

109TH CONGRESS  
1ST SESSION

# H. R. 2104

To amend the Help America Vote Act of 2002 to permit local jurisdictions within a State to conduct early voting in elections for Federal office held in such jurisdictions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Ms. NORTON 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 local jurisdictions within a State to conduct early voting in elections for Federal office held in such jurisdictions, 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. PROVIDING AUTHORITY TO LOCAL JURISDIC-**  
4                               **TIONS TO CONDUCT EARLY VOTING IN ELEC-**  
5                               **TIONS.**

6       (a) **AUTHORITY.**—Subtitle A of title III of the Help  
7       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. AUTHORITY OF LOCAL JURISDICTIONS TO CON-**  
4 **DUCT EARLY VOTING.**

5 “(a) IN GENERAL.—Notwithstanding any provision  
6 of State law, a jurisdiction which is located within a State  
7 and which is responsible for administering an election for  
8 Federal office may permit individuals to cast ballots in  
9 the election prior to the date of the election in the same  
10 manner in which ballots are cast on the date of the elec-  
11 tion, during such period prior to the date of the election  
12 as the jurisdiction may establish.

13 “(b) EFFECTIVE DATE.—Each State shall be re-  
14 quired to comply with the requirements of this section on  
15 and after January 1, 2006.”.

16 (b) CONFORMING AMENDMENT RELATING TO EN-  
17 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)  
18 is amended by striking “sections 301, 302, and 303” and  
19 inserting “subtitle A of title III” .

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

“Sec. 303A. Authority of local jurisdictions to conduct early voting.”.

1 **SEC. 2. REQUIRING ACCEPTANCE OF ABSENTEE BALLOTS**  
2 **WITHOUT SUFFICIENT POSTAGE.**

3 (a) REQUIRING ELECTION OFFICIAL TO ACCEPT  
4 BALLOTS.—Subtitle A of title III of the Help America  
5 Vote Act of 2002 (42 U.S.C. 15481 et seq.), as amended  
6 by section 1(a), is amended by inserting after section  
7 303A the following new section:

8 **“SEC. 303B. REQUIRING ACCEPTANCE OF ABSENTEE BAL-**  
9 **LOTS WITHOUT SUFFICIENT POSTAGE.**

10 “(a) IN GENERAL.—A State or local election official  
11 may not refuse any mail matter consisting of an absentee  
12 ballot sent by a voter to a State or local election official  
13 on the grounds that the matter does not include sufficient  
14 postage.

15 “(b) EFFECTIVE DATE.—Each State shall be re-  
16 quired to comply with the requirements of this section on  
17 and after January 1, 2006.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 of such Act, as amended by section 1(e), is amended by  
20 inserting after the item relating to section 303A the fol-  
21 lowing new item:

“Sec. 303B. Requiring acceptance of absentee ballots without sufficient post-  
age.”.

1 **SEC. 3. TREATMENT OF PROVISIONAL BALLOTS CAST AT**  
2 **INCORRECT POLLING PLACE.**

3 (a) **REQUIRING BALLOTS CAST AT INCORRECT POLL-**  
4 **ING PLACES BY ELIGIBLE VOTERS TO BE COUNTED.—**  
5 Section 302(a)(4) of the Help America Vote Act of 2002  
6 (42 U.S.C. 15482(a)(4)) is amended by striking “eligible  
7 under State law to vote,” and inserting the following: “eli-  
8 gible under State law to vote in that election at the polling  
9 place at which the ballot is cast or at any other polling  
10 place in the State,”.

11 (b) **NOTIFYING INDIVIDUALS OF OPTION TO CAST**  
12 **BALLOTS AT CORRECT POLLING PLACE.—**Section  
13 302(a)(1) of such Act (42 U.S.C. 15482(a)(1)) is amend-  
14 ed by striking the period at the end and inserting the fol-  
15 lowing: “, and in the case of an individual whose name  
16 does not appear on the official list of eligible voters for  
17 the polling place, shall provide the individual with the loca-  
18 tion of the polling place at which the individual’s name  
19 does appear on the official list of eligible voters and notify  
20 the individual in writing that the individual may cast a  
21 ballot at that polling place instead of a provisional ballot  
22 under this subsection.”

23 (c) **EFFECTIVE DATE.—**The amendments made by  
24 this section shall apply with respect to elections held dur-  
25 ing 2006 and any succeeding year.