To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. INOUYE, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CORNYN, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

JULY 16, 2009

Reported by Mr. SCHUMER, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and
have their absentee ballots cast and counted, and for other purposes.

1 \textit{Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,}
3 \textbf{SECTION 1. SHORT TITLE.}
4 This Act may be cited as the “Military and Overseas
5 Voter Empowerment Act”.
6 \textbf{SEC. 2. FINDINGS.}
7 Congress makes the following findings:
8 (1) The right to vote is a fundamental right.
9 (2) Due to logistical, geographical, operational
10 and environmental barriers, military and overseas
11 voters are burdened by many obstacles that impact
12 their right to vote and register to vote, the most crit-
13 ical of which include problems transmitting balloting
14 materials and not being given enough time to vote.
15 (3) States play an essential role in facilitating
16 the ability of military and overseas voters to register
17 to vote and have their ballots cast and counted, es-
18 pecially with respect to timing and improvement of
19 absentee voter registration and absentee ballot pro-
20 cedures.
21 (4) The Department of Defense educates mili-
22 tary and overseas voters of their rights under the
23 Uniformed and Overseas Citizens Absentee Voting
24 Act and plays an indispensable role in facilitating
the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 3. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 34. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL, ELECTRONICALLY, AND BY FACSIMILE BY MAIL OR ELECTRONICALLY.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—
(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail, electronically, and by facsimile mail or electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail, electronically, and by facsimile mail or electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and
“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail, electronically, or by facsimile by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) Designation of Email Address and Facsimile Number for Absent Uniformed Services Voters and Overseas Voters To Request and for States To Send Voter Registration Applications and Absentee Ballot Applications, and for Other Purposes Related to Voting Information.—

“(1) In general.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 email address and not less than 1 facsimile number—

“(e) Designation of Means of Electronic Communication for Absent Uniformed Services Voters and Overseas Voters to Request and for States to Send Voter Registration Applications and Absentee Ballot Applications, and for Other Purposes Related to Voting Information.—
“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication (such as an email address, Internet website, or facsimile)—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.— A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of
electronic communication for the appropriate jurisdiction of the State.

"(2) Inclusion of designated email address and facsimile number on balloting materials and related communications.—Each State shall include an email address and facsimile number so designated on all balloting materials and related communications sent by the State to absent uniformed services voters and overseas voters.

"(3) Inclusion of designated means of electronic communication with informational and instructional materials that accompany balloting materials.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

"(3)(4) Availability and maintenance of online repository of state contact information.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the email address.
and facsimile number means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(4)(5) Transmission if no preference indicated.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(5) Privacy protections.—The procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.

“(6) Security and privacy protections.—

“(A) Security protections.—To the extent practicable, States shall ensure that the pro-
procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.
SEC. 45. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL, ONLINE, AND BY FACSIMILE TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) In General.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 34, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail, electronically, and by facsimile blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:
“(f) Transmission of Blank Absentee Ballots
by Mail, Online, and by Facsimile Mail and Electronically.—

“(1) In General.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail, electronically, and by facsimile mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail, electronically, or by facsimile by mail and electronically.

“(2) Transmission if No Preference Indicated.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.
“(3) PRIVACY PROTECTIONS. — The procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS. — To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS. — To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.
SEC. 56. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) In general.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 4, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(8) except as provided in subsection (g), transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

"(A) in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

"(B) in the case where the request is received less than 45 days before an election for Federal office—

"(i) in accordance with State law; and

"(ii) if practicable and as determined appropriate by the State, in a manner that
expedites the transmission of such absentee ballot; and

**(9)** except as provided in subsection (g); accept and count a marked absentee ballot of an absent uniformed services voter or overseas voter that is postmarked or otherwise officially dated on or before the election for Federal office involved if the marked absentee ballot is received by the State on or before the later of—

**(A)** the date that is 55 days after the date on which a validly requested absentee ballot is required to be transmitted under paragraph (8)(A); or

**(B)** the date on which the State certifies the election;’’; and

(2) by adding at the end the following new subsection:

**(g)** Exemption of Certain States From Certain Time Requirements.—

**(1)** In General.—A State is not required to comply with the requirements of paragraphs (8) and (9) of subsection (a) if, on and after the date of enactment of this subsection, the State has in effect a law providing that a State absentee ballot is required to be available to any absent uniformed serv-
ices voter or overseas voter not later than 55 days before the election for Federal office involved (deter-
mined beginning on the date on which the State transmits a blank absentee ballot to an absent uni-
formed services voter or overseas voter and ending on the deadline of the State for receipt of such ap-
lication).

"(2) HARDSHIP EXEMPTION.—

"(A) IN GENERAL.—If the chief State elec-
tion official determines that the State is unable to meet the requirements under such para-
graphs with respect to an election for Federal office due to an undue hardship described in subparagrah (B)(ii), the chief State election official shall request that the Presidential des-
ignee grant a waiver to the State of the applica-
tion of such paragraphs. Such request shall in-
clude—

"(i) a recognition that the purpose of such paragraphs is to allow absent uni-
formed services voters and overseas voters enough time to vote in an election for Fed-
eral office;

"(ii) an explanation of the hardship that indicates why the State is unable to
transmit absent uniformed services voters
and overseas voters an absentee ballot in
accordance with such paragraphs;

"(iii) the number of days prior to the
election for Federal office that the State
requires absentee ballots be transmitted to
absent uniformed services voters and over-
seas voters; and

"(iv) a comprehensive plan to ensure
that absent uniformed services voters and
overseas voters are able to receive absentee
ballots which they have requested and sub-
mit marked absentee ballots to the appro-
priate State election official in time to have
that ballot counted in the election for Fed-
eral office, which includes—

"(I) the steps the State will un-
dertake to ensure that absent uni-
formed services voters and overseas
voters have time to receive, mark, and
submit their ballots in time to have
those ballots counted in the election;

"(II) why the plan provides ab-
sent uniformed services voters and
overseas voters sufficient time to vote
as a substitute for the requirements under such paragraphs, and

"(III) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

"(B) Approval of waiver request.—

The Presidential designee shall approve a waiver request under subparagraph (A) if the Presidential designee determines each of the following requirements are met:

"(i) The comprehensive plan under clause (iv) of such subparagraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

"(ii) One or more of the following issues creates an undue hardship for the State:

"(I) The State's primary election date prohibits the State from com-
plying with such paragraphs (8) and (9).

"(II) The State has suffered a delay in generating ballots due to a legal contest with respect to a primary election.

"(III) The State Constitution prohibits the State from complying with such paragraphs.

"(C) TIMING OF WAIVER.—

"(i) In general.—Except as provided under clause (ii), a State that requests a waiver under subparagraph (A) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

"(ii) Exception.—If a State requests a waiver under subparagraph (A) as the result of an undue hardship described in subparagraph (B)(ii)(II), the State shall submit to the Presidential designee the
written waiver request as soon as prac-
ticable. The Presidential designee shall ap-
prove or deny the waiver request not later
than 5 business days after the date on
which the request is received.

"(D) APPLICATION OF WAIVER.—A waiver
approved under subparagraph (B) shall only
apply with respect to the election for Federal
office for which the request was submitted. For
each subsequent election for Federal office, the
Presidential designee shall only approve a waiv-
er if the State has submitted a request under
 subparagraph (A) with respect to such elec-
tion."

(b) RUNOFF ELECTIONS.—Section 102(a) of the
Uniformed and Overseas Citizens Absentee Voting Act (42
U.S.C. 1973ff–1(a)), as amended by subsection (a), is
amended—

(1) in paragraph (8), by striking "and" at the
end;

(2) in paragraph (9), by striking the period at
the end and inserting ":; and"; and

(3) by adding at the end the following new
paragraph:
"(10) if the State declares or otherwise holds a
runoff election for Federal office, establish a written
plan that provides absentee ballots are made avail-
able to absent uniformed services voters and over-
seas voters in manner that gives them sufficient
time to vote in the runoff election."

(e) EFFECTIVE DATE.—The amendments made by
this section shall apply with respect to the regularly sched-
uled general election for Federal office held in November
2010 and each succeeding election for Federal office.

(a) IN GENERAL.—Section 102 of the Uniformed and
1(a)(1)), as amended by section 5, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and,
except as provided in subsection (g), transmit
validly requested absentee ballots to such voters,
in the case where the request is received at least
45 days before an election for Federal office, not
later than 45 days before the election” before the
semicolon at the end;

(B) in paragraph (6), by striking “and” at
the end;

(C) in paragraph (7), by striking the period
at the end and inserting a semicolon; and
(D) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter, in the case where the request is received less than 45 days before an election for Federal office—

“(A) in accordance with State law; and

“(B) if practicable and as determined appropriate by the State, in a manner that expediates the transmission of such absentee ballot.”.

(2) by adding at the end the following new subsection:

“(g) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(1) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;
“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and
“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(1).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.
“(iii) The State Constitution prohibits
the State from complying with such sub-
section.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided
under subparagraph (B), a State that requests a
waiver under paragraph (1) shall submit to the
Presidential designee the written waiver request
not later than 90 days before the election for
Federal office with respect to which the request
is submitted. The Presidential designee shall ap-
prove or deny the waiver request not later than
65 days before such election.

“(B) EXCEPTION.—If a State requests a
waiver under paragraph (1) as the result of an
undue hardship described in paragraph
(2)(B)(ii), the State shall submit to the Presi-
dential designee the written waiver request as
soon as practicable. The Presidential designee
shall approve or deny the waiver request not
later than 5 business days after the date on
which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver ap-
proved under paragraph (2) shall only apply with re-
spect to the election for Federal office for which the
request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

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

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.
SEC. 6. PROCEDURES FOR COLLECTION AND DELIVERY OF
MARKED ABSENTEE BALLOTS OF ABSENT
OVERSEAS UNIFORMED SERVICES VOTERS.

(a) In general.—The Uniformed and Overseas
Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
is amended by inserting after section 103 the following
new section:

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY
OF MARKED ABSENTEE BALLOTS OF ABSENT
OVERSEAS UNIFORMED SERVICES VOTERS.

(a) Collection.—The Presidential designee shall
establish procedures for collecting marked absentee ballots
of absent overseas uniformed services voters in regularly
scheduled general elections for Federal office, including
absentee ballots prepared by States and the Federal write-
in absentee ballot prescribed under section 103, and for
delivering the ballots to the appropriate State election offi-
cials.

(b) Utilization of Express Mail Delivery
Services.—Under the procedures established under this
section, the Presidential designee, working in conjunction
with the United States Postal Service, shall implement
procedures that provide absent uniformed services voters
access to express mail delivery service for the purpose of
mailing marked absentee ballots to the appropriate State
election official. Such procedures shall ensure that the following requirements are met:

"(1) No postage requirement.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials are carried free of postage.

"(2) Date of mailing.—Such marked absentee ballots are postmarked with a record of the date on which the ballot is mailed.

"(c) Absent overseas uniformed services voter defined.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

(b) Conforming amendment.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”;

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

"(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.".
(e) Tracking Marked Ballots.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)), as amended by section 5, is amended by adding at the end the following new subsection:

"(h) Tracking Marked Ballots.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official."

(d) Effective Date.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 7. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) In General.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:
“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY
OF MARKED ABSENTEE BALLOTS OF ABSENT
OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) Establishment of Procedures.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate State election officials.

“(b) Delivery to Local Election Officials.—

“(1) In General.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent uniformed services voters for regularly scheduled general elections for Federal office to the appropriate State election officials in accordance with this section.

“(2) Cooperation and Coordination with the United States Postal Service.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on
or before the deadline described in paragraph (3) and
then transferred to the United States Postal Service.

“(3) Deadline described.—

“(A) In general.—Except as provided in
subparagraph (B), the deadline described in this
paragraph is noon (in the location in which the
ballot is collected) on the seventh day preceding
the date of the regularly scheduled general elec-
tion for Federal office.

“(B) Authority to establish alter-
native deadline for certain locations.—If
the Presidential designee determines that the
deadline described in subparagraph (A) is not
sufficient to ensure timely delivery of the ballot
under paragraph (1) with respect to a particular
location because of remoteness or other factors,
the Presidential designee may establish as an al-
ternative deadline for that location the latest
date occurring prior to the deadline described in
subparagraph (A) which is sufficient to provide
timely delivery of the ballot under paragraph
(1).

“(4) No postage requirement.—In accord-
ance with section 3406 of title 39, United States
Code, such marked absentee ballots and other balloting
code materials shall be carried free of postage.

“(5) DATE OF MAILING.—Such marked absentee
ballots shall be postmarked with a record of the date
on which the ballot is mailed.

“(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED
SERVICES VOTERS ON PROCEDURES.—The Presidential
designee shall take appropriate actions to inform individ-
uals who are anticipated to be absent overseas uniformed
services voters in a regularly scheduled general election for
Federal office to which this section applies of the procedures
for the collection and delivery of marked absentee ballots
established pursuant to this section, including the manner
in which such voters may utilize such procedures for the
submittal of marked absentee ballots pursuant to this sec-
tion.

“(d) REPORTS ON UTILIZATION OF PROCEDURES.—

“(1) REPORTS REQUIRED.—Not later than 180
days after each regularly scheduled general election
for Federal office to which this section applies, the
Presidential designee shall submit to the relevant
committees of Congress a report on the utilization of
the procedures for the collection and delivery of
marked absentee ballots established pursuant to this
section during such election.
“(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(e) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).
“(f) Authorization of Appropriations.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(b) Conforming Amendment.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”;

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

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”.

(c) State Responsibilities.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 6, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”;

(3) by adding the following new paragraph:
“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”.

(d) Tracking Marked Ballots.—Section 102 of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 6, is amended by adding at the end the following new subsection:

“(h) Tracking Marked Ballots.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”.

(e) Report on Status of Implementation.—

(1) Report Required.—Not later than 180 days after the date of the enactment of this Act, the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)) shall submit to the relevant committees of Congress a report on the status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A of such Act, as added by subsection (a).
(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of such procedures and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” has the meaning given such term in section 103A(d)(3) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(f) PROTECTING VOTER PRIVACY AND SECRECY OF Absentee Ballots.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

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

“(9) to the greatest extent practicable, take such actions as may be necessary—
“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 78. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUN-OFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”;
(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—

The Presidential”; and

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

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee
shall adopt procedures to promote and expand
the use of the Federal write-in absentee ballot
as a back-up measure to vote in elections for
Federal office.

“(B) USE OF TECHNOLOGY.—Under such
procedures, the Presidential designee shall uti-
lify technology to implement a system under
which the absent uniformed services voter or
overseas voter may—

“(i) enter the address of the voter or
other information relevant in the appro-
priate jurisdiction of the State, and the
system will generate a list of all candidates
in the election for Federal office in that ju-
risdiction; and

“(ii) submit the marked Federal
write-in absentee ballot by printing the bal-
lot (including complete instructions for
submitting the marked Federal write-in ab-
sentee ballot to the appropriate State elec-
tion official and the mailing address of the
single State office designated under section
102(b)).”.
SEC. 89. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET TECHNICAL CERTAIN REQUIREMENTS.

(a) Voter Registration and Absentee Ballot Applications.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 67, is amended by adding at the end the following new subsection:

“(i) Prohibiting Refusal To Accept Applications for Failure To Meet Technical Certain Requirements.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.
(b) Federal Write-In Absentee Ballot.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—
(1) by redesignating subsection (f) as subsection (g); and
(2) by inserting after subsection (e) the following new subsection:
“(f) Prohibiting Refusal To Accept Ballot for Failure To Meet Technical Certain Requirements.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:
“(1) Notarization requirements.
“(2) Restrictions on paper type, including weight and size.
“(3) Restrictions on envelope type, including weight and size.”.

(c) Effective Date.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 910. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) Federal Voting Assistance Program Improvements.—
(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 67, is amended by inserting after section 103A the following new section:

“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

“(a) IN GENERAL.—The Presidential designee shall develop standards for training, supporting, and emphasizing Voting Assistance Officers under the Federal Voting Assistance Program of the Department of Defense—

“(1) for all members of the uniformed services; and

“(2) on all installations and facilities of the uniformed services in the United States and overseas.

“(b) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Assign Senior Voting Assistance Officers as follows:

“(A)(i) Assign 1 Senior Voting Assistance Officer on each installation or facility and in each organization of the uniformed services, at the 0–6 level, to coordinate the programs conducted by subordinate units and tenant commands.
“(ii) To the extent practicable, subject to clause (iii), an individual assigned under this subparagraph as the Senior Voting Assistance Officer on an installation or facility or in an organization shall be an employee in a position at GS–12 or higher of the General Schedule, or, if a member of a uniformed service is so assigned, the member shall be in a pay grade of O–4 or higher.

“(iii) In the case where the number of individuals on the installation or facility or in the organization at the 0–6 level is less than 50, the Senior Voting Assistance Officer shall be assigned at the next highest level that has at least 50 individual assigned to it.

“(iv) To the extent practicable, each individual assigned under this subparagraph shall notify individuals on the installation or facility or in the organization of the last date before a regularly scheduled general election for Federal office on which absentee ballots mailed from that installation, facility, or organization may reasonably be expected to be delivered in time to be counted in such election.
(B) Assign 1 Senior Voting Assistance Officer to each reserve component at its headquarters level.

(2) Designate and assign in writing 1 Voting Assistance Officer to each unit, installation, or facility of the uniformed services for every 50 members of a uniformed service permanently assigned to the unit, installation, or facility. A member of a uniformed service assigned under the preceding sentence shall hold a pay grade of not less than O–2 for officers or E–7 for enlisted personnel. Voting Assistance Officers assigned under this paragraph shall operate under the guidance of Senior Voting Assistance Officers assigned under paragraph (1).

(3) Ensure that Voting Assistance Officers are available and equipped to—

(A) personally assist absent uniformed services voters with respect to each election for Federal office; and

(B) ensure that any absent uniformed services voter who appears to need assistance in reading or understanding the English language on voter registration or voting materials receives immediate assistance with balloting materials in the appropriate language.
(4) Provide Voting Assistance Officers with time and resources needed to perform their voting assistance duties, especially during even-numbered years.

(5) Develop online portals of information for use by Voting Assistance Officers—

(A) for training purposes; and

(B) to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

(6) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

(7) Include, in the standard forms provided to a new member of the uniformed services during processing upon arrival at installations and bases of the uniformed services, information on voter reg-
istration procedures and absentee ballot procedures
to be used by absent uniformed services voters (in-
cluding the official post card form prescribed under
section 101).

"(8) Provide clear written notice and instruc-
tions for the absent uniformed services voter to
change their address by submitting the official post
card form prescribed under section 101 to the ap-
propriate State election official.

"(9) Not later than December 31 of each year,
transmit to the President and to Congress a report
on the effectiveness of activities carried out under
this section, including the activities and actions of
the Federal Voting Assistance Program of the De-
partment of Defense, a separate assessment of voter
registration and participation by absent uniformed
overseas voters, a separate assessment of voter reg-
istration and participation by overseas voters who
are not members of the uniformed services, and a
description of the cooperation between the States
and the Federal Government in carrying out this
section.

"(a) DUTIES.—The Presidential designee shall carry
out the following duties:
“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(3) Not later than December 31 of each year, transmit to the President and to Congress a report on the effectiveness of activities carried out under this section, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed overseas voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the co-
operation between the States and the Federal Government in carrying out this section.

“(b) **Assessment of Effectiveness of Voting Assistance Officer Program.**—Not later than 90 days after the date of enactment of this subsection, the Presidential designee shall submit to Congress a report containing the following:

“(1) A thorough and complete assessment of whether the Voting Assistance Officer Program of the Department of Defense, as configured and implemented as of such date of enactment, is effectively assisting members of the Armed Forces in exercising their right to vote.

“(2) An inventory and explanation of any areas of voter assistance in which such Program has failed to accomplish its stated objectives and effectively assist members of the Armed Forces in exercising their right to vote.

“(3) A detailed plan for the implementation of a new program to replace such Program and supplement, as needed, voter assistance activities required to be performed under this section.

“(c) **Clarification Regarding Other Duties and Obligations.**—Nothing in this section shall relieve the Presidential designee of their duties and obligations
under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) Conforming Amendments.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 67, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (7)(8); 

(ii) by striking the period at the end of paragraph (8)(9) and inserting “; and”;

and

(iii) by adding at the end the following new paragraph:

“(9)(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”;
(B) by adding at the end the following new subsection:

“(d) Authorization of Appropriations for Carrying Out Federal Voting Assistance Program Improvements.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(9)(10).”.

(b) Treatment of Military Pay, Personnel, and Identification Offices and Certain Other Offices as Voter Registration Agencies.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 8, is amended by adding at the end the following new subsection:

“(j) Treatment of Military Pay, Personnel, and Identification Offices and Certain Offices as Voter Registration Agencies.—

“(1) Pay, personnel, and identification offices of the Department of Defense.—Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at pay, personnel, and identification offices of the Department of Defense. A pay, personnel, or identification office of the Department of Defense shall be considered to be a voter registra-
tion agency designated under section 7(a)(2) of the
National Voter Registration Act of 1993 for all pur-
poses of such Act.

“(2) Designation of certain offices at
the installation level.—

“(A) In general.—A Secretary of a mili-
tary department may designate an office at the
installation level, consistent across every instal-
lation of the department of the Secretary con-
cerned, to serve as a voter registration agency
for that department. An office designated by
the Secretary concerned under the preceding
sentence shall be considered to be a voter reg-
istration agency designated under section
7(a)(2) of such Act for all purposes of such
Act.

“(B) Definition of military depart-
ment and Secretary concerned.—In this
paragraph, the terms ‘military department’ and
‘Secretary concerned’ have the meaning given
such terms in paragraphs (8) and (9), respec-
tively, of section 101 of title 10, United States
Code.
“(c) Authorization of Appropriations.—
There are authorized to be appropriated such sums as are necessary to carry out this subsection.”.

(b) Voter Registration Assistance for Absent Uniformed Services Voters.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 9, is amended by adding at the end the following new subsection:

“(j) Voter Registration Assistance for Absent Uniformed Services Voters.—

“(1) Designating an Office as a Voter Registration Agency on Each Installation of the Armed Forces.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);
“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual’s voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or
“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) **Timing of provision of assistance.**—
The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and
“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual’s voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and
“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) REPORTS.—

“(A) REPORT ON STATUS OF IMPLEMENTATION.—

“(i) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of each military department or the Presidential designee shall submit to the relevant committees of Congress a report on the status of the implementation of this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include a detailed description of the specific steps taken towards the implementation of this subsection, including the designation of offices under paragraphs (1) and (5).

“(B) REPORT ON UTILIZATION OF VOTER REGISTRATION ASSISTANCE.—

“(i) REPORTS REQUIRED.—Not later than 1 year after the date of the enactment of this subsection, the Secretary of each military department or the Presidential
designee shall submit to the relevant committees of Congress a report on the utilization of voter registration assistance provided under this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include—

“(I) a description of the specific programs implemented by each military department of the Armed Forces pursuant to this subsection; and

“(II) the number of absent uniformed services voters who utilized voter registration assistance provided under this section.

“(9) DEFINITIONS.—In this subsection:

“(A) MILITARY DEPARTMENT AND SECRETARY CONCERNED.—The terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(B) RELEVANT COMMITTEES OF CONGRESS.—The term ‘relevant committees of Congress’ means—
“(i) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(ii) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(10) Authorization of Appropriations.—

There are authorized to be appropriated such sums as are necessary to carry out this subsection.”.

(c) Effective Date.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 1011. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) In General.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 910, is amended—

(1) by striking “and” at the end of paragraph (8)(9);  

(2) by striking the period at the end of paragraph (9)(10) and inserting “; and”; and  

(3) by adding at the end the following new paragraph:
“(10)(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by section 57, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

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

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(10)(11).”.
(c) **Effective Date.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 12. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.**

(a) **In General.**—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

(b) **Conforming Amendments.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104’”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104’”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATION—
TIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—”.

SEC. 1113. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

SEC. 1214. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(2) by adding at the end the following new paragraph:
“(3) Activities under Uniformed and Overseas Citizens Absentee Voting Act.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) Requirements.—

(1) State plan.—Section 254 of the Help America Vote Act of 2002 (42 U.S.C. 15404) is amended—

(A) in subsection (a), by striking “The State” and inserting “Subject to subsection (c), the State”;

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection:

“(c) State Plan for Certain Requirements Payments.—In the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), the State plan shall contain a description of how
the State will use such requirements payment to meet the
requirements under the Uniformed and Overseas Absentee
Voting Act imposed as a result of the provisions of and
amendments made by the Military and Overseas Voter
Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section
253(b) of the Help America Vote Act of 2002 (42
U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “sec-
tion 254” and inserting “subsection (a) of sec-
tion 254 (or, in the case where a
State is seeking a requirements payment made
using funds appropriated pursuant to the au-
thorization under section 257(4), subsection (e)
of such section)”;

(B) in paragraph (2)—

(i) by striking “(2) The State” and
inserting “(2)(A) Subject to subparagraph
(B), the State”; and

(ii) by inserting after subparagraph
(A), as added by clause (i), the following
new subparagraph:

“(B) The requirement under subparagraph (A)
shall not apply in the case of a requirements pay-
ment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15407) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

SEC. 1415. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which
the feasibility of new election technology is tested for
the benefit of absent uniformed services voters and
overseas voters claiming rights under the Uniformed
and Overseas Citizens Absentee Voting Act (42
U.S.C. 1973ff et seq.).

(2) Design and Conduct.—The design and
conduct of a pilot program established under this
subsection—

(A) shall be at the discretion of the Presi-
dential designee; and

(B) shall not conflict with or substitute for
existing laws, regulations, or procedures with
respect to the participation of absent uniformed
services voters and military voters in elections
for Federal office.

(e) Considerations.—In conducting a pilot pro-
gram established under subsection (b), the Presidential
designee may consider the following issues:

(1) The transmission of electronic voting mate-
rial across military networks.

(2) Virtual private networks, cryptographic vot-
ing systems, centrally controlled voting stations, and
other information security techniques.

(3) The transmission of ballot representations
and scanned pictures in a secure manner.
(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.
A BILL

S. 1415

111TH CONGRESS

Calendar No. 114

Reported with amendments

July 16, 2009

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote in each election in which they are entitled to vote.

VerDate Nov 24 2008 03:21 Jul 17, 2009 Jkt 079200 PO 00000 Frm 00066 Fmt 6651 Sfmt 6651 E:\BILLS\S1415.RS S1415bajohnson on DSK3CLS3C1PROD with BILLS