



April 29, 2010

Committee on Rules and Administration Committee
U.S. Senate
305 Russell Senate Office Building
Washington, D.C. 20510

Re: The Universal Right to Vote by Mail Act

Dear Chairman Schumer, Ranking Member Bennett, and Members of the Committee:

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On behalf of the American Civil Liberties Union (ACLU), over half a million members and activists, and fifty-three affiliates nationwide, we applaud Chairman Schumer and the Committee for examining the issue of voting by mail and, in particular, for addressing H.R. 1604, the “Universal Right to Vote by Mail Act of 2009.” We understand that a Senate companion bill will be introduced very soon. H.R. 1604 would ensure that all Americans have an equal opportunity to vote by mail in federal elections for any reason. This bill would give all voters the choice of voting by mail by eliminating the unnecessary, burdensome, and often intrusive requirements that some states impose on voters requesting absentee ballots.

The Universal Right to Vote by Mail Act recognizes that many Americans have work, family, or other commitments that might prevent them from getting to the polling place on Election Day. Currently, 28 states allow universal absentee voting, which permits any voter to vote by mail without providing a reason for the request. However, voters in 22 states and the District of Columbia must provide a qualifying “excuse” in order to vote by mail. Requirements to justify the “excuse” vary by state, but can go so far as to require that the voter produce a notary’s seal, a doctor’s note, or signatures from multiple witnesses to request an absentee ballot. Still other states require a voter to list work hours, explain a religious obligation, or detail the nature of a disability in order to prove that the voter fits into one of the state’s “excuse” categories.

The disclosure of personal information or the imposition of financial burdens should not be required for citizens to exercise their right to vote. Voters in some states should not be more heavily burdened simply because of their location, while voters in other states can conveniently, without question or cost, request a mail-in ballot. A federal law is needed to guarantee that all citizens have the same opportunity to vote by mail in federal elections if they so choose.

Importantly, the bill provides all voters with the option of voting by mail, while fully preserving the existing alternative of voting at the polls. It

provides a valuable supplement to, not replacement for, in-person voting. Under this bill, any voter has the option to vote by mail in federal elections and can take more time to consider the candidates and ballot initiatives without waiting in lines or rushing through the ballot. Moreover, the bill does not impose any additional requirements on states – it simply removes restrictions on voting by mail. All states and the District of Columbia already have absentee voting procedures in place and could retain their present deadline requirements. Indeed, the bill removes any cumbersome “excuse” requirements that would normally need to be reviewed on a case-by-case basis by state election officials.

The federal government has a significant interest in making sure every eligible voter who wants to cast a ballot in a federal election has that opportunity. The Universal Right to Vote by Mail Act is an important step toward expanding voting opportunities in federal elections by giving all voters the same ability to vote by mail, regardless of state residency. We thank the Committee for examining this important issue.

If you have any questions, please contact Deborah J. Vagins at (202) 715-0816 or dvagins@dcaclu.org.

Sincerely,



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