

119TH CONGRESS
2D SESSION

S. _____

To repeal an executive order relating to Federal elections, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself, Mr. PETERS, Mr. DURBIN, Mr. SCHUMER, Mr. MERKLEY, Ms. ALSOBROOKS, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. BLUNT ROCHESTER, Mr. BOOKER, Ms. CANTWELL, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. GALLEGO, Mrs. GILLIBRAND, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KAINE, Mr. KELLY, Mr. KIM, Mr. KING, Ms. KLOBUCHAR, Mr. LUJÁN, Mr. MARKEY, Mr. MURPHY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Mr. SCHIFF, Mrs. SHAHEEN, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WELCH, Mr. WHITEHOUSE, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To repeal an executive order relating to Federal elections,
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 “Absentee and Mail
5 Voter Protection Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Article 1, section 4 of the Constitution of
4 the United States clearly demonstrates that the
5 power to make or alter any regulations regarding the
6 time, place, and manner of elections lies with Con-
7 gress and the States, not with the President.

8 (2) On May 20, 1993, President William J.
9 Clinton signed the National Voter Registration Act
10 of 1993 (Public Law 103–31), which was passed
11 with bipartisan support.

12 (3) On October 29, 2002, President George W.
13 Bush signed the Help America Vote Act of 2002
14 (Public Law 107–252), which was passed on an
15 overwhelmingly bipartisan basis.

16 (4) The Help America Vote Act of 2002 estab-
17 lished the Election Assistance Commission, an inde-
18 pendent and evenly divided bipartisan agency to as-
19 sist States with new standards and improve election
20 administration.

21 (5) Neither the National Voter Registration Act
22 of 1993 nor the Help America Vote Act of 2002 pro-
23 vide any authority for any of the actions directed by
24 Executive Order 14399 (91 Fed. Reg. 17125) to
25 create State citizenship lists for Federal election
26 purposes based on unreliable Federal databases or to

1 bar the Postal Service from delivering mail ballots
2 unless States use lists provided to them or approved
3 by the Federal Government.

4 (6) Pennsylvania and New Jersey enacted some
5 of the earliest laws to allow voting away from home
6 in 1813 and 1815 in the context of the War of 1812
7 and many States granted absentee voting for mili-
8 tary service members in 1864 during the Civil War.
9 In the early 20th century, States such as Virginia,
10 Indiana, and Wisconsin enacted absentee voting for
11 several reasons. In 1924, President Calvin Coolidge
12 and First Lady Grace Coolidge voted by mail ac-
13 cording to Massachusetts absentee voting procedures
14 from Washington, D.C.

15 (7) All 50 States, the District of Columbia, and
16 territories allow absentee voting. As of March 22,
17 2026—

18 (A) 28 States (Alaska, Arizona, Florida,
19 Georgia, Idaho, Illinois, Iowa, Kansas, Maine,
20 Maryland, Massachusetts, Michigan, Minnesota,
21 Montana, Nebraska, New Jersey, New Mexico,
22 New York, North Carolina, North Dakota,
23 Ohio, Oklahoma, Pennsylvania, Rhode Island,
24 South Dakota, Virginia, Wisconsin, and Wyo-
25 ming) offer no-excuse absentee voting; and

1 (B) 8 States (California, Colorado, Hawaii,
2 Nevada, Oregon, Utah, Vermont, and Wash-
3 ington) and the District of Columbia provide
4 universal vote-by-mail.

5 (8) More than 28,000,000 Americans voted by
6 mail or absentee ballot in 2016, over 66,000,000 in
7 2020 during the COVID-19 pandemic, and over
8 48,000,000 Americans voted by mail in the 2024
9 general election. President Donald Trump has voted
10 by mail on at least three occasions by his own ad-
11 mission, including in New York in 2018, Florida in
12 2020, and again in Florida in 2026.

13 (9) Vote by mail has been used successfully and
14 securely by members of the United States military
15 for many decades and throughout major conflicts.
16 Hundreds of thousands of members of the United
17 States military and United States citizens living
18 abroad relied on mail-in ballots to cast their vote in
19 2024 and the Uniformed and Overseas Citizens Ab-
20 sentee Voting Act (52 U.S.C. 20301 et seq.) re-
21 quires all 50 States, the District of Columbia, and
22 the territories of American Samoa, Guam, Puerto
23 Rico, and the Virgin Islands to permit covered voters
24 to register to vote absentee, and requires the Fed-

1 eral Government to expedite transmission of com-
2 pleted ballots.

3 (10) The United States Postal Service is an
4 independent establishment governed by a bipartisan
5 Board of Governors which has the power to appoint
6 the Postmaster General and exercise postal power,
7 and cannot regulate or refuse to carry State-issued
8 mail ballot envelopes at the direction of the Presi-
9 dent.

10 (11) The Postal Service delivered nearly
11 100,000,000 ballots for the November 2024 general
12 election and took extraordinary measures to ensure
13 timely delivery of election mail in 2024 and will need
14 to take action in the 2026 election cycle to again en-
15 sure timely delivery of election mail, including State-
16 issued mail ballot envelopes.

17 (12) Executive Order 14399 (91 Fed. Reg.
18 17125), issued by President Donald J. Trump on
19 March 31, 2026, entitled “Ensuring Citizenship
20 Verification and Integrity in Federal Elections”,
21 greatly exceeds the authority of the Executive
22 branch, is illegal and unconstitutional, and would
23 disenfranchise tens of millions of American voters.

1 **SEC. 3. REPEAL OF EXECUTIVE ORDER.**

2 (a) IN GENERAL.—Executive Order 14399 (91 Fed.
3 Reg. 17125) shall have no force or effect.

4 (b) PROHIBITION ON USE OF FUNDS FOR SIMILAR
5 ORDERS.—

6 (1) IN GENERAL.—No Federal funds may be
7 used to implement, administer, enforce, or carry out
8 Executive Order 14399 (91 Fed. Reg. 17125) or any
9 similar order.

10 (2) POSTAL SERVICE.—The United States Post-
11 al Service may not use any funds, including funds
12 available under section 2003 or 2011 of title 39,
13 United States Code, to implement, administer, en-
14 force, or carry out such Executive order or any simi-
15 lar order.

16 **SEC. 4. PROHIBITION ON USE OF FUNDS WITH RESPECT TO**
17 **CERTAIN OTHER ACTIVITIES.**

18 (a) NATIONAL VOTER REGISTRATION DATABASE.—
19 Notwithstanding any other provision of law, no Federal
20 funds may be used by the Department of Homeland Secu-
21 rity, the Social Security Administration, the Department
22 of Justice, or any other agency—

23 (1) to create a national voter registration data-
24 base or a national citizenship database for Federal
25 election purposes;

1 (2) to use existing databases or systems to com-
2 pile citizenship lists for Federal election purposes; or
3 (3) to provide for the national collection of
4 State voter registration lists or citizenship lists for
5 Federal election purposes.

6 (b) MAIL-IN AND ABSENTEE BALLOTS.—Notwith-
7 standing any other provision of law—

8 (1) no Federal funds may be used by the De-
9 partment of Commerce or any other agency—

10 (A) for any purpose relating to the regula-
11 tion of mail-in and absentee ballots in Federal
12 elections; or

13 (B) to determine the eligibility of a voter
14 to cast a ballot through the mail in Federal
15 elections; and

16 (2) the United States Postal Service may not
17 use any funds, including funds available under sec-
18 tion 2003 or 2011 of title 39, United States Code—

19 (A) to regulate the mailability of mail-in
20 and absentee ballots in Federal elections; or

21 (B) to determine the eligibility of a voter
22 to cast a ballot through the mail in Federal
23 elections.

24 (c) COMPELLING PRODUCTION OF STATE VOTER
25 REGISTRATION LISTS.—Notwithstanding any other provi-

1 sion of law, no Federal funds may be used by the Depart-
2 ment of Justice to bring or continue a civil action against
3 any State to compel the production of statewide voter reg-
4 istration lists under section 303 of the Civil Rights Act
5 of 1960 (52 U.S.C. 20703), section 303 of the Help Amer-
6 ica Vote Act of 2002 (52 U.S.C. 21083), or any other
7 Federal law.

8 (d) SHARING OF VOTER REGISTRATION LISTS.—

9 (1) IN GENERAL.—Nothing in section 8 of the
10 National Voter Registration Act of 1993 (52 U.S.C.
11 20507), section 401 of the Help America Vote Act
12 of 2002 (52 U.S.C. 21111), or any other provision
13 of law shall be construed to grant any authority to
14 share statewide voter registration lists between any
15 two Federal agencies, or to conduct data matching
16 activities with any such registration lists using any
17 system of records.

18 (2) PROHIBITION OF FUNDS.—

19 (A) IN GENERAL.—No Federal funds may
20 be used by any agency for any activity de-
21 scribed in paragraph (1).

22 (B) POSTAL SERVICE.—The United States
23 Postal Service may not use any funds, including
24 funds available under section 2003 or 2011 of

1 title 39, United States Code, to carry out any
2 activity described in paragraph (1).

3 (e) DEFINITIONS.—For purposes of this section, the
4 terms “agency” and “system of records” have the mean-
5 ing given those terms under section 552a of title 5, United
6 States Code (commonly known as the “Privacy Act of
7 1974”).