

107TH CONGRESS  
1ST SESSION

# S. 381

To amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Mr. ALLARD (for himself and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Military Voting Support Act of 2001”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sense of the Senate regarding the importance of voting by members of the uniformed services.
- Sec. 3. Standard for invalidation of ballots cast by absent uniformed services voters in Federal elections.
- Sec. 4. Guarantee of residency and voting rights.
- Sec. 5. Use of buildings on military installations and reserve component facilities as polling places.
- Sec. 6. Maximizing the access of recently separated uniformed services voters to the polls.
- Sec. 7. Uniformed services electronic voting demonstration project.
- Sec. 8. Governors’ reports on implementation of Federal Voting Assistance Program recommendations.

6 **SEC. 2. SENSE OF THE SENATE REGARDING THE IMPOR-**  
7 **TANCE OF VOTING BY MEMBERS OF THE UNI-**  
8 **FORMED SERVICES.**

9 It is the sense of the Senate that each administrator  
10 of a Federal, State, or local election should—

11 (1) be aware of the importance of the ability of  
12 each uniformed services voter (as defined in section  
13 7(a)(4)) to exercise their right to vote; and

14 (2) perform their duties with the intent to en-  
15 sure that—

16 (A) each uniformed services voter receives  
17 the utmost consideration and cooperation when  
18 voting; and

1 (B) each valid ballot cast by such a voter  
 2 is duly counted.

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

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

9 (1) by striking “Each State” and inserting “(a)  
 10 IN GENERAL.—Each State”; and

11 (2) by adding at the end the following:

12 “(b) STANDARDS FOR INVALIDATION OF CERTAIN  
 13 BALLOTS.—

14 “(1) IN GENERAL.—A State may not refuse to  
 15 count a ballot submitted in an election for Federal  
 16 office by an absent uniformed services voter on the  
 17 grounds that the ballot was improperly or fraudu-  
 18 lently cast unless the State finds clear and con-  
 19 vincing evidence of fraud in the preparation or cast-  
 20 ing of the ballot by the voter.

21 “(2) CLEAR AND CONVINCING EVIDENCE.—For  
 22 purposes of this subsection, the lack of a witness sig-  
 23 nature, address, postmark, or other identifying in-  
 24 formation may not be considered clear and con-

1       vincing evidence of fraud (absent any other informa-  
2       tion or evidence).

3               “(3) NO EFFECT ON FILING DEADLINES UNDER  
4       STATE LAW.—Nothing in this subsection may be  
5       construed to affect the application to ballots sub-  
6       mitted by absent uniformed services voters of any  
7       ballot submission deadline applicable under State  
8       law.”.

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

15      **SEC. 4. GUARANTEE OF RESIDENCY AND VOTING RIGHTS.**

16       (a) GUARANTEE OF RESIDENCY.—Article VII of the  
17      Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C.  
18      700 et seq.) is amended by adding at the end the fol-  
19      lowing:

20       “SEC. 704. (a) For purposes of voting for any Fed-  
21      eral office (as defined in section 301 of the Federal Elec-  
22      tion Campaign Act of 1971 (2 U.S.C. 431)) or any office  
23      of a State, a person in the military service who is absent  
24      from a State because of compliance with military or naval

1 orders shall not, solely by reason of that absence, be  
2 deemed to have—

3 “(1) lost a residence or domicile in any State  
4 (regardless of the intent of the person);

5 “(2) acquired a residence or domicile in any  
6 other State; or

7 “(3) become resident in or a resident of any  
8 other State.

9 “(b) In this section, the term ‘State’ means a State  
10 of the United States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, or a territory or possession of  
12 the United States.”.

13 (b) GUARANTEE OF VOTING RIGHTS.—

14 (1) REGISTRATION AND BALLOTING.—Section  
15 102 of the Uniformed and Overseas Absentee Voting  
16 Act (42 U.S.C. 1973ff–1) (as amended by section 3)  
17 is amended by adding at the end the following:

18 “(c) ELECTIONS FOR STATE AND LOCAL OFFICES.—

19 Each State shall—

20 “(1) permit absent uniformed services voters to  
21 use absentee registration procedures and to vote by  
22 absentee ballot in general, special, primary, and run-  
23 off elections for State and local office; and

24 “(2) accept and process, with respect to any  
25 election described in paragraph (1), any otherwise

1 valid voter registration application from an absent  
 2 uniformed services voter, if the application is re-  
 3 ceived by the appropriate State election official not  
 4 less than 30 days before the election.”.

5 (2) CONFORMING AMENDMENT.—The heading  
 6 of title I of the Uniformed and Overseas Absentee  
 7 Voting Act (42 U.S.C. 1973ff et seq.) is amended to  
 8 read as follows:

9 **“TITLE I—REGISTRATION AND VOTING BY AB-**  
 10 **SENT UNIFORMED SERVICES VOTERS AND**  
 11 **OVERSEAS VOTERS IN ELECTIONS”.**

12 **SEC. 5. USE OF BUILDINGS ON MILITARY INSTALLATIONS**  
 13 **AND RESERVE COMPONENT FACILITIES AS**  
 14 **POLLING PLACES.**

15 (a) USE OF MILITARY INSTALLATIONS AUTHOR-  
 16 IZED.—Section 2670 of title 10, United States Code, is  
 17 amended—

18 (1) by striking “Under” and inserting “(a) USE  
 19 BY RED CROSS.—Under”;

20 (2) by striking “this section” and inserting  
 21 “this subsection”; and

22 (3) by adding at the end the following new sub-  
 23 section:

24 “(b) USE AS POLLING PLACES.—(1) Notwith-  
 25 standing chapter 29 of title 18 (including sections 592 and

1 593 of such title), the Secretary of a military department  
 2 may make a building located on a military installation  
 3 under the jurisdiction of the Secretary available for use  
 4 as a polling place in any Federal, State, or local election  
 5 for public office.

6 “(2) Once a military installation is made available as  
 7 the site of a polling place with respect to a Federal, State,  
 8 or local election for public office, the Secretary shall con-  
 9 tinue to make the site available for subsequent elections  
 10 for public office unless the Secretary provides to Congress  
 11 advance notice in a reasonable and timely manner of the  
 12 reasons why the site will no longer be made available as  
 13 a polling place.

14 “(3) In this section, the term ‘military installation’  
 15 has the meaning given the term in section 2687(e) of this  
 16 title.”.

17 (b) USE OF RESERVE COMPONENT FACILITIES.—

18 (1) USE PERMITTED BY SECRETARY.—Section  
 19 18235 of title 10, United States Code, is amended  
 20 by adding at the end the following new subsection:

21 “(c) Pursuant to a lease or other agreement under  
 22 subsection (a)(2), the Secretary may make a facility cov-  
 23 ered by subsection (a) available for use as a polling place  
 24 in any Federal, State, or local election for public office  
 25 notwithstanding chapter 29 of title 18 (including sections

1 592 and 593 of such title). Once a facility is made avail-  
 2 able as the site of a polling place with respect to an elec-  
 3 tion for public office, the Secretary shall continue to make  
 4 the facility available for subsequent elections for public of-  
 5 fice unless the Secretary provides to Congress advance no-  
 6 tice in a reasonable and timely manner of the reasons why  
 7 the facility will no longer be made available as a polling  
 8 place.”.

9 (2) USE PERMITTED BY STATES.—Section  
 10 18236 of such title is amended by adding at the end  
 11 the following new subsection:

12 “(e) Pursuant to a lease or other agreement under  
 13 subsection (c)(1), a State may make a facility covered by  
 14 subsection (c) available for use as a polling place in any  
 15 Federal, State, or local election for public office notwith-  
 16 standing chapter 29 of title 18 (including sections 592 and  
 17 593 of such title).”.

18 (c) CONFORMING AMENDMENTS TO TITLE 18.—

19 (1) NOT CONSIDERED TROOPS AT POLLS.—Sec-  
 20 tion 592 of title 18, United States Code, is amended  
 21 by adding at the end the following:

22 “This section shall not prohibit the use of buildings  
 23 located on military installations, or the use of reserve com-  
 24 ponent facilities, as polling places in Federal, State, and



1 local elections for public office in accordance with section  
 2 2670(b), 18235, or 18236 of title 10.”.

3 (2) NOT CONSIDERED INTERFERENCE BY  
 4 ARMED FORCES.—Section 593 of such title is  
 5 amended by adding at the end the following:

6 “This section shall not prohibit the use of buildings  
 7 located on military installations, or the use of reserve com-  
 8 ponent facilities, as polling places in Federal, State, and  
 9 local elections for public office in accordance with section  
 10 2670(b), 18235, or 18236 of title 10.”.

11 (d) CONFORMING AMENDMENT TO VOTING RIGHTS  
 12 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.  
 13 1972) is amended by adding at the end the following:  
 14 “Making a military installation or reserve component facil-  
 15 ity available as a polling place in a Federal, State, or local  
 16 election for public office in accordance with section  
 17 2670(b), 18235, or 18236 of title 10, United States Code,  
 18 shall be deemed to be consistent with this section.”.

19 (e) CLERICAL AMENDMENTS.—

20 (1) The heading of section 2670 of title 10,  
 21 United States Code, is amended to read as follows:

1 **“§ 2670. Buildings on military installations: use by**  
 2 **American National Red Cross and as poll-**  
 3 **ing places in Federal, State, and local**  
 4 **elections”.**

5 (2) The item relating to such section in the  
 6 table of sections at the beginning of chapter 159 of  
 7 such title is amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross  
 and as polling places in Federal, State, and local elections.”.

8 **SEC. 6. MAXIMIZING THE ACCESS OF RECENTLY SEPA-**  
 9 **RATED UNIFORMED SERVICES VOTERS TO**  
 10 **THE POLLS.**

11 (a) IN GENERAL.—For purposes of voting in any pri-  
 12 mary, special, general, or runoff election for Federal office  
 13 (as defined in section 301 of the Federal Election Cam-  
 14 paign Act of 1971 (2 U.S.C. 431)), each State shall, with  
 15 respect to any recently separated uniformed services voter  
 16 requesting to vote in the State—

17 (1) deem the voter to be a resident of the State;

18 (2) waive any requirement relating to any pe-  
 19 riod of residence or domicile in the State for pur-  
 20 poses of registering to vote or voting in that State;

21 (3) accept and process, with respect to any pri-  
 22 mary, special, general, or runoff election, any other-  
 23 wise valid voter registration application from the  
 24 voter on the day of the election; and

1 (4) permit the voter to vote in that election.

2 (b) DEFINITIONS.—

3 (1) STATE.—The term “State” means a State  
4 of the United States, the District of Columbia, the  
5 Commonwealth of Puerto Rico, or a territory or pos-  
6 session of the United States.

7 (2) RECENTLY SEPARATED UNIFORMED SERV-  
8 ICES VOTER.—The term “recently separated uni-  
9 formed services voter” means any individual that  
10 was a uniformed services voter (as defined in section  
11 7(a)(4)) on the date that is 60 days before the date  
12 on which the individual seeks to vote and who—

13 (A) presents to the election official Depart-  
14 ment of Defense form 214 evidencing their  
15 former status as such a voter, or any other offi-  
16 cial proof of such status;

17 (B) is no longer such a voter; and

18 (C) is otherwise qualified to vote.

19 **SEC. 7. UNIFORMED SERVICES ELECTRONIC VOTING DEM-**  
20 **ONSTRATION PROJECT.**

21 (a) DEFINITIONS.—In this section:

22 (1) FEDERAL OFFICE.—The term “Federal of-  
23 fice” has the meaning given such term in section  
24 301 of the Federal Election Campaign Act of 1971  
25 (2 U.S.C. 431).

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of Defense.

3           (3) UNIFORMED SERVICES.—The term “uni-  
4           formed services” means the Army, Navy, Air Force,  
5           Marine Corps, and Coast Guard, the commissioned  
6           corps of the Public Health Service, and the commis-  
7           sioned corps of the National Oceanic and Atmos-  
8           pheric Administration.

9           (4) UNIFORMED SERVICES VOTER.—The term  
10          “uniformed services voter” means—

11                 (A) a member of a uniformed service on  
12                 active duty;

13                 (B) a member of the merchant marine (as  
14                 defined in section 107 of the Uniformed and  
15                 Overseas Citizens Absentee Voting Act (42  
16                 U.S.C. 1973ff–6)); and

17                 (C) a spouse or dependent of a member re-  
18                 ferred to in subparagraph (A) or (B) who is  
19                 qualified to vote.

20          (b) DEMONSTRATION PROJECT.—During the elec-  
21          tions for Federal office held in 2002, the Secretary shall  
22          establish a demonstration project for the purpose of deter-  
23          mining the feasibility and advisability of the use of an elec-  
24          tronic voting system by uniformed services voters during  
25          the elections for Federal office to be held in 2004.

1 (c) REPORT.—Not later than June 1, 2003, the Sec-  
 2 retary shall submit a report to Congress on the dem-  
 3 onstration project conducted under subsection (b) together  
 4 with such recommendations for legislative and administra-  
 5 tive action as the Secretary determines appropriate.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated such sums as may be  
 8 necessary to carry out this section.

9 **SEC. 8. GOVERNORS' REPORTS ON IMPLEMENTATION OF**  
 10 **FEDERAL VOTING ASSISTANCE PROGRAM**  
 11 **RECOMMENDATIONS.**

12 (a) DEFINITIONS.—In this section:

13 (1) LEGISLATIVE RECOMMENDATION.—The  
 14 term “legislative recommendation” means a rec-  
 15 ommendation of the Presidential designee suggesting  
 16 a modification in the laws of a State for the purpose  
 17 of maximizing the access to the polls of absent uni-  
 18 formed services voters and overseas voters, including  
 19 each recommendation made under section 104 of the  
 20 Uniformed and Overseas Citizens Absentee Voting  
 21 Act (42 U.S.C. 1973ff–3).

22 (2) PRESIDENTIAL DESIGNEE.—The term  
 23 “Presidential designee” means the head of the exec-  
 24 utive department designated under section 101 of

1 the Uniformed and Overseas Citizens Absentee Vot-  
2 ing Act (42 U.S.C. 1973ff).

3 (b) REPORTS.—During the period described in sub-  
4 section (c), not later than 90 days after the date on which  
5 a State receives a legislative recommendation, the State  
6 shall submit to the Presidential designee and to each  
7 Member of Congress that represents that State, a report  
8 on the status of the implementation of that recommenda-  
9 tion.

10 (c) PERIOD DESCRIBED.—The period described in  
11 this subsection is the period beginning on the date of en-  
12 actment of this Act and ending 3 years after such date.

○