

110TH CONGRESS
1ST SESSION

H. R. 1667

To establish a Vote by Mail grant program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2007

Mrs. DAVIS of California introduced the following bill; which was referred to the Committee on House Administration, 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 establish a Vote by Mail grant program.

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 by Mail Act of
5 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Supreme Court declared in *Reynolds v.*
9 Sims that “[i]t has been repeatedly recognized that

1 all qualified voters have a constitutionally protected
2 right to vote . . . and to have their votes counted.”.

3 (2) In the 2000 and 2004 presidential elections,
4 voting technology failures and procedural irregular-
5 ities deprived some Americans of their fundamental
6 right to vote.

7 (3) In 2000, faulty punch card ballots and
8 other equipment failures prevented accurate vote
9 counts nationwide. A report by the Caltech/MIT
10 Voting Technology Project estimates that approxi-
11 mately 1,500,000 votes for president were intended
12 to be cast but not counted in the 2000 election be-
13 cause of equipment failures.

14 (4) In 2004, software errors, malfunctioning
15 electronic voting systems, and long lines at the polls
16 prevented accurate vote counts and prevented some
17 people from voting. For instance, voters at Kenyon
18 College in Gambier, Ohio waited in line for up to 12
19 hours because there were only 2 machines available
20 for 1,300 voters.

21 (5) In 2006, election day problems plagued vot-
22 ers in a number of States as well. For instance, in
23 Denver, Colorado, hundreds of voters were turned
24 away when the database of registered voters crashed.
25 In Allegheny County, Pennsylvania, malfunctioning

1 machines and an inadequate number of provisional
2 ballots generated long lines, causing many voters to
3 leave without casting a vote.

4 (6) Under the Oregon Vote by Mail system,
5 election officials mail ballots to all registered voters
6 at least 2 weeks before election day. Voters mark
7 their ballots, seal the ballots in both unmarked se-
8 crecy envelopes and signed return envelopes, and re-
9 turn the ballots by mail or to secure drop boxes.
10 Once a ballot is received, election officials scan the
11 bar code on the ballot envelope, which brings up the
12 voter's signature on a computer screen. The election
13 official compares the signature on the screen and the
14 signature on the ballot envelope. Only if the signa-
15 ture on the ballot envelope is determined to be au-
16 thentic is the ballot forwarded on to be counted.

17 (7) Oregon's Vote by Mail system has deterred
18 voter fraud because the system includes numerous
19 security measures such as the signature authentica-
20 tion system. Potential misconduct is also discour-
21 aged by the power of the State to punish those who
22 engage in voter fraud with up to five years in prison,
23 \$100,000 in fines, and the loss of their vote.

24 (8) Oregon's Vote by Mail system promotes uni-
25 formity and strict compliance with Federal and

1 State voting laws because ballot processing is cen-
2 tralized in county clerk's offices, rather than at nu-
3 merous polling places.

4 (9) Vote by Mail is one factor making voter
5 turnout in Oregon consistently higher than the aver-
6 age national voter turnout. For example, Oregon ex-
7 perienceed a record voting-age-eligible population
8 turnout of 70.6 percent in the 2004 presidential
9 election, compared to 58.4 percent nationally. Or-
10 egon's turnout of registered voters for that election
11 was 86.48 percent.

12 (10) Women, younger voters, and homemakers
13 also report that they vote more often using Vote by
14 Mail.

15 (11) Vote by Mail reduces election costs by
16 eliminating the need to transport equipment to poll-
17 ing stations and to hire and train poll workers. Or-
18 egon has reduced its election-related costs by 30 per-
19 cent since implementing Vote by Mail.

20 (12) Vote by Mail allows voters to educate
21 themselves because they receive ballots well before
22 election day, which provides them with ample time
23 to research issues, study ballots, and deliberate in a
24 way that is not possible at a polling place.

1 (13) Vote by Mail is accurate—at least 2 stud-
2 ies comparing voting technologies show that absentee
3 voting methods, including Vote by Mail systems, re-
4 sult in a more accurate vote count.

5 (14) Vote by Mail results in more up-to-date
6 voter rolls, since election officials use forwarding in-
7 formation from the post office to update voter reg-
8 istration.

9 (15) Vote by Mail allows voters to visually
10 verify that their votes were cast correctly and pro-
11 duces a paper trail for recounts.

12 (16) In a survey taken 5 years after Oregon im-
13 plemented the Vote by Mail system, more than 8 in
14 10 Oregon voters said they preferred voting by mail
15 to traditional voting.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ELECTION.—The term “election” means
19 any general, special, primary, or runoff election.

20 (2) PARTICIPATING STATE.—The term “partici-
21 pating State” means a State receiving a grant under
22 the Vote by Mail grant program under section 4.

23 (3) RESIDUAL VOTE RATE.—The term “resid-
24 ual vote rate” means the sum of all votes that can-
25 not be counted in an election (overvotes, undervotes,

1 and otherwise spoiled ballots) divided by the total
2 number of votes cast.

3 (4) STATE.—The term “State” means a State
4 of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a territory or pos-
6 session of the United States.

7 (5) VOTING SYSTEM.—The term “voting sys-
8 tem” has the meaning given such term under section
9 301(b) of the Help America Vote Act of 2002 (42
10 U.S.C. 15481(b)).

11 **SEC. 4. VOTE BY MAIL GRANT PROGRAM.**

12 (a) ESTABLISHMENT.—Not later than 270 days after
13 the date of enactment of this Act, the Election Assistance
14 Commission shall establish a Vote by Mail grant program
15 (in this section referred to as the “program”).

16 (b) PURPOSE.—The purpose of the program is to
17 make implementation grants to participating States solely
18 for the implementation of procedures for the conduct of
19 all elections by mail at the State or local government level.

20 (c) LIMITATION ON USE OF FUNDS.—In no case may
21 grants made under this section be used to reimburse a
22 State for costs incurred in implementing mail-in voting for
23 elections at the State or local government level if such
24 costs were incurred prior to the date of enactment of this
25 Act.

1 (d) APPLICATION.—A State seeking to participate in
 2 the program under this section shall submit an application
 3 to the Election Assistance Commission containing such in-
 4 formation, and at such time, as the Election Assistance
 5 Commission may specify.

6 (e) AMOUNT AND AWARDING OF IMPLEMENTATION
 7 GRANTS; DURATION OF PROGRAM.—

8 (1) AMOUNT OF IMPLEMENTATION GRANTS.—

9 (A) IN GENERAL.—Subject to subpara-
 10 graph (B), the amount of an implementation
 11 grant made to a participating State shall be, in
 12 the case of a State that certifies that it will im-
 13 plement all elections by mail in accordance with
 14 the requirements of subsection (f), with respect
 15 to—

16 (i) the entire State, \$2,000,000; or

17 (ii) any single unit or multiple units
 18 of local government within the State,
 19 \$1,000,000.

20 (B) EXCESS FUNDS.—

21 (i) IN GENERAL.—To the extent that
 22 there are excess funds in either of the first
 23 2 years of the program, such funds may be
 24 used to award implementation grants to
 25 participating States in subsequent years.

1 (ii) EXCESS FUNDS DEFINED.—For
2 purposes of clause (i), the term “excess
3 funds” means any amounts appropriated
4 pursuant to the authorization under sub-
5 section (h)(1) with respect to a fiscal year
6 that are not awarded to a participating
7 State under an implementation grant dur-
8 ing such fiscal year.

9 (C) CONTINUING AVAILABILITY OF FUNDS
10 AFTER APPROPRIATION.—An implementation
11 grant made to a participating State under this
12 section shall be available to the State without
13 fiscal year limitation.

14 (2) AWARDING OF IMPLEMENTATION
15 GRANTS.—

16 (A) IN GENERAL.—The Election Assist-
17 ance Commission shall award implementation
18 grants during each year in which the program
19 is conducted.

20 (B) ONE GRANT PER STATE.—The Elec-
21 tion Assistance Commission shall not award
22 more than 1 implementation grant to any par-
23 ticipating State under this section over the du-
24 ration of the program.

1 (3) DURATION.—The program shall be con-
2 ducted for a period of 3 years.

3 (f) REQUIREMENTS.—

4 (1) REQUIRED PROCEDURES.—A participating
5 State shall establish and implement procedures for
6 conducting all elections by mail in the area with re-
7 spect to which it receives an implementation grant
8 to conduct such elections, including the following:

9 (A) A process for recording electronically
10 each voter's registration information and signa-
11 ture.

12 (B) A process for mailing ballots to all eli-
13 gible voters.

14 (C) The designation of places for the de-
15 posit of ballots cast in an election.

16 (D) A process for ensuring the secrecy and
17 integrity of ballots cast in the election.

18 (E) Procedures and penalties for pre-
19 venting election fraud and ballot tampering, in-
20 cluding procedures for the verification of the
21 signature of the voter accompanying the ballot
22 through comparison of such signature with the
23 signature of the voter maintained by the State
24 in accordance with subparagraph (A).

1 (F) Procedures for verifying that a ballot
2 has been received by the appropriate authority.

3 (G) Procedures for obtaining a replace-
4 ment ballot in the case of a ballot which is de-
5 stroyed, spoiled, lost, or not received by the
6 voter.

7 (H) A plan for training election workers in
8 signature verification techniques.

9 (I) Plans and procedures to ensure that
10 voters who are blind, visually-impaired, or oth-
11 erwise disabled have the opportunity to partici-
12 pate in elections conducted by mail and to en-
13 sure compliance with the Help America Vote
14 Act of 2002. Such plans and procedures shall
15 be developed in consultation with disabled and
16 other civil rights organizations, voting rights
17 groups, State election officials, voter protection
18 groups, and other interested community organi-
19 zations.

20 (J) Plans and procedures to ensure the
21 translation of ballots and voting materials in
22 accordance with section 203 of the Voting
23 Rights Act of 1965 (42 U.S.C. 1973aa-1a)).

24 (g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND
25 REPORTS.—

1 (1) IN GENERAL.—The Election Assistance
2 Commission shall—

3 (A) develop, periodically issue, and, as ap-
4 propriate, update best practices for conducting
5 elections by mail;

6 (B) provide technical assistance to partici-
7 pating States for the purpose of implementing
8 procedures for conducting elections by mail; and

9 (C) submit to the appropriate committees
10 of Congress—

11 (i) annual reports on the implementa-
12 tion of such procedures by participating
13 States during each year in which the pro-
14 gram is conducted; and

15 (ii) upon completion of the program
16 conducted under this section, a final report
17 on the program, together with rec-
18 ommendations for such legislation or ad-
19 ministrative action as the Election Assist-
20 ance Commission determines to be appro-
21 priate.

22 (2) CONSULTATION.—In developing, issuing,
23 and updating best practices, developing materials to
24 provide technical assistance to participating States,
25 and developing the annual and final reports under

1 paragraph (1), the Election Assistance Commission
2 shall consult with interested parties, including—

3 (A) State and local election officials;

4 (B) the United States Postal Service;

5 (C) the Postal Regulatory Commission es-
6 tablished under section 501 of title 39, United
7 States Code; and

8 (D) voting rights groups, voter protection
9 groups, groups representing the disabled, and
10 other civil rights or community organizations.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) GRANTS.—There are authorized to be ap-
13 propriated to award grants under this section, for
14 each of fiscal years 2007 through 2009, \$6,000,000,
15 to remain available without fiscal year limitation
16 until expended.

17 (2) ADMINISTRATION.—There are authorized to
18 be appropriated to administer the program under
19 this section, \$200,000 for the period of fiscal years
20 2007 through 2009, to remain available without fis-
21 cal year limitation until expended.

22 (i) RULE OF CONSTRUCTION.—Nothing in this Act
23 may be construed to authorize or require conduct prohib-
24 ited under any of the following laws, or to supersede, re-
25 strict, or limit the application of such laws:

1 (1) The Help America Vote Act of 2002 (42
2 U.S.C. 15301 et seq.).

3 (2) The Voting Rights Act of 1965 (42 U.S.C.
4 1973 et seq.).

5 (3) The Voting Accessibility for the Elderly and
6 Handicapped Act (42 U.S.C. 1973ee et seq.).

7 (4) The Uniformed and Overseas Citizens Ab-
8 sentee Voting Act(42 U.S.C. 1973ff et seq.).

9 (5) The National Voter Registration Act of
10 1993 (42 U.S.C. 1973gg et seq.).

11 (6) The Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.).

13 (7) The Rehabilitation Act of 1973 (29 U.S.C.
14 701 et seq.).

15 **SEC. 5. STUDY ON IMPLEMENTATION OF MAIL-IN VOTING**
16 **FOR ELECTIONS.**

17 (a) STUDY.—

18 (1) IN GENERAL.—The Comptroller General of
19 the United States (in this section referred to as the
20 “Comptroller General”) shall conduct a study evalu-
21 ating the benefits of broader implementation of mail-
22 in voting in elections, taking into consideration the
23 annual reports submitted by the Election Assistance
24 Commission under section 4(g)(1)(C)(i) before No-
25 vember 1, 2009.

1 (2) SPECIFIC ISSUES STUDIED.—The study
2 conducted under paragraph (1) shall include a com-
3 parison of traditional voting methods and mail-in
4 voting with respect to—

5 (A) the likelihood of voter fraud and mis-
6 conduct;

7 (B) the accuracy of voter rolls;

8 (C) the accuracy of election results;

9 (D) voter participation in urban and rural
10 communities and by minorities, language mi-
11 norities (as defined in section 203 of the Voting
12 Rights Act of 1965 (42 U.S.C. 1973aa–1a)),
13 and individuals with disabilities and by individ-
14 uals who are homeless or who frequently change
15 their official residences;

16 (E) public confidence in the election sys-
17 tem;

18 (F) the residual vote rate, including such
19 rate based on voter age, education, income,
20 race, or ethnicity or whether a voter lives in an
21 urban or rural community, is disabled, or is a
22 language minority (as so defined); and

23 (G) cost savings.

1 (3) CONSULTATION.—In conducting the study
2 under paragraph (1), the Comptroller General shall
3 consult with interested parties, including—

4 (A) State and local election officials;

5 (B) the United States Postal Service;

6 (C) the Postal Regulatory Commission es-
7 tablished under section 501 of title 39, United
8 States Code; and

9 (D) voting rights groups, voter protection
10 groups, groups representing the disabled, and
11 other civil rights or community organizations.

12 (b) REPORT.—Not later than November 1, 2009, the
13 Comptroller General shall prepare and submit to the ap-
14 propriate committees of Congress a report on the study
15 conducted under subsection (a), together with such rec-
16 ommendations for legislation or administrative action as
17 the Comptroller General determines to be appropriate.

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