

118TH CONGRESS  
1ST SESSION

# S. 700

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 8, 2023

Mr. WYDEN (for himself, Mr. SCHATZ, Mr. MARKEY, Mrs. FEINSTEIN, Mr. VAN HOLLEN, Mr. BOOKER, Ms. WARREN, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. CARPER, Mr. MURPHY, Mr. WHITEHOUSE, Ms. BALDWIN, Mr. WELCH, Mr. BROWN, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## 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 at Home Act of  
5 2023”.

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 in 2016, nearly two-  
15 thirds of the 137 polling places inspected on election  
16 day had at least one impediment to people with dis-  
17 abilities. However, with expanded access to mail-in  
18 ballots, people with disabilities made large gains in  
19 2020 with a historic voter turnout surge.

20 (3) In 2020, despite a global pandemic, the  
21 general election saw record high turnout as a result  
22 of increased vote by mail options, which allowed vot-  
23 ers to cast a ballot and stay safe at the same time.

24 (4) Thirty-four States and the District of Co-  
25 lumbia allow universal absentee voting (also known  
26 as “no-excuse” absentee voting), which permits any

1 voter to request a mail-in ballot without providing a  
2 reason for the request. No State which has imple-  
3 mented no-excuse absentee voting has repealed it.

4 (5) Five States currently hold elections entirely  
5 by mail. Eight States proactively send all registered  
6 voters a ballot to be submitted by mail or dropped  
7 off at a designated location. At least 22 States cur-  
8 rently allow some elections to be conducted by mail,  
9 especially in large and rural jurisdictions where vot-  
10 ing by mail is especially convenient. Polling stations  
11 in rural jurisdictions tend to have higher costs per  
12 voter, smaller staffs, and limited resources. Trans-  
13 portation is often a crucial barrier for rural voters.

14 (6) In 2020, in order to provide greater accessi-  
15 bility and to protect the public health, 30 States  
16 adopted or changed their laws for the general elec-  
17 tion to allow voters to cast their ballots from home.  
18 These changes included removing strict excuse re-  
19 quirements, allowing COVID-19 concerns to be a  
20 valid excuse to vote absentee, allowing ballot drop  
21 boxes, offering prepaid postage on election mail, and  
22 proactively sending all active registered voters appli-  
23 cations to request an absentee ballot—with some  
24 States even skipping that step and sending the ac-  
25 tual ballots.

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

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

22           (9) Allowing all voters the option to vote by  
23 mail can reduce waiting times for those voters who  
24 choose to vote at the polls. In 2016, voters in Ari-  
25 zona reported waiting in line from 1 to 5 hours to

1 vote; in New York, voters reported that stations ran  
2 out of ballots and did not have staff during all of  
3 the hours scheduled for voting.

4 (10) Voting by mail is preferable to many vot-  
5 ers as an alternative to going to the polls. In 2020,  
6 43.2 percent of ballots in the United States were  
7 cast by mail, up from 10 percent in 2000. Voting by  
8 mail has become increasingly popular with voters  
9 who want to be certain that they are able to vote no  
10 matter what comes up on election day, as it reduces  
11 the physical obstacles and eases the time constraints  
12 connected with the act of voting.

13 (11) Despite attempts to claim that voting by  
14 mail is susceptible to fraud, it is not. Strategies such  
15 as tracking systems for ballots and postal service co-  
16 operation in preventing ballots from being delivered  
17 to names not recognized as receiving mail at an ad-  
18 dress nearly eliminate the potential for fraud in vote  
19 by mail elections. Evidence of undue influence or  
20 voter coercion after vote-by-mail implementation in  
21 Oregon has been nonexistent to minimal.

22 (12) Many of the reasons which voters in many  
23 States are required to provide in order to vote by  
24 mail require the revelation of personal information  
25 about health, travel plans, or religious activities,

1 which violate voters' privacy while doing nothing to  
2 prevent voter fraud.

3 (13) State laws which require voters to obtain  
4 a notary signature to vote by mail only add cost and  
5 inconvenience to voters without increasing security.

6 (14) Many voters choose to cast ballots early  
7 when they have the option (over 50 percent in Ari-  
8 zona, Arkansas, California, Colorado, Florida, Geor-  
9 gia, Hawaii, Montana, Nevada, New Mexico, North  
10 Carolina, Oregon, Tennessee, Texas, Utah, and  
11 Washington). Approximately 70 percent of voters in  
12 the 2020 election cast their ballot before election  
13 day. In Oregon, 7 years after vote-by-mail election  
14 implementation, over 80 percent of voters favored  
15 the vote-by-mail system.

16 (15) Vote-by-mail typically increases turnout in  
17 all elections, but can be particularly effective in in-  
18 creasing voter participation in special elections and  
19 primary elections. Oregon, Washington, and Colo-  
20 rado, 3 of the 5 States with entirely vote by mail  
21 elections, continue to have consistently high voter  
22 turnout rates. In 2020, the presidential election  
23 turnout was about 7 percentage points higher than  
24 in 2016, and turnout rates increased in every State  
25 compared with 2016. In the 10 States where it rose

1 the most, 7 conducted their vote entirely or mostly  
 2 by mail, with 6 of those States having recently  
 3 adopted all-mail voting, either permanently (Utah  
 4 and Hawaii) or for the 2020 election only.

5 (16) A crucial component of a modern voting  
 6 system is making it easy, affordable, and accessible  
 7 to register to vote. Twenty-two States and the Dis-  
 8 trict of Columbia have enacted automatic voter reg-  
 9 istration policies, with Oregon and California becom-  
 10 ing the first to automatically register their citizens  
 11 to vote when they apply for a driver’s license. Auto-  
 12 matic, permanent voter registration has the potential  
 13 to increase participation, protect election integrity,  
 14 and reduce registration costs.

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

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

18 (1) IN GENERAL.—Subtitle A of title III of the  
 19 Help America Vote Act of 2002 (52 U.S.C. 21081  
 20 et seq.) is amended by inserting after section 303  
 21 the following new section:

22 **“SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
 23 **MAIL.**

24 “(a) IN GENERAL.—If an individual in a State is eli-  
 25 gible to cast a vote in an election for Federal office, the

1 State may not impose any additional conditions or require-  
2 ments on the eligibility of the individual to cast the vote  
3 in such election by mail, except to the extent that the  
4 State imposes a deadline for returning the ballot to the  
5 appropriate State or local election official.

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

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

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

20 “(e) EFFECTIVE DATE.—A State shall be required  
21 to comply with the requirements of subsection (a) with re-  
22 spect to elections for Federal office held in years beginning  
23 with 2024.”.

24 (2) CONFORMING AMENDMENT RELATING TO  
25 ENFORCEMENT.—Section 401 of such Act (52



1 U.S.C. 21111) is amended by striking “and 303”  
 2 and inserting “303, and 303A”.

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

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

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

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

10 **“§ 3407. Ballots provided for voting in Federal elec-**  
 11 **tions**

12 “The following shall be carried expeditiously and free  
 13 of postage:

14 “(1) Blank ballots mailed pursuant to section  
 15 303A(b) of the Help America Vote Act of 2002 (in-  
 16 dividually or in bulk).

17 “(2) Any ballot described in paragraph (1) that  
 18 is completed by a voter and mailed by the voter to  
 19 an election official for counting.”.

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

22 (A) TABLE OF SECTIONS.—The table of  
 23 sections for chapter 34 of title 39, United

1 States Code, is amended by adding at the end  
 2 the following:

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

3 (B) AUTHORIZATION OF APPROPRIA-  
 4 TIONS.—Section 2401(c) of title 39, United  
 5 States Code, is amended by striking “3403  
 6 through 3406” and inserting “3403 through  
 7 3407”.

8 **SEC. 4. AUTOMATIC VOTER REGISTRATION THROUGH**  
 9 **STATE MOTOR VEHICLE AUTHORITIES.**

10 (a) AUTOMATIC VOTER REGISTRATION.—Section 5  
 11 of the National Voter Registration Act of 1993 (52 U.S.C.  
 12 20504) is amended to read as follows:

13 **“SEC. 5. VOTER REGISTRATION THROUGH MOTOR VEHICLE**  
 14 **AUTHORITY.**

15 “(a) SIMULTANEOUS APPLICATION FOR VOTER REG-  
 16 ISTRATION AND APPLICATION FOR MOTOR VEHICLE  
 17 DRIVER’S LICENSE.—

18 “(1) TRANSMISSION OF INFORMATION TO ELEC-  
 19 TION OFFICIALS.—Each State’s motor vehicle au-  
 20 thority, upon receiving any of the identifying infor-  
 21 mation described in paragraph (2) with respect to  
 22 any applicable individual, shall securely transmit the  
 23 identifying information to the appropriate State elec-  
 24 tion official.

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; and

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.

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.

