

109TH CONGRESS
2^D SESSION

S. 4018

To establish a Vote by Mail grant program.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. WYDEN (for himself, Mr. KERRY, and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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 2006”.

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

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

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

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

19 (5) Under the Oregon Vote by Mail system,
20 election officials mail ballots to all registered voters
21 at least 2 weeks before election day. Voters mark
22 their ballots, seal the ballots in both unmarked se-
23 crecy envelopes and signed return envelopes, and re-
24 turn the ballots by mail or to secure drop boxes.
25 Once a ballot is received, election officials scan the

1 bar code on the ballot envelope, which brings up the
2 voter's signature on a computer screen. The election
3 official compares the signature on the screen and the
4 signature on the ballot envelope. Only if the signa-
5 ture on the ballot envelope is determined to be au-
6 thentic is the ballot forwarded on to be counted.

7 (6) Oregon's Vote by Mail system has resulted
8 in an extremely low rate of voter fraud because the
9 system includes numerous security measures such as
10 the signature authentication system. Potential mis-
11 conduct is also deterred by the power of the State
12 to punish those who engage in voter fraud with up
13 to five years in prison, \$100,000 in fines, and the
14 loss of their vote.

15 (7) Vote by Mail is one factor making voter
16 turnout in Oregon consistently higher than the aver-
17 age national voter turnout. For example, Oregon ex-
18 perienceed a record voting-age-eligible population
19 turnout of 70.6 percent in the 2004 presidential
20 election, compared to 58.4 percent nationally. Or-
21 egon's turnout of registered voters for that election
22 was 86.48 percent.

23 (8) Women, younger voters, and homemakers
24 also report that they vote more often using Vote by
25 Mail.

1 (9) Vote by Mail reduces election costs by elimi-
2 nating the need to transport equipment to polling
3 stations and to hire and train poll workers. Oregon
4 has reduced its election-related costs by 30 percent
5 since implementing Vote by Mail.

6 (10) Vote by Mail allows voters to educate
7 themselves because they receive ballots well before
8 election day, which provides them with ample time
9 to research issues, study ballots, and deliberate in a
10 way that is not possible at a polling place.

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

15 (12) Vote by Mail results in more up-to-date
16 voter rolls, since election officials use forwarding in-
17 formation from the post office to update voter reg-
18 istration.

19 (13) Vote by Mail allows voters to visually
20 verify that their votes were cast correctly and pro-
21 duces a paper trail for recounts.

22 (14) In a survey taken 5 years after Oregon im-
23 plemented the Vote by Mail system, more than 8 in
24 10 Oregon voters said they preferred voting by mail
25 to traditional voting.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

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

12 (4) VOTING SYSTEM.—The term “voting sys-
13 tem” has the meaning given such term under section
14 301(b) of the Help America Vote Act of 2002 (42
15 U.S.C. 15481(b)).

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

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

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

25 (c) LIMITATION ON USE OF FUNDS.—In no case may
26 grants made under this section be used to reimburse a

1 State for costs incurred in implementing mail-in voting for
 2 elections at the State or local government level if such
 3 costs were incurred prior to the date of enactment of this
 4 Act.

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

10 (e) AMOUNT AND NUMBER OF IMPLEMENTATION
 11 GRANTS; DURATION OF PROGRAM.—

12 (1) AMOUNT OF GRANTS.—

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

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

21 (ii) any single unit or multiple units
 22 of local government within the State,
 23 \$1,000,000.

24 (B) EXCESS FUNDS.—

1 (i) IN GENERAL.—The Election As-
2 sistance Commission shall establish a proc-
3 ess to distribute excess funds to partici-
4 pating States. The process shall ensure
5 that such funds are allocated among par-
6 ticipating States in an equitable manner,
7 based on the number of registered voters
8 in the area in which the State certifies that
9 it will implement all of its elections by mail
10 under subparagraph (A).

11 (ii) EXCESS FUNDS DEFINED.—For
12 purposes of clause (i), the term “excess
13 funds” means any amounts appropriated
14 pursuant to the authorization under sub-
15 section (h)(1) with respect to a fiscal year
16 that are not awarded to a participating
17 State under an implementation grant dur-
18 ing such fiscal year.

19 (C) CONTINUING AVAILABILITY OF FUNDS
20 AFTER APPROPRIATION.—An implementation
21 grant made to a participating State under this
22 section shall be available to the State without
23 fiscal year limitation.

24 (2) NUMBER OF IMPLEMENTATION GRANTS.—

1 (A) IN GENERAL.—The Election Assist-
2 ance Commission shall award an implementa-
3 tion grant to up to 18 participating States
4 under this section during each year in which
5 the program is conducted.

6 (B) ONE GRANT PER STATE.—The Elec-
7 tion Assistance Commission shall not award
8 more than 1 implementation grant to any par-
9 ticipating State under this section over the du-
10 ration of the program.

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

13 (f) REQUIREMENTS.—

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

19 (A) A process for recording electronically
20 each voter's registration information and signa-
21 ture.

22 (B) A process for mailing ballots to all eli-
23 gible voters.

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

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

3 (E) Procedures and penalties for pre-
4 venting election fraud and ballot tampering, in-
5 cluding procedures for the verification of the
6 signature of the voter accompanying the ballot
7 through comparison of such signature with the
8 signature of the voter maintained by the State
9 in accordance with subparagraph (A).

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

12 (G) Procedures for obtaining a replace-
13 ment ballot in the case of a ballot which is de-
14 stroyed, spoiled, lost, or not received by the
15 voter.

16 (H) A plan for training election workers in
17 signature verification techniques.

18 (I) Plans and procedures to ensure that
19 voters who are blind, visually-impaired, or oth-
20 erwise disabled have the opportunity to partici-
21 pate in elections conducted by mail and to en-
22 sure compliance with the Help America Vote
23 Act of 2002. Such plans and procedures shall
24 be developed in consultation with disabled and
25 other civil rights organizations, voting rights

1 groups, State election officials, voter protection
2 groups, and other interested community organi-
3 zations.

4 (g) BEST PRACTICES, TECHNICAL ASSISTANCE, AND
5 REPORTS.—The Election Assistance Commission shall—

6 (1) develop, periodically issue, and, as appro-
7 priate, update best practices for conducting elections
8 by mail;

9 (2) provide technical assistance to participating
10 States for the purpose of implementing procedures
11 for conducting elections by mail; and

12 (3) submit to the appropriate committees of
13 Congress—

14 (A) annual reports on the implementation
15 of such procedures by participating States dur-
16 ing each year in which the program is con-
17 ducted; and

18 (B) upon completion of the program con-
19 ducted under this section, a final report on the
20 program, together with recommendations for
21 such legislation or administrative action as the
22 Election Assistance Commission determines to
23 be appropriate.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 ance Commission under section 4(f)(3)(A) before
2 November 1, 2009.

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

7 (A) the likelihood of voter fraud and mis-
8 conduct;

9 (B) accuracy of voter rolls;

10 (C) accuracy of election results;

11 (D) voter participation in urban and rural
12 communities and by minorities, language mi-
13 norities (as defined in section 203 of the Voting
14 Rights Act of 1965 (42 U.S.C. 1973aa–1a)),
15 and individuals with disabilities; and

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

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

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