

118TH CONGRESS
1ST SESSION

H. R. 4476

To amend title 39, United States Code, to establish standards for the processing and delivery of election mail, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 6, 2023

Mrs. CHAVEZ-DEREMER introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, 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, to establish standards for the processing and delivery of election mail, and for other purposes.

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 Integrity Mail
5 Reform Act of 2023”.

1 **SEC. 2. REQUIREMENTS WITH RESPECT TO ELECTION**
 2 **MAIL.**

3 (a) **PRIORITIZING ELECTION MAIL.**—Title 39,
 4 United States Code, is amended by adding after chapter
 5 36 the following:

6 **“CHAPTER 37—ELECTION AND POLITICAL**
 7 **MAIL**

“Sec.

“3701. Prioritization of processing and delivery of election mail.

“3702. Use of nonprofit permit for cooperative mailings.

“3703. Marking or notice on election mail.

“3704. Application to Uniformed and Overseas Citizens Absentee Voting Act.

8 **“§ 3701. Prioritization of processing and delivery of**
 9 **election mail**

10 “(a) **IN GENERAL.**—The Postal Service shall give pri-
 11 ority to the processing and delivery of election mail. In
 12 carrying out this subsection, the Postal Service shall at
 13 a minimum—

14 “(1) deliver any election mail regardless of the
 15 amount of postage paid;

16 “(2) shall, to the greatest extent practicable,
 17 process and clear election mail from any postal facil-
 18 ity each day; and

19 “(3) carry and deliver election mail expedi-
 20 tiously.

21 “(b) **ELECTION MAIL WITH INSUFFICIENT POST-**
 22 **AGE.**—In carrying out subsection (a)(1), the Postal Serv-
 23 ice shall process and deliver election mail with insufficient

1 postage in the same manner as election mail with suffi-
2 cient postage, but may collect insufficient postage after
3 delivery of any election mail with insufficient postage.

4 “(c) UNDERFUNDED OR OVERDRAWN ACCOUNTS.—
5 The Postal Service shall process and deliver election mail,
6 under the standards in place under subsection (a), sent
7 from a customer using an account registered with the
8 Postal Service (including a corporate account or an ad-
9 vance deposit account) even if such account is under-
10 funded or overdrawn. Nothing in this section shall be con-
11 strued to limit or otherwise prevent the Postal Service
12 from seeking reimbursement from any person regarding
13 unpaid postage.

14 “(d) ELECTION MAIL DEFINED.—In this chapter,
15 the term ‘election mail’ means any item mailed to or from
16 an individual for purposes of the individual’s participation
17 in an election for public office, including balloting mate-
18 rials, voter registration cards, absentee ballot applications,
19 polling place notification and photographic voter identi-
20 fication materials.

21 **“§ 3702. Use of nonprofit permit for cooperative mail-**
22 **ings**

23 “Notwithstanding any other law, rule, or regulation,
24 a national, State, or local committee of a political party
25 (as defined under the Federal Election Campaign Act of

1 1971) which is eligible to mail at the nonprofit rate may
2 conduct a cooperative mailing at that nonprofit rate with
3 a candidate, a candidate's committee, or another com-
4 mittee of a political party, and may seek reimbursement
5 from such a candidate, candidate's committee, or com-
6 mittee of a political party for the costs of such mailing.

7 **“§ 3703. Marking or notice on election mail**

8 “(a) IN GENERAL.—For the purposes of assisting
9 election officials in processing election mail, the Postal
10 Service shall place a marking or notice indicating that a
11 piece of mail is election mail.

12 “(b) REQUIREMENTS.—The Postal Service may de-
13 termine the appropriate manner in which subsection (a)
14 is carried out, but at a minimum such marking or notice
15 shall—

16 “(1) be placed, as soon as practicable, at the
17 time the election mail is received by the Postal Serv-
18 ice, in a conspicuous and legible type or in a com-
19 mon machine-readable technology on the envelope or
20 other cover in which the election mail is mailed; and

21 “(2) clearly demonstrate the date and time that
22 such marking or notice was so placed.

23 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion may be construed as requiring any change to the
25 processes and procedures used by the Postal Service with

1 respect to Postal Service barcodes on envelopes carried or
2 delivered by the Postal Service.

3 **“§ 3704. Application to Uniformed and Overseas Citi-**
4 **zens Absentee Voting Act**

5 “This chapter shall not apply to balloting materials
6 under the Uniformed and Overseas Citizens Absentee Vot-
7 ing Act and nothing in this chapter shall be construed to
8 alter or otherwise affect the operation of such Act or sec-
9 tion 3406 of this title.”.

10 (b) POSTMARKING STAMPS.—Section 503 of title 18,
11 United States Code, is amended—

12 (1) by striking “Whoever forges” and inserting
13 “(a) Whoever forges”;

14 (2) by striking “or such impression thereof,”
15 and all that follows and inserting the following:

16 “or such impression thereof—

17 “(1) shall be fined under this title or impris-
18 oned not more than five years, or both; or

19 “(2) if the impression from a postmarking
20 stamp or impression thereof forged, counterfeited,
21 used, sold, or possessed in violation of this section
22 is applied to a mailed ballot for an election for Fed-
23 eral, State, or local office, shall be fined under this
24 title or imprisoned not more than 10 years, or
25 both.”; and

1 (3) by adding at the end following new sub-
2 section:

3 “(a) Whoever, with the intent to falsify the date on
4 which a postmark was applied, applies to a mailed ballot
5 described in subsection (a)(2) a genuine postmark that
6 bears a date other than the date on which such postmark
7 was applied, shall be subject to the penalties set forth in
8 such subsection.”.

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