

109TH CONGRESS  
1ST SESSION

# H. R. 4141

To amend the Help America Vote Act of 2002 to permit individuals to use a national write-in absentee ballot to cast votes in elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2005

Ms. MILLENDER-MCDONALD 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 permit individuals to use a national write-in absentee ballot to cast votes in elections for Federal office, 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. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**  
4 **TEE BALLOT.**

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

1           (1) by redesignating sections 304 and 305 as  
2           sections 305 and 306; and

3           (2) by inserting after section 303 the following  
4           new section:

5   **“SEC. 304. USE OF NATIONAL FEDERAL WRITE-IN ABSEN-**  
6               **TEE BALLOT.**

7           “(a) IN GENERAL.—Any person who is otherwise  
8           qualified to vote in a Federal election in a State shall be  
9           permitted to use the national Federal write-in absentee  
10          ballot prescribed by the Election Assistance Commission  
11          under section 247 to cast a vote in an election for Federal  
12          office.

13          “(b) SUBMISSION AND PROCESSING.—

14               “(1) IN GENERAL.—Except as otherwise pro-  
15          vided in this section, a national Federal write-in ab-  
16          sentee ballot shall be submitted and processed in the  
17          manner provided under the standards prescribed by  
18          the Commission under section 247(b).

19               “(2) DEADLINE.—An otherwise eligible national  
20          Federal write-in absentee ballot shall be counted if  
21          postmarked or signed before the close of the polls on  
22          election day and received by the appropriate State  
23          election official on or before the date which is 10  
24          days after the date of the election or the date pro-

1 vided for receipt of absentee ballots under State law,  
2 whichever is later.

3 “(c) SPECIAL RULES.—The following rules shall  
4 apply with respect to national Federal write-in absentee  
5 ballots:

6 “(1) In completing the ballot, the voter may  
7 designate a candidate by writing in the name of the  
8 candidate or by writing in the name of a political  
9 party (in which case the ballot shall be counted for  
10 the candidate of that political party).

11 “(2) In the case of the offices of President and  
12 Vice President, a vote for a named candidate or a  
13 vote by writing in the name of a political party shall  
14 be counted as a vote for the electors supporting the  
15 candidate involved.

16 “(3) Any abbreviation, misspelling, or other  
17 minor variation in the form of the name of a can-  
18 didate or a political party shall be disregarded in de-  
19 termining the validity of the ballot.”.

20 (b) CONFORMING AMENDMENT.—Section 401 of the  
21 Help America Vote Act of 2002 (42 U.S.C. 15511) is  
22 amended by striking “and 303” and inserting “303, and  
23 304”.

24 (c) CLERICAL AMENDMENT.—The table of contents  
25 of the Help America Vote Act of 2002 is amended—

1           (1) by redesignating the items relating to sec-  
 2           tions 304 and 305 as relating to sections 305 and  
 3           306; and

4           (2) by inserting after the item relating to sec-  
 5           tion 303 the following new item:

“Sec. 304. Use of national Federal write-in absentee ballot.”.

6   **SEC. 2. ESTABLISHMENT OF BALLOT AND STANDARDS.**

7           (a) IN GENERAL.—Subtitle C of title II of the Help  
 8           America Vote Act of 2002 (42 U.S.C. 15381 et seq.) is  
 9           amended—

10           (1) by redesignating section 247 as section 248;  
 11           and

12           (2) by inserting after section 246 the following  
 13           new section:

14   **“SEC. 247. NATIONAL FEDERAL WRITE-IN ABSENTEE BAL-**  
 15           **LOT.**

16           “(a) FORM OF BALLOT.—The Commission shall es-  
 17           tablish a national Federal write-in absentee ballot (includ-  
 18           ing a secrecy envelope and mailing envelope for such bal-  
 19           lot) for use in elections for Federal office.

20           “(b) STANDARDS.—The Commission shall prescribe  
 21           standards for—

22           “(1) distributing the national Federal write-in  
 23           absentee ballot, including standards for distributing  
 24           such ballot through the Internet; and

1           “(2) processing and submission of the national  
2       Federal write-in absentee ballot.”.

3       (b) CLERICAL AMENDMENT.—The table of contents  
4 of the Help America Vote Act of 2002 is amended—

5           (1) by redesignating the item relating to section  
6       247 as relating to section 248; and

7           (2) by inserting after the item relating to sec-  
8       tion 246 the following new item:

“Sec. 247. National Federal write-in absentee ballot.”.

9       (c) EFFECTIVE DATE.—The Election Assistance  
10 Commission shall establish a national Federal write-in ab-  
11 sentee ballot under section 247(a) of the Help America  
12 Vote Act of 2002 (as amended by subsection (a)), and pre-  
13 scribe standards relating to the ballot under section  
14 247(b) of such Act, not later than January 1, 2006.

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