

voter turnout was approximately 20 percent for military voters as opposed to approximately 40 percent for the general population. These statistics illustrate that those who are fighting to protect our democracy are not being afforded the opportunity to participate in it.

Both the Department of Defense and State and local election officials have not done enough to address these problems. The Military and Overseas Voter Empowerment Act of 2009 would address some of these problems to help military personnel have their votes count. The bill establishes new requirements for the States and for the Department of Defense to make it easier for military and overseas voters to participate in elections. The key requirement is for States to allow sufficient time for these voters who are overseas to receive their ballots, vote, and return them in time to be counted.

Other provisions in the bill include having States provide online and fax systems to deliver registration and absentee ballots; making the Department of Defense provide improved ballot delivery and mail service for troops; and having the Department of Defense provide improved Federal voting assistance such as designating and training voter assistance officers and providing registration and absentee ballot information at every installation. While these are challenges, they are not insurmountable, especially when we consider the outcome—providing the men and women in uniform with the opportunity to vote. We, as Americans, owe them that opportunity.

My office has been in touch with the office of the Secretary Of State of Nevada to continue to work through these challenges. Implementing these changes will not be simple. My colleagues and I have modified the bill to address some of these concerns and will continue to work with our States and localities going forward.

For example, the original version of the bill focused attention on the steps that States must take, even though we know that many States, such as Nevada, have local election officials who carry out important election activities. We never had any intention of reaching into States and rearranging that relationship. That is why the Rules Committee modified the bill to clarify that election responsibilities identified in the bill can, of course, be delegated to the appropriate local election officials. The negotiation process is ongoing because the objective of ensuring that military votes are counted on election day is so critical.

I fully expect we will find new issues to work through, but we must keep our eyes on the main goal—improving the system to protect the voting rights of our military personnel. There are few rights we exercise greater than choosing our own elected officials. We cannot call ourselves a democracy if we do not count the votes of our citizens in elections of government officials. The

men and women who put their lives on the line for you and me to protect our country are certainly no exception. It is time that we take steps to protect their right to vote.

I encourage my colleagues to make sure that this particular amendment is included in the Defense authorization bill. This is critical ahead of the election so States have time to prepare and every person in the military who wishes to exercise their right to vote is allowed to do so and their vote is counted in time for the 2010 elections.

RECESS

Mr. ENSIGN. I ask unanimous consent that the Senate stand in recess, as under the previous order.

There being no objection, the Senate, at 1:43 p.m., recessed until 1:56 p.m., and reassembled when called to order by the Presiding Officer (Mrs. HAGAN).

QUORUM CALL

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3 Leg.]

Akaka	Dorgan	McConnell
Alexander	Durbin	Merkley
Barrasso	Enzi	Murkowski
Bennet, Colorado	Feingold	Murray
Bennett, Utah	Franken	Pryor
Bingaman	Gillibrand	Reed, Rhode
Bond	Graham	Island
Boxer	Gregg	Reid, Nevada
Brownback	Hagan	Risch
Bunning	Inhofe	Roberts
Burr	Inouye	Sessions
Burr	Isakson	Shaheen
Cantwell	Johanns	Specter
Cardin	Kaufman	Tester
Casey	Klobuchar	Udall, New
Chambliss	Kohl	Mexico
Coburn	Kyl	Vitter
Cochran	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	

The PRESIDING OFFICER (Mr. INOUE). A quorum is present.

DISMISSAL OF ARTICLES OF IMPEACHMENT AGAINST SAMUEL B. KENT, JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Under the previous order, the Senate will convene as a Court of Impeachment in the trial of Samuel B. Kent, former United States District Judge for the Southern District of Texas.

The Sergeant at Arms will make the proclamation.

The Sergeant at Arms of the Senate, Terrance W. Gainer, made the proclamation, as follows:

Hear ye! Hear ye! All persons are commanded to keep silent, on pain of

imprisonment, while the House of Representatives is exhibiting to the Senate of the United States, Articles of Impeachment against Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The Secretary for the majority.

The SECRETARY FOR THE MAJORITY. Mr. President, I announce the presence of the managers on the part of the House of Representatives to continue proceedings on behalf of the House concerning the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas.

The PRESIDING OFFICER. The managers on the part of the House will be received and assigned their seats.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, Terrance W. Gainer, to the well of the Senate.

The PRESIDING OFFICER. The majority leader of the Senate is recognized.

Mr. REID. Mr. President, at this time the oath should be administered in conformance with article I, section 3, clause 6 of the Constitution and the Senate's impeachment rules to those Senators who were not in the Chamber while the Articles of Impeachment were presented.

The PRESIDING OFFICER. Are there Senators who were not present?

Senators shall now be sworn: Do you solemnly swear that in all things appertaining to the trial of the impeachment of Samuel B. Kent, former Judge of the United States District Court for the Southern District of Texas, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS: I do.

Mr. REID. The Secretary will note the names of the Senators who have been sworn today and will present to them for signing the book which is the Senate's permanent record of the administration of the oath.

The following named Senators are recorded as having subscribed to the oath this day:

BENNET
COCHRAN
FRANKEN
ROBERTS

The PRESIDING OFFICER. The managers on the part of the House will now proceed.

Representative SCHIFF. Mr. President, following the resignation of Judge Samuel B. Kent effective June 30, 2009, the House adopted the following resolution directing the managers to request on the part of the House that the Articles of Impeachment be dismissed, which, with the permission of the President of the Senate, I will read:

H. Res. 661 in the House of Representatives, U.S., July 20, 2009.

Resolved, That the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate