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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R.

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

Mrs. DAVIS of California introduced the following bill; which was 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.

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 2009”.

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) 28 States currently allow universal absentee
9 voting (also known as “no-excuse” absentee voting),
10 which permits any voter to request a mail-in ballot
11 without providing a reason for the request, and no
12 State which has implemented no-excuse absentee
13 voting has switched back.

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

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

22 (6) 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.

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 sub-
13 section (a) shall be construed to affect the authority of
14 States to conduct elections for Federal office through the
15 use of polling places at which individuals cast ballots on
16 the date of the election.

17 “(c) EFFECTIVE DATE.—A State shall be required
18 to comply with the requirements of subsection (a) with re-
19 spect to elections for Federal office held in years beginning
20 with 2012.”.

21 (b) CONFORMING AMENDMENT RELATING TO EN-
22 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)
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.”.