

107TH CONGRESS
1ST SESSION

S. 1261

To amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2001

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, 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 “Uniformed and Over-
5 seas Citizen Absentee Voting Reform Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Approximately 3,000,000 to 6,000,000
2 American citizens, including 576,000 Federal em-
3 ployees and their overseas dependents in the armed
4 services and in other Federal agencies, live perma-
5 nently or temporarily reside outside the 50 States
6 and the District of Columbia.

7 (2) The members of the armed services, their
8 dependents, other employees of the Federal Govern-
9 ment and their dependents, and the approximately
10 3,000,000 to 5,500,000 other American citizens
11 abroad make an inestimable contribution to the se-
12 curity, economic well-being, and cultural vitality of
13 the United States.

14 (3) Although great progress has been made in
15 recent decades in assuring that these citizens have
16 the chance to participate fully in our democratic
17 process, the national elections of November 2000 re-
18 vealed grave shortcomings in our system, with nearly
19 40 percent of overseas ballots rejected in one State
20 alone.

21 (4) Moreover, during these elections it became
22 apparent that timely information about the numbers
23 of American citizens seeking to vote and voting from
24 abroad, information which is essential to measure

1 the effectiveness of our overseas voting system, is
 2 not currently provided by the States.

3 **SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND AB-**
 4 **SENTEE BALLOT APPLICATION PROCEDURES**
 5 **FOR ABSENT UNIFORMED SERVICES AND**
 6 **OVERSEAS VOTERS.**

7 (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM
 8 FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-
 9 TEE BALLOT APPLICATION; DEADLINE FOR PROVIDING
 10 ABSENTEE BALLOT.—

11 (1) IN GENERAL.—Section 102 of the Uni-
 12 formed and Overseas Citizens Absentee Voting Act
 13 (42 U.S.C. 1973ff–1) is amended—

14 (A) by amending paragraph (2) to read as
 15 follows:

16 “(2) accept and process, with respect to any
 17 election for Federal office, any otherwise valid voter
 18 registration application and absentee ballot applica-
 19 tion from an absent uniformed services voter or
 20 overseas voter, if the application is received by the
 21 appropriate State election official not less than 30
 22 days before the election;”;

23 (B) by striking the period at the end of
 24 paragraph (3) and inserting a semicolon; and

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

3 “(4) use the official post card form (prescribed
 4 under section 101) for simultaneous voter registra-
 5 tion application and absentee ballot application; and
 6 “(5) transmit the absentee ballot for an election
 7 to each absent uniformed services voter and overseas
 8 voter who is registered with respect to the election
 9 as soon as practicable after the voter is registered,
 10 but in no case later than the 45th day preceding the
 11 election (if the voter is registered as of such day).”.

12 (2) CONFORMING AMENDMENTS.—Section
 13 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is
 14 amended by striking “as recommended in section
 15 104” and inserting “as required under section
 16 102(4)”.

17 (b) USE OF SINGLE APPLICATION FOR ALL SUBSE-
 18 QUENT ELECTIONS.—Section 104 of such Act (42 U.S.C.
 19 1973ff–3) is amended to read as follows:

20 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**
 21 **QUENT ELECTIONS.**

22 “(a) IN GENERAL.—If a State accepts and processes
 23 an official post card form (prescribed under section 101)
 24 submitted by an absent uniformed services voter or over-
 25 seas voter for simultaneous voter registration and absen-

1 tee ballot application (in accordance with section
2 102(4))—

3 “(1) the voter shall be deemed to have sub-
4 mitted an absentee ballot application for each subse-
5 quent election for Federal office held in the State;
6 and

7 “(2) the State shall provide an absentee ballot
8 to the voter for each subsequent election for Federal
9 office held in the State (in accordance with the dead-
10 line required under section 102(a)(5)).

11 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
12 TION.—Subsection (a) shall not apply with respect to a
13 voter registered to vote in a State for any election held
14 after the voter notifies the State that the voter no longer
15 wishes to be registered to vote in the State or after the
16 State determines that the voter has registered to vote in
17 another State.

18 “(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—
19 Nothing in this section may be construed to prevent a
20 State from removing any voter from the rolls of registered
21 voters in the State under any program or method per-
22 mitted under section 8 of the National Voter Registration
23 Act of 1993.”.

1 **SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COM-**
 2 **PLETED BALLOTS.**

3 Section 102 of the Uniformed and Overseas Citizens
 4 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

5 (1) by inserting “(a) IN GENERAL.—” before
 6 “Each State”; and

7 (2) by adding at the end the following new sub-
 8 section:

9 “(b) SPECIAL REQUIREMENTS REGARDING ACCEPT-
 10 ANCE OF COMPLETED BALLOTS.—

11 “(1) MANDATORY MINIMUM PERIOD FOR AC-
 12 CEPTANCE OF ABSENTEE BALLOT AFTER DATE OF
 13 ELECTION.—Notwithstanding any other provision of
 14 law, a State shall not refuse to count an absentee
 15 ballot submitted in an election for Federal office by
 16 an absent uniformed services voter or overseas voter
 17 on the grounds that the ballot was not submitted in
 18 a timely manner if—

19 “(A) the ballot is received by the State not
 20 later than 14 days after the date of the elec-
 21 tion;

22 “(B) the ballot is signed and dated by the
 23 voter; and

24 “(C) the date provided by the voter on the
 25 ballot is not later than the day before the date
 26 of the election.

1 “(2) PROHIBITING REFUSAL OF BALLOT FOR
 2 LACK OF POSTMARK.—A State shall not refuse to
 3 count an absentee ballot submitted in an election for
 4 Federal office by an absent uniformed services voter
 5 or overseas voter on the grounds that the ballot or
 6 the envelope in which the ballot is submitted lacks
 7 a postmark if the ballot is signed and dated by the
 8 voter and a witness within the deadline applicable
 9 under State law for the submission of the ballot
 10 (taking into account the requirements of paragraph
 11 (1)).”.

12 **SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPA-**
 13 **TION OF OVERSEAS AND ABSENT UNI-**
 14 **FORMED SERVICES VOTERS.**

15 Section 102 of the Uniformed and Overseas Citizens
 16 Absentee Voting Act (42 U.S.C. 1973ff–1), as amended
 17 by section 4, is amended by adding at the end the fol-
 18 lowing new subsection:

19 “(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

20 “(1) RESPONSE TO SUBMITTED MATERIALS.—

21 “(A) APPLICATIONS FOR VOTER REGISTRA-
 22 TION AND ABSENTEE BALLOT REQUEST.—With
 23 respect to each absent uniformed services voter
 24 and each overseas voter who submits a voter

1 registration application or an absentee ballot re-
 2 quest, the State—

3 “(i) shall immediately notify the voter
 4 as to whether or not the State has ap-
 5 proved the application or request; and

6 “(ii) if the State rejects the applica-
 7 tion or request, shall provide the voter with
 8 the reasons for the rejection.

9 “(B) ABSENTEE BALLOTS.—With respect
 10 to each absent uniformed services voter and
 11 each overseas voter who submits a completed
 12 absentee ballot, the State—

13 “(i) shall immediately notify the voter
 14 as to whether or not the State has received
 15 the ballot; and

16 “(ii) if the State refuses to accept the
 17 ballot, shall provide the voter with the rea-
 18 sons for refusal.

19 “(2) USE OF FACSIMILE MACHINES AND INTER-
 20 NET.—Each State shall make voter registration ap-
 21 plications, absentee ballot requests, and absentee
 22 ballots available to absent uniformed services voters
 23 and overseas voters through the use of facsimile ma-
 24 chines and the Internet, and shall permit such voters
 25 to transmit completed applications and requests to

1 the State through the use of such machines and the
 2 Internet. Nothing in this paragraph may be con-
 3 strued to prohibit a State from accepting completed
 4 absentee ballots from absent uniformed services vot-
 5 ers and overseas voters through the use of facsimile
 6 machines.

7 “(3) PROHIBITING NOTARIZATION REQUIRE-
 8 MENTS.—A State may not refuse to accept any voter
 9 registration application, absentee ballot request, or
 10 absentee ballot submitted by an absent uniformed
 11 services voter or overseas voter on the grounds that
 12 the document involved is not notarized.

13 “(4) COMPILATION OF STATISTICS.—

14 “(A) IN GENERAL.—For each election for
 15 Federal office held in the State, each State
 16 shall compile and publish the following informa-
 17 tion with respect to absent uniformed services
 18 voters and overseas voters:

19 “(i) The number of voter registration
 20 applications received from each such group
 21 of voters, together with the number of such
 22 applications which were rejected by the
 23 State and the reasons for rejection.

24 “(ii) The number of absentee ballots
 25 sent to each such group of voters.

1 “(iii) The number of completed absen-
 2 tee ballots submitted by each such group of
 3 voters, together with the number of such
 4 ballots which were rejected by the State
 5 and the reasons for rejection.

6 “(B) BREAKDOWN BY LOCAL JURISDIC-
 7 TION AND OVERSEAS LOCATION.—In compiling
 8 and publishing the information described in
 9 subparagraph (A), the State shall break down
 10 each category of such information by county (or
 11 other appropriate local election district) and by
 12 the locations to which and from which the ma-
 13 terials described in such subparagraph were
 14 transmitted and received.

15 “(C) TRANSMISSION TO PRESIDENTIAL
 16 DESIGNEE.—With respect to information re-
 17 garding a Presidential election year, the State
 18 shall transmit the information compiled under
 19 this paragraph to the Presidential designee at
 20 such time and in such manner as the Presi-
 21 dential designee may require to prepare the re-
 22 port described in section 101(b)(6).”.

23 **SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.**

24 (a) EDUCATING ELECTION OFFICIALS ON RESPON-
 25 SIBILITIES UNDER ACT.—Section 101(b)(1) of the Uni-

1 formed and Overseas Citizens Absentee Voting Act (42
 2 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon
 3 at the end and inserting the following: “, and ensure that
 4 such officials are aware of the requirements of this Act;”.

5 (b) DEVELOPMENT OF STANDARD OATH FOR USE
 6 WITH MATERIALS.—

7 (1) IN GENERAL.—Section 101(b) of such Act
 8 (42 U.S.C. 1973ff(b)) is amended—

9 (A) by striking “and” at the end of para-
 10 graph (5);

11 (B) by striking the period at the end of
 12 paragraph (6) and inserting “; and”; and

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

15 “(7) prescribe a standard oath for use with any
 16 document under this title affirming that a material
 17 misstatement of fact in the completion of such a
 18 document may constitute grounds for a conviction
 19 for perjury.”.

20 (2) REQUIRING STATES TO USE STANDARD
 21 OATH.—Section 102(a) of such Act (42 U.S.C.
 22 1973ff–1(a)), as amended by sections 3(a) and 4, is
 23 further amended—

24 (A) by striking “and” at the end of para-
 25 graph (4);

1 (B) by striking the period at the end of
 2 paragraph (5) and inserting “; and”; and

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

5 “(6) if the State requires an oath or affirmation
 6 to accompany any document under this title, use the
 7 standard oath prescribed by the Presidential des-
 8 ignee under section 101(b)(7).”.

9 (c) TRANSMISSION OF FEDERAL WRITE-IN ABSEN-
 10 TEE BALLOT THROUGH FACSIMILE MACHINES AND
 11 INTERNET.—Section 103 of such Act (42 U.S.C. 1973ff–
 12 2) is amended—

13 (1) by redesignating subsections (b) through (f)
 14 as subsections (c) through (g); and

15 (2) by inserting after subsection (a) the fol-
 16 lowing new subsection:

17 “(b) TRANSMISSION OF BALLOT THROUGH FAC-
 18 SIMILE MACHINES AND INTERNET.—The Presidential
 19 designee shall make the Federal write-in absentee ballot
 20 and the application for such a ballot available to overseas
 21 voters through the use of facsimile machines and the
 22 Internet, and shall permit such voters to transmit com-
 23 pleted applications for such a ballot to the Presidential
 24 designee through the use of such machines and the Inter-
 25 net.”.

1 (d) PROVIDING BREAKDOWN BETWEEN OVERSEAS
 2 VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN
 3 STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Sec-
 4 tion 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is
 5 amended by inserting after “participation” the following:
 6 “(listed separately for overseas voters and absent uni-
 7 formed services voters)”.

8 **SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNI-**
 9 **FORMED SERVICES VOTERS TO RECENTLY**
 10 **SEPARATED UNIFORMED SERVICES VOTERS.**

11 The Uniformed and Overseas Citizens Absentee Vot-
 12 ing Act (42 U.S.C. 1973ff et seq.) is amended by inserting
 13 after section 104 the following new section:

14 **“SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNI-**
 15 **FORMED SERVICES VOTERS.**

16 “(a) IN GENERAL.—For purposes of this Act, an in-
 17 dividual who is a separated uniformed services voter (or
 18 the spouse or dependent of such an individual) shall be
 19 treated in the same manner as an absent uniformed serv-
 20 ices voter with respect to any election occurring during
 21 the 60-day period which begins on the date the individual
 22 becomes a separated uniformed services voter.

23 “(b) SEPARATED UNIFORMED SERVICES VOTER DE-
 24 FINED.—

1 “(1) IN GENERAL.—In this section, the term
2 ‘separated uniformed services voter’ means an indi-
3 vidual who—

4 “(A) is separated from the uniformed serv-
5 ices;

6 “(B) was a uniformed services voter imme-
7 diately prior to separation;

8 “(C) presents to an appropriate election of-
9 ficial Department of Defense Form 214 show-
10 ing that the individual meets the requirements
11 of subparagraphs (A) and (B) (or any other of-
12 ficial proof of meeting such requirements); and

13 “(D) is otherwise qualified to vote with re-
14 spect to the election involved.

15 “(2) UNIFORMED SERVICES VOTER.—In para-
16 graph (1), the term ‘uniformed services voter’
17 means—

18 “(A) a member of a uniformed service on
19 active duty; or

20 “(B) a member of the merchant marine.”.

21 **SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF**
22 **COMPLIANCE.**

23 (a) IN GENERAL.—The Presidential designee under
24 the Uniformed and Overseas Citizens Absentee Voting Act
25 shall make a payment to each eligible State for carrying

1 out activities to comply with the requirements of such Act,
2 including the amendments made to such Act by this Act.

3 (b) ELIGIBILITY.—A State is eligible to receive a pay-
4 ment under this section if it submits to the Presidential
5 designee (at such time and in such form as the Presi-
6 dential designee may require) an application containing
7 such information and assurances as the Presidential des-
8 ignee may require.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated for the first fiscal year
11 which begins after the date of the enactment of this Act
12 such sums as may be necessary to carry out this section,
13 to remain available until expended.

14 **SEC. 9. EFFECTIVE DATE.**

15 The amendments made by sections 3, 4, 5, 6, and
16 7 shall apply with respect to elections occurring after the
17 date of the enactment of this Act.

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