

117TH CONGRESS
1ST SESSION

S. 136

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections, to amend the National Voter Registration Act of 1993 to provide for automatic voter registration.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. WYDEN (for himself, Ms. CANTWELL, Mr. CARPER, Mr. BOOKER, Mr. MARKEY, Mr. SCHATZ, Mr. MURPHY, Ms. WARREN, Mr. BLUMENTHAL, Ms. BALDWIN, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. BROWN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections, to amend the National Voter Registration Act of 1993 to provide for automatic voter registration.

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 at Home Act of
5 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) An inequity of voting rights exists in the
2 United States because voters in some States have
3 the universal right to vote by mail while voters in
4 other States do not.

5 (2) Many voters often have work, family, or
6 other commitments that make getting to polls and
7 waiting in line on the date of an election difficult or
8 impossible. Many citizens with disabilities are phys-
9 ically unable to vote due to long lines, inadequate
10 parking, no curb cuts, steep ramps, and large
11 crowds. In 2012, 30 percent of voters with disabil-
12 ities had difficulty voting, and in 2016, nearly two-
13 thirds of the 137 polling places inspected on election
14 day had at least one impediment to people with dis-
15 abilities. Under current State laws, many of these
16 voters are not permitted to vote by mail.

17 (3) In 2020, despite a global pandemic, the
18 general election saw record high turnout as a result
19 of increased vote by mail options, which allowed vot-
20 ers to cast a ballot and stay safe at the same time.

21 (4) Thirty-four States and the District of Co-
22 lumbia allow universal absentee voting (also known
23 as “no-excuse” absentee voting), which permits any
24 voter to request a mail-in ballot without providing a

1 reason for the request. No State which has imple-
2 mented no-excuse absentee voting has repealed it.

3 (5) Five States currently hold elections entirely
4 by mail. At least 22 States currently allow some
5 elections to be conducted by mail, especially in large
6 and rural jurisdictions where voting by mail is espe-
7 cially convenient. Polling stations in rural jurisdic-
8 tions tend to have higher costs per voter, smaller
9 staffs, and limited resources. Transportation is often
10 a crucial barrier for rural voters.

11 (6) In 2020, in order to provide greater accessi-
12 bility and to protect the public health, 30 States
13 adopted or changed their laws for the general elec-
14 tion to allow voters to cast their ballots from home.
15 These changes included removing strict excuse re-
16 quirements, allowing COVID–19 concerns to be a
17 valid excuse to vote absentee, allowing ballot drop
18 boxes, offering prepaid postage on election mail, and
19 proactively sending all active registered voters appli-
20 cations to request an absentee ballot—with some
21 States even skipping that step and sending the ac-
22 tual ballots.

23 (7) Voting by mail gives voters more time to
24 consider their choices, which is especially important
25 as many ballots contain greater numbers of ques-

1 tions about complex issues than in the past due to
2 the expanded use of the initiative and referendum
3 process in many States.

4 (8) Voting by mail is cost effective. After the
5 State of Oregon adopted vote by mail for all voters
6 in 1996, the cost to administer an election in the
7 State dropped by nearly 30 percent over the next
8 few elections, from \$3.07 per voter to \$2.21 per
9 voter. After Colorado implemented all-mail balloting
10 in 2013, voting administration costs decreased by an
11 average of 40 percent. The cost of conducting vote-
12 by-mail elections is generally one-third to one-half
13 less than conducting polling place elections. Voting
14 by mail also saves a substantial amount by getting
15 rid of the temporary labor costs of hiring poll work-
16 ers. In addition to that cost, many jurisdictions have
17 been facing difficulty in obtaining sufficient numbers
18 of poll workers.

19 (9) Allowing all voters the option to vote by
20 mail can reduce waiting times for those voters who
21 choose to vote at the polls. In 2016, voters in Ari-
22 zona reported waiting in line from 1 to 5 hours to
23 vote; in New York, voters reported that stations ran
24 out of ballots and did not have staff during all of
25 the hours scheduled for voting.

1 (10) Voting by mail is preferable to many vot-
2 ers as an alternative to going to the polls. In 2018,
3 25.3 percent of ballots in the United States were
4 cast by mail, up from 10 percent in 2000. In 2016,
5 nearly 58 percent of California voters chose to vote
6 by mail. Voting by mail has become increasingly
7 popular with voters who want to be certain that they
8 are able to vote no matter what comes up on election
9 day, as it reduces the physical obstacles and eases
10 the time constraints connected with the act of vot-
11 ing.

12 (11) Despite attempts to claim that voting by
13 mail is susceptible to fraud, it is not. Strategies such
14 as tracking systems for ballots and postal service co-
15 operation in preventing ballots from being delivered
16 to names not recognized as receiving mail at an ad-
17 dress nearly eliminate the potential for fraud in vote
18 by mail elections. Evidence of undue influence or
19 voter coercion after vote-by-mail implementation in
20 Oregon has been nonexistent to minimal.

21 (12) Many of the reasons which voters in many
22 States are required to provide in order to vote by
23 mail require the revelation of personal information
24 about health, travel plans, or religious activities,

1 which violate voters' privacy while doing nothing to
2 prevent voter fraud.

3 (13) State laws which require voters to obtain
4 a notary signature to vote by mail only add cost and
5 inconvenience to voters without increasing security.

6 (14) Many voters choose to cast ballots early
7 when they have the option (over 50 percent in Ari-
8 zona, Arkansas, California, Colorado, Florida, Geor-
9 gia, Hawaii, Montana, Nevada, New Mexico, North
10 Carolina, Oregon, Tennessee, Texas, Utah, and
11 Washington). More than 40 percent of voters in the
12 2016 election cast their ballot before election day. In
13 Oregon, 7 years after vote-by-mail election imple-
14 mentation, over 80 percent of voters favored the
15 vote-by-mail system.

16 (15) Vote-by-mail typically increases turnout in
17 all elections, but can be particularly effective in in-
18 creasing voter participation in special elections and
19 primary elections. Oregon, Washington, and Colo-
20 rado, 3 of the 5 States with entirely vote by mail
21 elections, continue to have consistently high voter
22 turnout rates. In the 2016 Presidential election,
23 while the percentage of registered voters who cast a
24 ballot nationally was 68.1 percent, Oregon's was

1 80.3 percent, Washington’s was 78.76 percent, and
 2 Colorado’s was 74.3 percent.

3 (16) A crucial component of a modern voting
 4 system is making it easy, affordable, and accessible
 5 to register to vote. Twenty states and the District of
 6 Columbia have enacted automatic voter registration
 7 policies, with Oregon and California becoming the
 8 first to automatically register their citizens to vote
 9 when they apply for a driver’s license. Automatic,
 10 permanent voter registration has the potential to in-
 11 crease participation, protect election integrity, and
 12 reduce registration costs.

13 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**
 14 **IN FEDERAL ELECTIONS.**

15 (a) VOTING BY MAIL IN FEDERAL ELECTIONS.—

16 (1) IN GENERAL.—Subtitle A of title III of the
 17 Help America Vote Act of 2002 (52 U.S.C. 21081
 18 et seq.) is amended by inserting after section 303
 19 the following new section:

20 **“SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**
 21 **MAIL.**

22 “(a) IN GENERAL.—If an individual in a State is eli-
 23 gible to cast a vote in an election for Federal office, the
 24 State may not impose any additional conditions or require-
 25 ments on the eligibility of the individual to cast the vote

1 in such election by mail, except to the extent that the
 2 State imposes a deadline for returning the ballot to the
 3 appropriate State or local election official.

4 “(b) PROVISION OF BALLOT MATERIALS.—Not later
 5 than 2 weeks before the date of any election for Federal
 6 office, each State shall mail ballots to individuals who are
 7 registered to vote in such election.

8 “(c) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
 9 ABILITIES.—All ballots provided under this section shall
 10 be accessible to individuals with disabilities in a manner
 11 that provides the same opportunity for access and partici-
 12 pation (including for privacy and independence) as for
 13 other voters.

14 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
 15 tion shall be construed to affect the authority of States
 16 to conduct elections for Federal office through the use of
 17 polling places at which individuals cast ballots.

18 “(e) EFFECTIVE DATE.—A State shall be required
 19 to comply with the requirements of subsection (a) with re-
 20 spect to elections for Federal office held in years beginning
 21 with 2022.”.

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

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

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

4 (b) FREE POSTAGE FOR VOTING BY MAIL.—

5 (1) IN GENERAL.—Chapter 34 of title 39,
 6 United States Code, is amended by adding at the
 7 end the following:

8 **“§ 3407. Ballots provided for voting in Federal elec-**
 9 **tions**

10 “The following shall be carried expeditiously and free
 11 of postage:

12 “(1) Blank ballots mailed pursuant to section
 13 303A(b) of the Help America Vote Act of 2002 (in-
 14 dividually or in bulk).

15 “(2) Any ballot described in paragraph (1) that
 16 is completed by a voter and mailed by the voter to
 17 an election official for counting.”.

18 (2) TECHNICAL AND CONFORMING AMEND-
 19 MENTS.—

20 (A) TABLE OF SECTIONS.—The table of
 21 sections for chapter 34 of title 39, United
 22 States Code, is amended by adding at the end
 23 the following:

“3407. Ballots provided for voting in Federal elections.”.

1 (B) AUTHORIZATION OF APPROPRIA-
 2 TIONS.—Section 2401(c) of title 39, United
 3 States Code, is amended by striking “3403
 4 through 3406” and inserting “3403 through
 5 3407”.

6 **SEC. 4. AUTOMATIC VOTER REGISTRATION THROUGH**
 7 **STATE MOTOR VEHICLE AUTHORITIES.**

8 (a) AUTOMATIC VOTER REGISTRATION.—Section 5
 9 of the National Voter Registration Act of 1993 (52 U.S.C.
 10 20504) is amended to read as follows:

11 **“SEC. 5. VOTER REGISTRATION THROUGH MOTOR VEHICLE**
 12 **AUTHORITY.**

13 “(a) SIMULTANEOUS APPLICATION FOR VOTER REG-
 14 ISTRATION AND APPLICATION FOR MOTOR VEHICLE
 15 DRIVER’S LICENSE.—

16 “(1) TRANSMISSION OF INFORMATION TO ELEC-
 17 TION OFFICIALS.—Each State’s motor vehicle au-
 18 thority, upon receiving any of the identifying infor-
 19 mation described in paragraph (2) with respect to
 20 any applicable individual, shall securely transmit the
 21 identifying information to the appropriate State elec-
 22 tion official.

23 “(2) IDENTIFYING INFORMATION DESCRIBED.—
 24 The identifying information described in this para-
 25 graph with respect to any individual is as follows:

1 “(A) The individual’s legal name.

2 “(B) The individual’s age.

3 “(C) The individual’s residence.

4 “(D) The individual’s citizenship status.

5 “(E) The individual’s electronic signature.

6 “(b) DUTIES OF OFFICIALS RECEIVING INFORMA-
7 TION.—

8 “(1) IN GENERAL.—Upon receiving the identi-
9 fying information with respect to an applicable indi-
10 vidual under subsection (a), the appropriate State
11 election official shall determine—

12 “(A) whether such individual is eligible to
13 vote in an election for Federal office; and

14 “(B) whether such individual is currently
15 registered to vote in elections for Federal office
16 at the address provided in such identifying in-
17 formation.

18 “(2) NOTIFICATION TO INDIVIDUALS.—

19 “(A) ELIGIBLE UNREGISTERED INDIVID-
20 UALS.—In the case of an applicable individual
21 who is eligible to vote in an election for Federal
22 office and who is not currently registered to
23 vote, the appropriate State election official shall
24 issue a notification to the individual con-
25 taining—

1 “(i) a statement that, unless the indi-
 2 vidual notifies the election official prior to
 3 the expiration of the 21-calendar-day pe-
 4 riod which begins on the date the official
 5 issued the notification that the individual
 6 declines to be registered to vote in elections
 7 for Federal office held in the State, the in-
 8 dividual’s records and signature will con-
 9 stitute a completed registration for the in-
 10 dividual; and

11 “(ii) a description of the process by
 12 which the individual may decline to be reg-
 13 istered to vote in elections for Federal of-
 14 fice in the State.

15 “(B) ELIGIBLE INDIVIDUALS REGISTERED
 16 AT A DIFFERENT ADDRESS.—In the case of an
 17 applicable individual who is eligible to vote in
 18 an election for Federal office and who is reg-
 19 istered to vote in such election at a different
 20 address than the address provided in the identi-
 21 fying information, the appropriate State elec-
 22 tion official shall issue a notification to the indi-
 23 vidual containing—

24 “(i) a statement that, unless the indi-
 25 vidual notifies the election official prior to

the expiration of the 21-calendar-day period which begins on the date the official issued the notification that the address provided in the identifying information should not be used for voter registration purposes, the address provided in the identifying information shall be used as the individual's address for voter registration purposes; and

“(ii) a description of the process by which the individual may decline a change of address for voter registration purposes.

“(c) AUTOMATIC REGISTRATION OF ELIGIBLE INDIVIDUALS; AUTOMATIC CHANGE OF ADDRESS.—

“(1) REGISTRATION.—Upon the expiration of the 21-calendar-day period which begins on the date the appropriate State election official issues a notification to an individual under subsection (b)(2)(A), the official shall ensure that the individual is registered to vote in elections for Federal office held in the State unless—

“(A) the official later determines that the individual does not meet the eligibility requirements for registering to vote in such elections; or

1 “(B) prior to the expiration of such 21-cal-
 2 endar-day period, the individual notifies the of-
 3 ficial that the individual declines to be reg-
 4 istered to vote in such elections.

5 “(2) CHANGE OF ADDRESS.—Upon the expira-
 6 tion of the 21-calendar-day period which begins on
 7 the date the appropriate State election official issues
 8 a notification to an individual under subsection
 9 (b)(2)(B), the official shall ensure that the indi-
 10 vidual is registered to vote in elections for Federal
 11 office at the address provided in the identifying in-
 12 formation unless—

13 “(A) the official later determines that the
 14 individual does not meet the eligibility require-
 15 ments for registering to vote in such elections;
 16 or

17 “(B) prior to the expiration of such 21-cal-
 18 endar-day period, the individual notifies the of-
 19 ficial that the individual declines a change of
 20 address for voter registration purposes.

21 “(d) APPLICABLE INDIVIDUAL.—For purposes of this
 22 section, the term ‘applicable individual’ means any indi-
 23 vidual who seeks assistance from, receives benefits from,
 24 or receives service or assistance from a State motor vehicle
 25 authority that issues motor vehicle driver’s licenses.”.

1 (b) CONFORMING AMENDMENT RELATING TO TIM-
 2 ING OF REGISTRATION PRIOR TO ELECTIONS.—Section
 3 8(a)(1)(A) of such Act (52 U.S.C. 20507(a)(1)(A)) is
 4 amended to read as follows:

5 “(A) in the case of registration through a
 6 motor vehicle authority under section 5, if the
 7 identifying information with respect to the indi-
 8 vidual is transmitted by the authority to the ap-
 9 propriate State election official under section
 10 5(a)(1) not later than the lesser of 30 days, or
 11 the period provided by State law, before the
 12 date of the election;”.

13 (c) OTHER CONFORMING AMENDMENT.—Section
 14 4(a)(1) of such Act (52 U.S.C. 20503(a)(1)) is amended
 15 to read as follows:

16 “(1) through the State motor vehicle authority
 17 pursuant to section 5;”.

18 (d) EFFECTIVE DATE.—The amendments made by
 19 this section shall take effect upon the expiration of the
 20 180-day period which begins on the date of the enactment
 21 of this Act.

