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107TH CONGRESS
1ST SESSION

S. 122

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 SENATE OF THE UNITED STATES

JANUARY 22, 2001

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

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Armed Services Voting Rights Protection Act of 2001''.

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

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following new subsection:

''(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter on the grounds that the ballot was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud in the preparation or casting of the ballot by the voter.

''(2) CLEAR AND CONVINCING EVIDENCE.—For purposes of this subsection, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud (absent any other information or evidence).

''(3) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 3. STUDY AND REPORT BY THE POSTAL SERVICE ON IMPROVING THE SUBMISSION OF ABSENTEE BALLOTS BY ABSENT UNIFORMED SERVICES VOTERS IN ELECTIONS FOR FEDERAL OFFICE.

(a) STUDY.—

(1) IN GENERAL.—The Postal Service shall conduct a study to determine each reason for which an absentee ballot of an absent uniformed services voter (as defined in paragraph (1) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6)) was not counted in

the general election for Federal office (as defined in paragraph (3) of such section) held in 2000.

(2) CONSULTATION.—In conducting the study under this subsection, the Postal Service shall consult with the head of the executive department designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff), and the Secretaries of Defense, Transportation, Commerce, and Health and Human Services.

(b) UNPOSTMARKED BALLOTS.—In conducting the study under subsection (a), if the Postal Service finds that a reason for which an absentee ballot was not counted is that the ballot was not postmarked, then the Postal Service shall—

(1) determine the reason that the ballot was not postmarked; and

(2) develop recommendations on ways to ensure that such ballots will be postmarked in the future.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Postal Service shall submit to Congress a report on the study conducted under subsection (a) that contains—

(1) any reason determined under paragraph (1) of subsection (b) and any recommendations developed under paragraph (2) of such subsection; and

(2) such recommendations for legislative or administrative action as the Postal Service determines appropriate.

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