

118TH CONGRESS  
1ST SESSION

# H. R. 1295

To amend the Help America Vote Act of 2002 to allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2023

Mr. GOLDMAN of New York 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 allow individuals to vote in an election for Federal office during an early voting period which occurs prior to the date of the election, 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. SHORT TITLE.**

4 This Act may be cited as the “Early Voting Act”.

5 **SEC. 2. EARLY VOTING.**

6 (a) REQUIREMENTS.—Subtitle A of title III of the  
7 Help America Vote Act of 2002 (52 U.S.C. 21081 et seq.)  
8 is amended—

1           (1) by redesignating sections 304 and 305 as  
2           sections 305 and 306; and

3           (2) by inserting after section 303 the following  
4           new section:

5   **“SEC. 304. EARLY VOTING.**

6           “(a) REQUIRING VOTING PRIOR TO DATE OF ELEC-  
7           TION.—Each State shall allow individuals to vote in an  
8           election for Federal office during an early voting period  
9           which occurs prior to the date of the election, in a manner  
10          that allows the individual to receive, complete, and cast  
11          their ballot in-person.

12          “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

13                  “(1) IN GENERAL.—

14                          “(A) LENGTH OF PERIOD.—The early vot-  
15                          ing period required under this subsection with  
16                          respect to an election shall consist of a period  
17                          of consecutive days (including weekends) which  
18                          begins on the 15th day before the date of the  
19                          election (or, at the option of the State, on a day  
20                          prior to the 15th day before the date of the  
21                          election) and ends no earlier than the second  
22                          day before the date of the election.

23                          “(B) HOURS FOR EARLY VOTING.—Each  
24                          polling place which allows voting during an

1 early voting period under subparagraph (A)  
2 shall—

3 “(i) allow such voting for no less than  
4 10 hours on each day during the period;

5 “(ii) have uniform hours each day for  
6 which such voting occurs; and

7 “(iii) allow such voting to be held for  
8 some period of time prior to 9:00 a.m.  
9 (local time) and some period of time after  
10 5:00 p.m. (local time).

11 “(2) REQUIREMENTS FOR VOTE-BY-MAIL JURIS-  
12 DICTIONS.—In the case of a jurisdiction that sends  
13 every registered voter a ballot by mail—

14 “(A) paragraph (1) shall not apply;

15 “(B) such jurisdiction shall allow eligible  
16 individuals to vote during an early voting period  
17 that ensures voters are provided the greatest  
18 opportunity to cast ballots ahead of election day  
19 and which includes at least one consecutive Sat-  
20 urday and Sunday; and

21 “(C) each polling place which allows voting  
22 during an early voting period under subpara-  
23 graph (B) shall allow such voting—

24 “(i) during the election office’s reg-  
25 ular business hours; and

1                   “(ii) for a period of not less than 8  
2                   hours on Saturdays and Sundays included  
3                   in the early voting period.

4                   “(3) REQUIREMENTS FOR SMALL JURISDIC-  
5                   TIONS.—

6                   “(A) IN GENERAL.—In the case of a juris-  
7                   diction described in subparagraph (B), para-  
8                   graph (1)(B) shall not apply so long as all eligi-  
9                   ble individuals in the jurisdiction have the op-  
10                  portunity to vote—

11                  “(i) at each polling place which allows  
12                  voting during the early voting period de-  
13                  scribed in paragraph (1)(A)—

14                  “(I) during the election office’s  
15                  regular business hours; and

16                  “(II) for a period of not less than  
17                  8 hours on at least one Saturday and  
18                  at least one Sunday included in the  
19                  early voting period; or

20                  “(ii) at one or more polling places in  
21                  the county in which such jurisdiction is lo-  
22                  cated that allows voting during the early  
23                  voting period described in paragraph  
24                  (1)(A) in accordance with the requirements  
25                  under paragraph (1)(B).

1           “(B) JURISDICTION DESCRIBED.—A juris-  
2           diction is described in this subparagraph if such  
3           jurisdiction—

4                   “(i) had less than 3,000 registered  
5           voters at the time of the most recent prior  
6           election for Federal office; and

7                   “(ii) consists of a geographic area  
8           that is smaller than the jurisdiction of the  
9           county in which such jurisdiction is lo-  
10          cated.

11          “(4) RULE OF CONSTRUCTION.—Nothing in  
12          this subsection shall be construed—

13                   “(A) to limit the availability of additional  
14           temporary voting sites which provide voters  
15           more opportunities to cast their ballots but  
16           which do not meet the requirements of this sub-  
17           section;

18                   “(B) to limit a polling place from being  
19           open for additional hours outside of the uniform  
20           hours set for the polling location on any day of  
21           the early voting period; or

22                   “(C) to limit a State or jurisdiction from  
23           offering early voting on the Monday before elec-  
24           tion day.

25          “(c) LOCATION OF POLLING PLACES.—

1           “(1) PROXIMITY TO PUBLIC TRANSPOR-  
2           TATION.—To the greatest extent practicable, each  
3           State and jurisdiction shall ensure that each polling  
4           place which allows voting during an early voting pe-  
5           riod under subsection (b) is located within walking  
6           distance of a stop on a public transportation route.

7           “(2) AVAILABILITY IN RURAL AREAS.—In the  
8           case of a jurisdiction that includes a rural area, the  
9           State or jurisdiction shall—

10                   “(A) ensure that polling places which allow  
11                   voting during an early voting period under sub-  
12                   section (b) will be located in such rural areas;  
13                   and

14                   “(B) ensure that such polling places are lo-  
15                   cated in communities which will provide the  
16                   greatest opportunity for residents of rural areas  
17                   to vote during the early voting period.

18           “(3) COLLEGE CAMPUSES.—In the case of a ju-  
19           risdiction that includes an institution of higher edu-  
20           cation, the State or jurisdiction shall—

21                   “(A) ensure that an appropriate number  
22                   (not less than one) of polling places which allow  
23                   voting during the early voting period under sub-  
24                   section (b) will be located on each branch cam-  
25                   pus of the institution of higher education; and

1           “(B) ensure that such polling places pro-  
2           vide the greatest opportunity for residents of  
3           the jurisdiction to vote.

4           “(d) STANDARDS.—Not later than June 30, 2024,  
5 the Commission shall issue voluntary standards for the ad-  
6 ministration of voting during voting periods which occur  
7 prior to the date of a Federal election. Subject to sub-  
8 section (c), such voluntary standards shall include the  
9 nondiscriminatory geographic placement of polling places  
10 at which such voting occurs.

11          “(e) BALLOT PROCESSING AND SCANNING REQUIRE-  
12 MENTS.—

13           “(1) IN GENERAL.—Each State or jurisdiction  
14 shall begin processing and scanning ballots cast dur-  
15 ing in-person early voting for tabulation not later  
16 than the date that is 14 days prior to the date of  
17 the election involved, except that a State or jurisdic-  
18 tion may begin processing and scanning ballots cast  
19 during in-person early voting for tabulation after  
20 such date if the date on which the State or jurisdic-  
21 tion begins such processing and scanning ensures, to  
22 the greatest extent practical, that ballots cast before  
23 the date of the election are processed and scanned  
24 before the date of the election.

1           “(2) LIMITATION.—Nothing in this subsection  
2 shall be construed—

3           “(A) to permit a State or jurisdiction to  
4 tabulate ballots in an election before the closing  
5 of the polls on the date of the election unless  
6 such tabulation is a necessary component of  
7 preprocessing in the State or jurisdiction and is  
8 performed in accordance with existing State  
9 law; or

10           “(B) to permit an official to make public  
11 any results of tabulation and processing before  
12 the closing of the polls on the date of the elec-  
13 tion.

14           “(f) EFFECTIVE DATE.—This section shall apply  
15 with respect to the regularly scheduled general election for  
16 Federal office held in November 2024 and each succeeding  
17 election for Federal office.”.

18           (b) CONFORMING AMENDMENT RELATING TO  
19 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-  
20 SISTANCE COMMISSION.—Section 311(b) of such Act (52  
21 U.S.C. 21101(b)) is amended—

22           (1) by striking “and” at the end of paragraph  
23 (2);

24           (2) by striking the period at the end of para-  
25 graph (3) and inserting “; and”; and



1           (3) by adding at the end the following new  
2 paragraph:

3           “(4) in the case of the recommendations with  
4 respect to section 304, June 30, 2024.”.

5           (c) CONFORMING AMENDMENT RELATING TO EN-  
6 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)  
7 is amended by striking “and 303” and inserting “303, and  
8 304”.

9           (d) CLERICAL AMENDMENT.—The table of contents  
10 of such Act is amended—

11           (1) by redesignating the items relating to sec-  
12 tions 304 and 305 as relating to sections 305 and  
13 306; and

14           (2) by inserting after the item relating to sec-  
15 tion 303 the following new item:

“Sec. 304. Early voting.”.

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