

106TH CONGRESS
2D SESSION

H. R. 5174

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2000

Mr. THOMAS (for himself, Mr. BOEHNER, Mr. EHLERS, Mr. NEY, Mr. MICA, Mr. EWING, Mr. LINDER, Mr. STUMP, Mr. BUYER, and Mr. HOYER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

1 **SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLA-**
2 **TIONS AND RESERVE COMPONENT FACILI-**
3 **TIES AS POLLING PLACES.**

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

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

9 (2) by striking “this section” and inserting
10 “this subsection”; and

11 (3) by adding at the end the following new sub-
12 section:

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

20 “(2) Once a military installation is made available as
21 the site of a polling place with respect to a Federal, State,
22 or local election for public office, the Secretary shall con-
23 tinue to make the site available for subsequent elections
24 for public office unless the Secretary provides to Congress
25 advance notice in a reasonable and timely manner of the

1 reasons why the site will no longer be made available as
2 a polling place.

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

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

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

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

24 “(e) Pursuant to a lease or other agreement under
25 subsection (c)(1), a State may make a facility covered by

1 subsection (c) available for use as a polling place in any
2 Federal, State, or local election for public office notwith-
3 standing chapter 29 of title 18 (including sections 592 and
4 593 of such title).”.

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

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

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

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

20 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
21 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.
22 1972) is amended by adding at the end the following:
23 “Making a military installation or reserve component facil-
24 ity available as a polling place in a Federal, State, or local
25 election for public office in accordance with section

1 2670(b), 18235, or 18236 of title 10, United States Code,
2 shall be deemed to be consistent with this section.”.

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

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

14 **“§ 2670. Buildings on military installations: use by**
15 **American National Red Cross and as poll-**
16 **ing places in Federal, State, and local**
17 **elections”.**

18 (2) The item relating to such section in the table of
19 sections at the beginning of chapter 159 of such title is
20 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.”.