

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1835

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

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

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 2005”.

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.

6 (3) Allowing voters to vote by mail can lead to  
7 increased voter participation.

8 (4) Voting by mail is more convenient for many  
9 voters.

10 (5) Voting by mail gives voters more time to  
11 consider their choices.

12 (6) Studies show that an overwhelming majority  
13 of voters prefer voting by mail as an alternative to  
14 going to the polls.

15 (7) No evidence exists suggesting the potential  
16 for fraud in absentee balloting is greater than the  
17 potential for fraud by any other method of voting.

18 (8) 25 States currently allow universal absentee  
19 voting, which permits any voter to request a mail-  
20 in ballot without providing a reason for the request.

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

22 **IN FEDERAL ELECTIONS.**

23 (a) IN GENERAL.—Subtitle A of title III of the Help  
24 America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is

1 amended by inserting after section 303 the following new  
2 section:

3 **“SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
4 **MAIL.**

5 “(a) IN GENERAL.—If an individual in a State is eli-  
6 gible to cast a vote in an election for Federal office, the  
7 State may not impose any additional conditions or require-  
8 ments on the eligibility of the individual to cast the vote  
9 in such election by mail, except to the extent that the  
10 State imposes a deadline for requesting the ballot and re-  
11 lated voting materials from the appropriate State or local  
12 election official and for returning the ballot to the appro-  
13 priate State or local election official.

14 “(b) EFFECTIVE DATE.—A State shall be required  
15 to comply with the requirements of subsection (a) with re-  
16 spect to elections for Federal office held in years beginning  
17 with 2006.”.

18 (b) CONFORMING AMENDMENT RELATING TO EN-  
19 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)  
20 is amended by striking “and 303” and inserting “303, and  
21 303A”.

22 (c) CLERICAL AMENDMENT.—The table of contents  
23 for such Act is amended by inserting after the item relat-  
24 ing to section 303 the following new item:

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

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