

107TH CONGRESS
1ST SESSION

H. R. 159

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Mr. RILEY introduced the following bill; which was referred to the Committee on House Administration

A BILL

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, 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 “Armed Services Voting
5 Act”.

1 **SEC. 2. STANDARD FOR INVALIDATION OF BALLOTS CAST**
2 **BY ABSENT UNIFORMED SERVICES VOTERS**
3 **IN FEDERAL ELECTIONS.**

4 (a) **IN GENERAL.**—A State may not refuse to count
5 a ballot submitted in an election for Federal office by an
6 absent uniformed services voter on the grounds that the
7 ballot was improperly or fraudulently cast unless the State
8 finds clear and convincing evidence of fraud in the prepa-
9 ration or casting of the ballot by the voter. For purposes
10 of the previous sentence, the lack of a witness signature,
11 address, postmark, or other identifying information may
12 not be considered clear and convincing evidence of fraud
13 (absent any other information or evidence).

14 (b) **NO EFFECT ON FILING DEADLINES UNDER**
15 **STATE LAW.**—Nothing in this section may be construed
16 to affect the application to ballots submitted by absent
17 uniformed services voters of any ballot submission dead-
18 line applicable under State law.

19 (c) **ABSENT UNIFORMED SERVICES VOTER DE-**
20 **FINED.**—In this Act, the term “absent uniformed services
21 voter” has the meaning given such term in section 107(1)
22 of the Uniformed and Overseas Citizens Absentee Voting
23 Act (42 U.S.C. 1973ff–6(1)).

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act shall apply with respect to ballots submitted
3 for elections for Federal office occurring after the date of
4 the enactment of this Act.

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