 days after the date of enactment of this
 14 Act.

15 **SEC. 3. INTELLIGENT MAIL BARCODES FOR BALLOTS.**

16 (a) IN GENERAL.—Title III of the Help America
 17 Vote Act of 2002 (52 U.S.C. 21081) is amended—

18 (1) by redesignating section 311 and section
 19 312 as sections 321 and 322, respectively;

20 (2) by redesignating subtitle B as subtitle C;
 21 and

22 (3) by inserting after subtitle A the following
 23 new subtitle:

1 **“Subtitle B—Requirements**
2 **Relating to Mailed Ballots**

3 **“SEC. 311. USE OF INTELLIGENT MAIL BARCODES.**

4 “(a) IN GENERAL.—Each State and jurisdiction shall
5 provide with each ballot for an election for Federal office
6 that is sent by mail a return envelope that contains an
7 intelligent mail barcode, as prescribed by the United
8 States Postal Service.

9 “(b) EXCEPTION.—Subsection (a) shall not apply to
10 any ballot for which a State or jurisdiction uses an alter-
11 native system that enables voters to track the ballot
12 through the mail.

13 “(c) STATE.—For purposes of this section, the term
14 ‘State’ includes the District of Columbia, the Common-
15 wealth of Puerto Rico, Guam, American Samoa, the
16 United States Virgin Islands, and the Commonwealth of
17 the Northern Mariana Islands.

18 “(d) EFFECTIVE DATE.—The requirements of this
19 section shall apply to elections for Federal office occurring
20 on or after January 1, 2024.”.

21 (b) ENFORCEMENT.—Section 401 of the Help Amer-
22 ica Vote Act of 2002 (52 U.S.C. 21111) is amended by
23 inserting “or the requirements relating to mailed ballots
24 under subtitle B of title III” before the period at the end.

1 (c) CONFORMING AMENDMENT.—Section 321(a) of
2 such Act (52 U.S.C. 21101), as redesignated by sub-
3 section (a), is amended by striking “section 312” and in-
4 serting “section 322”.

5 (d) CLERICAL AMENDMENTS.—The table of contents
6 of such Act is amended—

7 (1) by striking “Subtitle B—Voluntary” and in-
8 serting “Subtitle C—Voluntary”;

9 (2) by redesignating the items relating to sec-
10 tions 311 and 312 as relating to sections 321 and
11 322, respectively; and

12 (3) by inserting after the item relating to sec-
13 tion 305 the following:

“Subtitle B—Requirements Relating to Mailed Ballots

“Sec. 311. Use of intelligent mail barcodes.”.

14 **SEC. 4. ELECTION MAIL AND DELIVERY IMPROVEMENTS.**

15 (a) POSTMARK REQUIRED FOR BALLOTS.—

16 (1) IN GENERAL.—Chapter 34 of title 39,
17 United States Code, as amended by section 2, is
18 amended by adding at the end the following:

19 **“§ 3408. Postmark required for ballots**

20 “(a) IN GENERAL.—In the case of any absentee bal-
21 lot carried by the Postal Service, the Postal Service shall
22 indicate on the ballot envelope, using a postmark or other-
23 wise—

1 “(1) the fact that the ballot was carried by the
2 Postal Service; and

3 “(2) the date on which the ballot was mailed.

4 “(b) DEFINITIONS.—As used in this section—

5 “(1) the term ‘absentee ballot’ means any ballot
6 transmitted by a voter by mail in an election for
7 Federal office, but does not include any ballot cov-
8 ered by section 3406; and

9 “(2) the term ‘election for Federal office’ means
10 a general, special, primary, or runoff election for the
11 office of President or Vice President, or of Senator
12 or Representative in, or Delegate or Resident Com-
13 missioner to, the Congress.”.

14 (2) TECHNICAL AND CONFORMING AMEND-
15 MENT.—The table of sections for chapter 34 of title
16 39, United States Code, as amended by section 2, is
17 amended by adding at the end the following:

“3408. Postmark required for ballots.”.

18 (3) EFFECTIVE DATE.—The amendments made
19 by this subsection shall apply to absentee ballots re-
20 lating to an election for Federal office occurring on
21 or after the date that is 60 days after the date of
22 enactment of this Act.

23 (b) GREATER VISIBILITY FOR BALLOTS.—

24 (1) IN GENERAL.—Subtitle C of title III of the
25 Help America Vote Act of 2002 (52 U.S.C. 21081

1 et seq.), as added by section 3, is amended by add-
2 ing at the end the following new section:

3 **“SEC. 312. BALLOT VISIBILITY.**

4 “(a) IN GENERAL.—Each State or local election offi-
5 cial shall—

6 “(1) affix Tag 191, Domestic and International
7 Mail-In Ballots (or any successor tag designated by
8 the United States Postal Service), to any tray or
9 sack of official ballots relating to an election for
10 Federal office that is destined for a domestic or
11 international address;

12 “(2) use the Official Election Mail logo to des-
13 ignate official ballots relating to an election for Fed-
14 eral office that is destined for a domestic or inter-
15 national address; and

16 “(3) if an intelligent mail barcode (as described
17 in section 311) is utilized for any official ballot re-
18 lating to an election for Federal office that is des-
19 tined for a domestic or international address, ensure
20 the specific ballot service type identifier for such
21 mail is visible.

22 “(b) EFFECTIVE DATE.—The requirements of this
23 section shall apply to elections for Federal office occurring
24 on and after the date that is 60 days after the date of
25 enactment of this section.”.

1 (2) ISSUANCE OF VOLUNTARY GUIDANCE BY
2 ELECTION ASSISTANCE COMMISSION.—Section
3 321(b) of such Act (52 U.S.C. 21101(b)), as reded-
4 igned by section 3, is amended—

5 (A) by striking “and” at the end of para-
6 graph (2);

7 (B) by striking the period at the end of
8 paragraph (3) and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(4) in the case of the recommendations with
12 respect to section 312, the date described in section
13 312(b).”.

14 (3) CLERICAL AMENDMENT.—The table of con-
15 tents of such Act, as amended by section 3, is
16 amended by inserting after the item relating to sec-
17 tion 311 the following new item:

“Sec. 312. Ballot visibility.”.

18 **SEC. 5. CARRIAGE OF ELECTION MAIL.**

19 (a) TREATMENT OF ELECTION MAIL.—

20 (1) TREATMENT AS FIRST-CLASS MAIL; FREE
21 POSTAGE.—Chapter 34 of title 39, United States
22 Code, as amended by section 4(a), is amended by
23 adding at the end the following:

1 **“§ 3409. Domestic election mail; restriction of oper-**
2 **ational changes prior to elections**

3 “(a) DEFINITIONS.—In this section:

4 “(1) ELECTION FOR FEDERAL OFFICE.—The
5 term ‘election for Federal office’ means a general,
6 special, primary, or runoff election for the office of
7 President or Vice President, or of Senator or Rep-
8 resentative in, or Delegate or Resident Commis-
9 sioner to, the Congress.

10 “(2) ELECTION MAIL.—The term ‘election mail’
11 means—

12 “(A) a blank or completed voter registra-
13 tion application form, voter registration card, or
14 similar materials, relating to an election for
15 Federal office;

16 “(B) a blank or completed absentee and
17 other mail-in ballot application form, and a
18 blank or completed absentee or other mail-in
19 ballot, relating to an election for Federal office,
20 and

21 “(C) other materials relating to an election
22 for Federal office that are mailed by a State or
23 local election official to an individual who is
24 registered to vote.

25 “(b) CARRIAGE OF ELECTION MAIL.—Election mail
26 (other than balloting materials covered under section 3406

1 (relating to the Uniformed and Overseas Absentee Voting
2 Act)), individually or in bulk, shall be carried in accord-
3 ance with the service standards established for first-class
4 mail under section 3691.

5 “(c) NO POSTAGE REQUIRED FOR COMPLETED BAL-
6 LOTS.—Completed absentee or other mail-in ballots (other
7 than balloting materials covered under section 3406 (relat-
8 ing to the Uniformed and Overseas Absentee Voting Act))
9 shall be carried free of postage.

10 “(d) RESTRICTION OF OPERATIONAL CHANGES.—
11 During the 120-day period that ends on the date of an
12 election for Federal office, the Postal Service may not
13 carry out any operational change that would restrict the
14 prompt and reliable delivery of election mail. This sub-
15 section applies to operational changes which include—

16 “(1) removing or eliminating any mail collection
17 box without immediately replacing it; and

18 “(2) removing, decommissioning, or any other
19 form of stopping the operation of mail sorting ma-
20 chines, other than for routine maintenance.

21 “(e) ELECTION MAIL COORDINATOR.—The Postal
22 Service shall appoint an Election Mail Coordinator at each
23 area office and district office to facilitate relevant informa-
24 tion sharing with State, territorial, local, and Tribal elec-
25 tion officials in regards to the mailing of election mail.”.

1 (2) REIMBURSEMENT OF POSTAL SERVICE FOR
2 REVENUE FORGONE.—Section 2401(e) of title 39,
3 United States Code, is amended by striking “sec-
4 tions 3217 and 3403 through 3406” and inserting
5 “sections 3217, 3403 through 3406, and 3409”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
7 The table of sections for chapter 34 of title 39, United
8 States Code, as amended by section 4(a), is amended by
9 adding at the end the following:

“3409. Domestic election mail; restriction of operational changes prior to elec-
tions.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect upon the expiration of the
12 180-day period that begins on the date of enactment of
13 this section.

14 **SEC. 6. UNITED STATES POSTAL SERVICE CONSULTATION.**

15 (a) IN GENERAL.—The Postmaster General shall
16 consult with Indian Tribes, on an annual basis, regarding
17 issues relating to the United States Postal Service that
18 present barriers to voting for eligible voters living on In-
19 dian lands.

20 (b) DEFINITIONS.—For purposes of this section—

21 (1) INDIAN LANDS.—The term “Indian lands”
22 means—

1 (A) any Indian country, as such term is
2 defined in section 1151 of title 18, United
3 States Code, of an Indian Tribe;

4 (B) any land in Alaska that is owned, pur-
5 suant to the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1601 et seq.), by—

7 (i) an Indian Tribe that is a Native
8 village (as such term is defined in section
9 3 of such Act (43 U.S.C. 1602)); or

10 (ii) a Village Corporation (as such
11 term is defined in such section 3) that is
12 associated with an Indian Tribe described
13 in clause (i);

14 (C) any land on which the seat of govern-
15 ment of an Indian Tribe is located; and

16 (D) any land that is part or all of a Tribal
17 designated statistical area associated with an
18 Indian Tribe, or is part or all of an Alaska Na-
19 tive village statistical area associated with an
20 Indian Tribe, as defined by the Bureau of the
21 Census for the purposes of the most recent de-
22 cennial census.

23 (2) INDIAN TRIBE.—The term “Indian Tribe”
24 means the recognized governing body of any Indian
25 or Alaska Native Tribe, band, nation, pueblo, village,

1 community, component band, or component reserva-
2 tion, individually identified (including parentheti-
3 cally) in the list published most recently pursuant to
4 section 104 of the Federally Recognized Indian
5 Tribe List Act of 1994 (25 U.S.C. 5131).

6 **SEC. 7. UNIFORM DEADLINE FOR ACCEPTANCE OF MAILED**
7 **BALLOTS.**

8 (a) IN GENERAL.—Subtitle C of title III of the Help
9 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
10 added by section 3 and amended by section 4, is amended
11 by adding at the end the following new section:

12 **“SEC. 313. UNIFORM DEADLINE FOR ACCEPTANCE OF**
13 **MAILED BALLOTS.**

14 “(a) IN GENERAL.—A State or local election official
15 may not refuse to accept or process a ballot submitted by
16 an individual by mail with respect to an election for Fed-
17 eral office in the State on the grounds that the individual
18 did not meet a deadline for returning the ballot to the
19 appropriate State or local election official if—

20 “(1) the ballot is postmarked or otherwise indi-
21 cated by the United States Postal Service to have
22 been mailed on or before the date of the election;
23 and

1 “(2) the ballot is received by the appropriate
2 election official prior to the expiration of the 7-day
3 period which begins on the date of the election.

4 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to prohibit a State from having
6 a law that allows for counting of ballots in an election for
7 Federal office that are received through the mail after the
8 date that is 7 days after the date of the election.

9 “(c) EFFECTIVE DATE.—This section shall apply
10 with respect to the regularly scheduled general election for
11 Federal office held in November 2024 and each succeeding
12 election for Federal office.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 of such Act, as amended by sections 3 and 4, is amended
15 by inserting after the item relating to section 312 the fol-
16 lowing new item:

“Sec. 313. Uniform deadline for acceptance of mailed ballots.”.

○