



February 27, 2008

The Honorable Susan Davis
1526 Longworth House Office Building
U.S. House of Representatives
Washington, DC 20515

Re: ACLU Applauds H.R. 281, The Universal Right to Vote by Mail Act of 2007

Dear Representative Davis:

On behalf of the American Civil Liberties Union (ACLU), over half a million members and activists, and fifty-three affiliates nationwide, we are writing to express our support for your bill, H.R. 281, the “Universal Right to Vote by Mail Act of 2007.” H.R. 281 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.

H.R. 281 recognizes that many Americans have work, family, or other commitments that might prevent them from getting to the polling place on Election Day. Currently, 29 states allow universal absentee voting, which permits any voter to request a mail-in ballot without providing a reason for the request. However, voters in 21 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. 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.

Financial burdens and disclosure of personal information should not be required for citizens to exercise their right to vote. Some voters should not be more heavily burdened than others simply because of their location, while voters in other states can conveniently, without question or cost, request a mail-in. A federal law is needed to guarantee that all citizens have the same opportunity to vote by mail.

H.R. 281 provides all voters with the option of voting by mail while fully preserving the existing alternative of voting at the polls on Election Day. It provides an important supplement to, not replacement for, in-person voting. Under this bill, voters who choose to vote by mail could 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

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states and the District of Columbia already have absentee voting procedures in place and could retain their present deadline requirements.

Giving voters this choice of voting in person or by mail would likely result in an increase in turnout that would benefit both political parties. In the 2004 election, states permitting universal access to mail-in ballots saw a 6.7% increase in voter turnout, which was consistent for both Democrats and Republicans. In a recently conducted state poll, nearly 30% of voters said they would vote more often if given the option to vote by mail.

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. H.R. 281 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 applaud your legislation and encourage Members of Congress to support it.

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

Sincerely,



Michael W. Macleod-Ball
Chief Legislative and Policy Counsel



Deborah J. Vagins
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