

116TH CONGRESS
1ST SESSION

H. R. 138

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

JANUARY 3, 2019

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

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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

1 the universal right to vote by mail while voters in
2 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 per-
7 mitted to vote by mail.

8 (3) 32 States and the District of Columbia cur-
9 rently allow universal absentee voting (also known as
10 “no-excuse” absentee voting), which permits any
11 voter to request a mail-in ballot without providing a
12 reason for the request, and no State which has im-
13 plemented no-excuse absentee voting has switched
14 back.

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

21 (5) Allowing all voters the option to vote by
22 mail can lead to increased voter participation.

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

1 (7) Voting by mail is preferable to many voters
2 as an alternative to going to the polls. Voting by
3 mail has become increasingly popular with voters
4 who want to be certain that they are able to vote no
5 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.

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

18 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**

19 **IN FEDERAL ELECTIONS.**

20 (a) **IN GENERAL.**—Subtitle A of title III of the Help
21 America Vote Act of 2002 (52 U.S.C. 21081 et seq.) is
22 amended by inserting after section 303 the following new
23 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 requesting the ballot and re-
9 lated voting materials from the appropriate State or local
10 election official and for returning the ballot to the appro-
11 priate State or local election official.

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

17 “(c) EFFECTIVE DATE.—A State shall be required
18 to comply with the requirements of this section with re-
19 spect to elections for Federal office held in years beginning
20 with 2022.”.

21 (b) CONFORMING AMENDMENT RELATING TO EN-
22 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
23 is amended by striking “and 303” and inserting “303, and
24 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.”.

