

107TH CONGRESS
1ST SESSION

H. R. 311

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, to direct the Secretary of Defense to prepare and submit a plan for electronic voting by absent uniformed services voters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. VITTER 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, to direct the Secretary of Defense to prepare and submit a plan for electronic voting by absent uniformed services voters, 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 Absen-
5 tee Ballot Act of 2001”.

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) **NO EFFECT ON BALLOT REQUEST REQUIRE-**
20 **MENTS OR EFFORTS TO PROHIBIT CASTING OF MUL-**
21 **TIPLE BALLOTS.**—Nothing in this section may be con-
22 strued to prohibit a State from refusing to count a ballot
23 submitted by an absent uniformed services voter in an
24 election for Federal office—

1 (1) in the case of a voter who had not pre-
2 viously requested an absentee ballot as required by
3 State law; or

4 (2) to the extent necessary to ensure that the
5 voter does not cast more than one ballot in the elec-
6 tion, whether by absentee ballot or by a ballot cast
7 at a polling place.

8 **SEC. 3. PLAN FOR ELECTRONIC VOTING BY ABSENT UNI-**
9 **FORMED SERVICES VOTERS.**

10 Not later than April 1, 2002, the Secretary of De-
11 fense shall prepare and submit to Congress a plan for es-
12 tablishing a uniform electronic voting system for the use
13 of absent uniformed services voters in elections for Federal
14 office.

15 **SEC. 4. ABSENT UNIFORMED SERVICES VOTER DEFINED.**

16 In this Act, the term “absent uniformed services
17 voter” has the meaning given such term in section 107(1)
18 of the Uniformed and Overseas Citizens Absentee Voting
19 Act (42 U.S.C. 1973ff–6(1)).

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