

116TH CONGRESS
2D SESSION

H. R. 8081

To amend the Help America Vote Act of 2002 to prohibit States from imposing any additional conditions or requirements on the eligibility of individuals to cast votes in elections for Federal office by absentee ballot by mail, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 2020

Mr. RUSH introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Reform, 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 amend the Help America Vote Act of 2002 to prohibit States from imposing any additional conditions or requirements on the eligibility of individuals to cast votes in elections for Federal office by absentee ballot by mail, 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. SHORT TITLE.**

4 This Act may be cited as the “American Right to
5 Vote Act”.

1 **SEC. 2. UNIFORM AVAILABILITY OF ABSENTEE VOTING TO**
2 **ALL VOTERS.**

3 (a) IN GENERAL.—Title III of the Help America
4 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
5 by inserting after section 303 the following new section:

6 **“SEC. 303A. UNIFORM AVAILABILITY OF ABSENTEE VOTING**
7 **TO ALL VOTERS.**

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

17 “(b) PERMITTING VOTERS TO DESIGNATE OTHER
18 PERSON TO RETURN BALLOT.—The State—

19 “(1) shall permit a voter to designate any per-
20 son to return a voted and sealed absentee ballot to
21 the post office, a ballot drop-off location, tribally
22 designated building, or election office so long as the
23 person designated to return the ballot does not re-
24 ceive any form of compensation based on the number
25 of ballots that the person has returned and no indi-

1 vidual, group, or organization provides compensation
2 on this basis; and

3 “(2) may not put any limit on how many voted
4 and sealed absentee ballots any designated person
5 can return to the post office, a ballot drop off loca-
6 tion, tribally designated building, or election office.

7 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authority of States
9 to conduct elections for Federal office through the use of
10 polling places at which individuals cast ballots.

11 “(d) NO EFFECT ON BALLOTS SUBMITTED BY AB-
12 SENT MILITARY AND OVERSEAS VOTERS.—Nothing in
13 this section may be construed to affect the treatment of
14 any ballot submitted by an individual who is entitled to
15 vote by absentee ballot under the Uniformed and Overseas
16 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.).

17 “(e) EFFECTIVE DATE.—This section shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in November 2020 and each succeeding
20 election for Federal office.”.

21 (b) CONFORMING AMENDMENT RELATING TO EN-
22 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
23 is amended by striking “and 303” and inserting “303, and
24 303A”.

1 (c) CLERICAL AMENDMENT.—The table of contents
 2 of such Act is amended by inserting after the item relating
 3 to section 303 the following new item:

“Sec. 303A. Uniform availability of absentee voting to all voters.”.

4 **SEC. 3. ELECTION MAIL.**

5 (a) TREATMENT OF BALLOTS AS FIRST-CLASS
 6 MAIL.—Any ballot in an election for public office sent in
 7 the United States mails shall be categorized, handled, and
 8 delivered as first-class mail by the United States Postal
 9 Service.

10 (b) POLICY ON POSTMARKS.—It shall be the policy
 11 of the United States Postal Service to postmark, which
 12 shall include any imprinted indicia from the Postal Service
 13 that indicates the date of receipt, all election mail proc-
 14 essed by the Postal Service.

15 (c) SAME-DAY PROCESSING.—The United States
 16 Postal Service shall ensure, to the maximum extent prac-
 17 tical, that election mail is processed and cleared from any
 18 postal facility or post office on the same day it is received
 19 at such a facility or post office.

20 **SEC. 4. APPLICATION OF HELP AMERICA VOTE ACT OF 2002**
 21 **TO COMMONWEALTH OF THE NORTHERN**
 22 **MARIANA ISLANDS.**

23 (a) APPLICATION TO COMMONWEALTH OF THE
 24 NORTHERN MARIANA ISLANDS.—Section 901 of the Help
 25 America Vote Act of 2002 (52 U.S.C. 21141) is amended

1 by striking “and the United States Virgin Islands” and
2 inserting “the United States Virgin Islands, and the Com-
3 monwealth of the Northern Mariana Islands”.

4 (b) CONFORMING AMENDMENTS.—Such Act is fur-
5 ther amended as follows:

6 (1) The second sentence of section 213(a)(2)
7 (52 U.S.C. 20943(a)(2)) is amended by striking
8 “and American Samoa” and inserting “American
9 Samoa, and the Commonwealth of the Northern
10 Mariana Islands”.

11 (2) Section 252(c)(2) (52 U.S.C. 21002(c)(2))
12 is amended by striking “or the United States Virgin
13 Islands” and inserting “the United States Virgin Is-
14 lands, or the Commonwealth of the Northern Mar-
15 iana Islands”.

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