

106TH CONGRESS
2D SESSION

H. R. 5174

AN ACT

To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

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To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.

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. USE OF BUILDINGS ON MILITARY INSTALLA-**
4 **TIONS AND RESERVE COMPONENT FACILI-**
5 **TIES AS POLLING PLACES.**

6 (a) USE OF MILITARY INSTALLATIONS AUTHOR-
7 IZED.—Section 2670 of title 10, United States Code, is
8 amended—

9 (1) by striking “Under” and inserting “(a) USE
10 BY RED CROSS.—Under”;

11 (2) by striking “this section” and inserting
12 “this subsection”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(b) USE AS POLLING PLACES.—(1) Notwith-
16 standing chapter 29 of title 18 (including sections 592 and
17 593 of such title), the Secretary of a military department
18 may make a building located on a military installation
19 under the jurisdiction of the Secretary available for use
20 as a polling place in any Federal, State, or local election
21 for public office.

22 “(2) Once a military installation is made available as
23 the site of a polling place with respect to a Federal, State,
24 or local election for public office, the Secretary shall con-
25 tinue to make the site available for subsequent elections

1 for public office unless the Secretary provides to Congress
2 advance notice in a reasonable and timely manner of the
3 reasons why the site will no longer be made available as
4 a polling place.

5 “(3) In this section, the term ‘military installation’
6 has the meaning given the term in section 2687(e) of this
7 title.”.

8 (b) USE OF RESERVE COMPONENT FACILITIES.—(1)
9 Section 18235 of title 10, United States Code, is amended
10 by adding at the end the following new subsection:

11 “(c) Pursuant to a lease or other agreement under
12 subsection (a)(2), the Secretary may make a facility cov-
13 ered by subsection (a) available for use as a polling place
14 in any Federal, State, or local election for public office
15 notwithstanding chapter 29 of title 18 (including sections
16 592 and 593 of such title). Once a facility is made avail-
17 able as the site of a polling place with respect to an elec-
18 tion for public office, the Secretary shall continue to make
19 the facility available for subsequent elections for public of-
20 fice unless the Secretary provides to Congress advance no-
21 tice in a reasonable and timely manner of the reasons why
22 the facility will no longer be made available as a polling
23 place.”.

24 (2) Section 18236 of such title is amended by adding
25 at the end the following new subsection:

1 “(e) Pursuant to a lease or other agreement under
2 subsection (c)(1), a State may make a facility covered by
3 subsection (c) available for use as a polling place in any
4 Federal, State, or local election for public office notwith-
5 standing chapter 29 of title 18 (including sections 592 and
6 593 of such title).”.

7 (c) CONFORMING AMENDMENTS TO TITLE 18.—(1)
8 Section 592 of title 18, United States Code, is amended
9 by adding at the end the following:

10 “‘This section shall not prohibit the use of buildings
11 located on military installations, or the use of reserve com-
12 ponent facilities, as polling places in Federal, State, and
13 local elections for public office in accordance with section
14 2670(b), 18235, or 18236 of title 10.’”.

15 (2) Section 593 of such title is amended by adding
16 at the end the following:

17 “‘This section shall not prohibit the use of buildings
18 located on military installations, or the use of reserve com-
19 ponent facilities, as polling places in Federal, State, and
20 local elections for public office in accordance with section
21 2670(b), 18235, or 18236 of title 10.’”.

22 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
23 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.
24 1972) is amended by adding at the end the following:
25 “‘Making a military installation or reserve component facil-

1 ity available as a polling place in a Federal, State, or local
2 election for public office in accordance with section
3 2670(b), 18235, or 18236 of title 10, United States Code,
4 shall be deemed to be consistent with this section.”.

5 (e) AVAILABILITY OF POLLING PLACES FOR 2000
6 FEDERAL ELECTIONS.—If a military installation or re-
7 serve component facility was made available as the site
8 of a polling place with respect to an election for Federal
9 office held during 1998, the same or a comparable site
10 shall be made available for use as a polling place with re-
11 spect to the general election for Federal office to be held
12 in November 2000.

13 (f) CLERICAL AMENDMENTS.—(1) The heading of
14 section 2670 of title 10, United States Code, is amended
15 to read as follows:

16 “§ 2670. **Buildings on military installations: use by**
17 **American National Red Cross and as poll-**
18 **ing places in Federal, State, and local**
19 **elections”.**

20 (2) The item relating to such section in the table of
21 sections at the beginning of chapter 159 of such title is
22 amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”.

Passed the House of Representatives October 12,
2000.

Attest:

Clerk.