

107TH CONGRESS
1ST SESSION

S. 738

To amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2001

Mr. SMITH of New Hampshire introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces.

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 Forces Voting
5 Rights Protection Act of 2001”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to clarify the voting rights of members of
9 the Armed Forces; and

1 (2) to ensure that every vote cast by a member
2 of the Armed Forces is counted.

3 **SEC. 3. PROTECTION OF VOTING RIGHTS OF MEMBERS OF**
4 **THE ARMED FORCES.**

5 (a) IN GENERAL.—Section 16 of the Voting Rights
6 Act of 1965 is amended to read as follows:

7 “SEC. 16. (a) No person shall disqualify, refuse to
8 count, or otherwise negate the absentee or overseas vote
9 of a member of the Armed Forces of the United States
10 who is qualified to vote in a State on the basis that the
11 ballot in question failed to comply with the law of such
12 State, or the law of a local subdivision thereof—

13 “(1) if such failure resulted from circumstances
14 beyond the control of the member, including the ab-
15 sence of a postmark; or

16 “(2) in the case of any other failure, if—

17 “(A) the application for the ballot was re-
18 ceived by the appropriate State election official
19 not less than 30 days before the election, or
20 such lesser period specified by State law;

21 “(B) the ballot was duly returned by the
22 member and received before the certification of
23 the election results; and

1 “(C) there is no clear and convincing evi-
2 dence of fraud in the preparation or casting of
3 the ballot by the member.

4 “(b) For purposes of subsection (a)(2)(C), clear and
5 convincing evidence of fraud shall consist of actual evi-
6 dence of fraud, and may not consist solely of the lack of
7 a witness signature, address, postmark, or other identi-
8 fying information in the absence of actual evidence of
9 fraud.

10 “(c) Whoever shall violate subsection (a), or conspire
11 to violate subsection (a), shall be fined not more than
12 \$5,000, imprisoned not more than five years, or both.

13 “(d) The Attorney General may prescribe such regu-
14 lations as the Attorney General considers appropriate to
15 carry out the provisions of this section.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect 60 days after the date of
18 the enactment of this Act.

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