

111TH CONGRESS
1ST SESSION

S. 1415

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

Mr. SCHUMER (for himself, Mr. CHAMBLISS, and Mr. NELSON of Nebraska) 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 ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military and Overseas
5 Voter Empowerment Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The right to vote is a fundamental right.

4 (2) Due to logistical, geographical, operational
5 and environmental barriers, military and overseas
6 voters are burdened by many obstacles that impact
7 their right to vote and register to vote, the most crit-
8 ical of which include problems transmitting balloting
9 materials and not being given enough time to vote.

10 (3) States play an essential role in facilitating
11 the ability of military and overseas voters to register
12 to vote and have their ballots cast and counted, es-
13 pecially with respect to timing and improvement of
14 absentee voter registration and absentee ballot pro-
15 cedures.

16 (4) The Department of Defense educates mili-
17 tary and overseas voters of their rights under the
18 Uniformed and Overseas Citizens Absentee Voting
19 Act and plays an indispensable role in facilitating
20 the procedural channels that allow military and over-
21 seas voters to have their votes count.

22 (5) The local, State, and Federal Government
23 entities involved with getting ballots to military and
24 overseas voters must work in conjunction to provide
25 voter registration services and balloting materials in
26 a secure and expeditious manner.

1 **SEC. 3. ESTABLISHMENT OF PROCEDURES FOR ABSENT**
 2 **UNIFORMED SERVICES VOTERS AND OVER-**
 3 **SEAS VOTERS TO REQUEST AND FOR STATES**
 4 **TO SEND VOTER REGISTRATION APPLICA-**
 5 **TIONS AND ABSENTEE BALLOT APPLICA-**
 6 **TIONS BY MAIL, ELECTRONICALLY, AND BY**
 7 **FACSIMILE.**

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

11 (1) in subsection (a)—

12 (A) in paragraph (4), by striking “and” at
 13 the end;

14 (B) in paragraph (5), by striking the pe-
 15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
 17 paragraph:

18 “(6) in addition to any other method of reg-
 19 istering to vote or applying for an absentee ballot in
 20 the State, establish procedures—

21 “(A) for absent uniformed services voters
 22 and overseas voters to request by mail, elec-
 23 tronically, and by facsimile voter registration
 24 applications and absentee ballot applications
 25 with respect to general, special, primary, and

1 runoff elections for Federal office in accordance
 2 with subsection (e);

3 “(B) for States to send by mail, electroni-
 4 cally, and by facsimile (in accordance with the
 5 preferred method of transmission designated by
 6 the absent uniformed services voter or overseas
 7 voter under subparagraph (C)) voter registra-
 8 tion applications and absentee ballot applica-
 9 tions requested under subparagraph (A) in ac-
 10 cordance with subsection (e); and

11 “(C) by which the absent uniformed serv-
 12 ices voter or overseas voter can designate
 13 whether they prefer for such voter registration
 14 application or absentee ballot application to be
 15 transmitted by mail, electronically, or by fac-
 16 simile.”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(e) DESIGNATION OF EMAIL ADDRESS AND FAC-
 20 SIMILE NUMBER FOR ABSENT UNIFORMED SERVICES
 21 VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR
 22 STATES TO SEND VOTER REGISTRATION APPLICATIONS
 23 AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER
 24 PURPOSES RELATED TO VOTING INFORMATION.—

1 “(1) IN GENERAL.—Each State shall, in addi-
2 tion to the designation of a single State office under
3 subsection (b), designate not less than 1 email ad-
4 dress and not less than 1 facsimile number—

5 “(A) for use by absent uniformed services
6 voters and overseas voters who wish to register
7 to vote or vote in any jurisdiction in the State
8 to request voter registration applications and
9 absentee ballot applications under subsection
10 (a)(6);

11 “(B) for use by States to send voter reg-
12 istration applications and absentee ballot appli-
13 cations requested under such subsection; and

14 “(C) for the purpose of providing related
15 voting, balloting, and election information to
16 absent uniformed services voters and overseas
17 voters.

18 “(2) INCLUSION OF DESIGNATED EMAIL AD-
19 DRESS AND FACSIMILE NUMBER ON BALLOTING MA-
20 TERIALS AND RELATED COMMUNICATIONS.—Each
21 State shall include an email address and facsimile
22 number so designated on all balloting materials and
23 related communications sent by the State to absent
24 uniformed services voters and overseas voters.

1 “(3) AVAILABILITY AND MAINTENANCE OF ON-
2 LINE REPOSITORY OF STATE CONTACT INFORMA-
3 TION.—The Federal Voting Assistance Program of
4 the Department of Defense shall maintain and make
5 available to the public an online repository of State
6 contact information with respect to elections for
7 Federal office, including the single State office des-
8 ignated under subsection (b) and the email address
9 and facsimile number designated under paragraph
10 (1), to be used by absent uniformed services voters
11 and overseas voters as a resource to send voter reg-
12 istration applications and absentee ballot applica-
13 tions to the appropriate jurisdiction in the State.

14 “(4) TRANSMISSION IF NO PREFERENCE INDI-
15 CATED.—In the case where an absent uniformed
16 services voter or overseas voter does not designate a
17 preference under subsection (a)(6)(C), the State
18 shall transmit the voter registration application or
19 absentee ballot application by any delivery method
20 allowable in accordance with applicable State law, or
21 if there is no applicable State law, by mail.

22 “(5) PRIVACY PROTECTIONS.—The procedures
23 established under subsection (a)(6) shall ensure that
24 the privacy of the identity and other personal data
25 of an absent uniformed services voter or overseas

1 voter who requests or is sent a voter registration ap-
 2 plication or absentee ballot application under such
 3 subsection is protected throughout the process of
 4 making such request or being sent such applica-
 5 tion.”.

6 (b) EFFECTIVE DATE.—The amendments made by
 7 this section shall apply with respect to the regularly sched-
 8 uled general election for Federal office held in November
 9 2010 and each succeeding election for Federal office.

10 **SEC. 4. ESTABLISHMENT OF PROCEDURES FOR STATES TO**
 11 **TRANSMIT BLANK ABSENTEE BALLOTS BY**
 12 **MAIL, ONLINE, AND BY FACSIMILE TO AB-**
 13 **SENT UNIFORMED SERVICES VOTERS AND**
 14 **OVERSEAS VOTERS.**

15 (a) IN GENERAL.—Section 102 of the Uniformed and
 16 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
 17 1), as amended by section 3, is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (5), by striking “and” at
 20 the end;

21 (B) in paragraph (6), by striking the pe-
 22 riod at the end and inserting “; and”; and

23 (C) by adding at the end the following new
 24 paragraph:

1 “(7) in addition to any other method of trans-
 2 mitting blank absentee ballots in the State, establish
 3 procedures for transmitting by mail, electronically,
 4 and by facsimile blank absentee ballots to absent
 5 uniformed services voters and overseas voters with
 6 respect to general, special, primary, and runoff elec-
 7 tions for Federal office in accordance with sub-
 8 section (f).”; and

9 (2) by adding at the end the following new sub-
 10 section:

11 “(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS
 12 BY MAIL, ONLINE, AND BY FACSIMILE.—

13 “(1) IN GENERAL.—Each State shall establish
 14 procedures—

15 “(A) to transmit blank absentee ballots by
 16 mail, electronically, and by facsimile (in accord-
 17 ance with the preferred method of transmission
 18 designated by the absent uniformed services
 19 voter or overseas voter under subparagraph
 20 (B)) to absent uniformed services voters and
 21 overseas voters for an election for Federal of-
 22 fice; and

23 “(B) by which the absent uniformed serv-
 24 ices voter or overseas voter can designate
 25 whether they prefer for such blank absentee

1 ballot to be transmitted by mail, electronically,
2 or by facsimile.

3 “(2) TRANSMISSION IF NO PREFERENCE INDI-
4 CATED.—In the case where an absent uniformed
5 services voter or overseas voter does not designate a
6 preference under paragraph (1)(B), the State shall
7 transmit the ballot by any delivery method allowable
8 in accordance with applicable State law, or if there
9 is no applicable State law, by mail.

10 “(3) PRIVACY PROTECTIONS.—The procedures
11 established under subsection (a)(7) shall ensure that
12 the privacy of the identity and other personal data
13 of an absent uniformed services voter or overseas
14 voter to whom a blank absentee ballot is transmitted
15 under such subsection is protected throughout the
16 process of such transmission.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to the regularly sched-
19 uled general election for Federal office held in November
20 2010 and each succeeding election for Federal office.

21 **SEC. 5. ENSURING ABSENT UNIFORMED SERVICES VOTERS**

22 **AND OVERSEAS VOTERS HAVE TIME TO VOTE.**

23 (a) IN GENERAL.—Section 102 of the Uniformed and
24 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
25 1), as amended by section 4, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (6), by striking “and” at
3 the end;

4 (B) in paragraph (7), by striking the pe-
5 riod at the end and inserting a semicolon; and

6 (C) by adding at the end the following new
7 paragraphs:

8 “(8) except as provided in subsection (g), trans-
9 mit a validly requested absentee ballot to an absent
10 uniformed services voter or overseas voter—

11 “(A) in the case where the request is re-
12 ceived at least 45 days before an election for
13 Federal office, not later than 45 days before the
14 election; and

15 “(B) in the case where the request is re-
16 ceived less than 45 days before an election for
17 Federal office—

18 “(i) in accordance with State law; and

19 “(ii) if practicable and as determined
20 appropriate by the State, in a manner that
21 expedites the transmission of such absen-
22 tee ballot; and

23 “(9) except as provided in subsection (g), ac-
24 cept and count a marked absentee ballot of an ab-
25 sent uniformed services voter or overseas voter that

1 is postmarked or otherwise officially dated on or be-
2 fore the election for Federal office involved if the
3 marked absentee ballot is received by the State on
4 or before the later of—

5 “(A) the date that is 55 days after the
6 date on which a validly requested absentee bal-
7 lot is required to be transmitted under para-
8 graph (8)(A); or

9 “(B) the date on which the State certifies
10 the election.”; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(g) EXEMPTION OF CERTAIN STATES FROM CER-
14 TAIN TIME REQUIREMENTS.—

15 “(1) IN GENERAL.—A State is not required to
16 comply with the requirements of paragraphs (8) and
17 (9) of subsection (a) if, on and after the date of en-
18 actment of this subsection, the State has in effect a
19 law providing that a State absentee ballot is re-
20 quired to be available to any absent uniformed serv-
21 ices voter or overseas voter not later than 55 days
22 before the election for Federal office involved (deter-
23 mined beginning on the date on which the State
24 transmits a blank absentee ballot to an absent uni-
25 formed services voter or overseas voter and ending

1 on the deadline of the State for receipt of such ap-
2 plication).

3 “(2) HARDSHIP EXEMPTION.—

4 “(A) IN GENERAL.—If the chief State elec-
5 tion official determines that the State is unable
6 to meet the requirements under such para-
7 graphs with respect to an election for Federal
8 office due to an undue hardship described in
9 subparagraph (B)(ii), the chief State election
10 official shall request that the Presidential des-
11 ignee grant a waiver to the State of the applica-
12 tion of such paragraphs. Such request shall in-
13 clude—

14 “(i) a recognition that the purpose of
15 such paragraphs is to allow absent uni-
16 formed services voters and overseas voters
17 enough time to vote in an election for Fed-
18 eral office;

19 “(ii) an explanation of the hardship
20 that indicates why the State is unable to
21 transmit absent uniformed services voters
22 and overseas voters an absentee ballot in
23 accordance with such paragraphs;

24 “(iii) the number of days prior to the
25 election for Federal office that the State

1 requires absentee ballots be transmitted to
2 absent uniformed services voters and over-
3 seas voters; and

4 “(iv) a comprehensive plan to ensure
5 that absent uniformed services voters and
6 overseas voters are able to receive absentee
7 ballots which they have requested and sub-
8 mit marked absentee ballots to the appro-
9 priate State election official in time to have
10 that ballot counted in the election for Fed-
11 eral office, which includes—

12 “(I) the steps the State will un-
13 dertake to ensure that absent uni-
14 formed services voters and overseas
15 voters have time to receive, mark, and
16 submit their ballots in time to have
17 those ballots counted in the election;

18 “(II) why the plan provides ab-
19 sent uniformed services voters and
20 overseas voters sufficient time to vote
21 as a substitute for the requirements
22 under such paragraphs; and

23 “(III) the underlying factual in-
24 formation which explains how the plan

1 provides such sufficient time to vote
2 as a substitute for such requirements.

3 “(B) APPROVAL OF WAIVER REQUEST.—

4 The Presidential designee shall approve a waiv-
5 er request under subparagraph (A) if the Presi-
6 dential designee determines each of the fol-
7 lowing requirements are met:

8 “(i) The comprehensive plan under
9 clause (iv) of such subparagraph provides
10 absent uniformed services voters and over-
11 seas voters sufficient time to receive absen-
12 tee ballots they have requested and submit
13 marked absentee ballots to the appropriate
14 State election official in time to have that
15 ballot counted in the election for Federal
16 office.

17 “(ii) One or more of the following
18 issues creates an undue hardship for the
19 State:

20 “(I) The State’s primary election
21 date prohibits the State from com-
22 plying with such paragraphs (8) and
23 (9).

24 “(II) The State has suffered a
25 delay in generating ballots due to a

1 legal contest with respect to a primary
2 election.

3 “(III) The State Constitution
4 prohibits the State from complying
5 with such paragraphs.

6 “(C) TIMING OF WAIVER.—

7 “(i) IN GENERAL.—Except as pro-
8 vided under clause (ii), a State that re-
9 quests a waiver under subparagraph (A)
10 shall submit to the Presidential designee
11 the written waiver request not later than
12 90 days before the election for Federal of-
13 fice with respect to which the request is
14 submitted. The Presidential designee shall
15 approve or deny the waiver request not
16 later than 65 days before such election.

17 “(ii) EXCEPTION.—If a State requests
18 a waiver under subparagraph (A) as the
19 result of an undue hardship described in
20 subparagraph (B)(ii)(II), the State shall
21 submit to the Presidential designee the
22 written waiver request as soon as prac-
23 ticable. The Presidential designee shall ap-
24 prove or deny the waiver request not later

1 than 5 business days after the date on
2 which the request is received.

3 “(D) APPLICATION OF WAIVER.—A waiver
4 approved under subparagraph (B) shall only
5 apply with respect to the election for Federal
6 office for which the request was submitted. For
7 each subsequent election for Federal office, the
8 Presidential designee shall only approve a waiv-
9 er if the State has submitted a request under
10 subparagraph (A) with respect to such elec-
11 tion.”.

12 (b) RUNOFF ELECTIONS.—Section 102(a) of the
13 Uniformed and Overseas Citizens Absentee Voting Act (42
14 U.S.C. 1973ff–1(a)), as amended by subsection (a), is
15 amended—

16 (1) in paragraph (8), by striking “and” at the
17 end;

18 (2) in paragraph (9), by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(10) if the State declares or otherwise holds a
23 runoff election for Federal office, establish a written
24 plan that provides absentee ballots are made avail-
25 able to absent uniformed services voters and over-

1 “(b) UTILIZATION OF EXPRESS MAIL DELIVERY
 2 SERVICES.—Under the procedures established under this
 3 section, the Presidential designee, working in conjunction
 4 with the United States Postal Service, shall implement
 5 procedures that provide absent uniformed services voters
 6 access to express mail delivery service for the purpose of
 7 mailing marked absentee ballots to the appropriate State
 8 election official. Such procedures shall ensure that the fol-
 9 lowing requirements are met:

10 “(1) NO POSTAGE REQUIREMENT.—In accord-
 11 ance with section 3406 of title 39, United States
 12 Code, such marked absentee ballots and other bal-
 13 lotting materials are carried free of postage.

14 “(2) DATE OF MAILING.—Such marked absen-
 15 tee ballots are postmarked with a record of the date
 16 on which the ballot is mailed.

17 “(c) ABSENT OVERSEAS UNIFORMED SERVICES
 18 VOTER DEFINED.—In this section, the term ‘absent over-
 19 seas uniformed services voter’ means an overseas voter de-
 20 scribed in section 107(5)(A).”.

21 (b) CONFORMING AMENDMENT.—Section 101(b) of
 22 such Act (42 U.S.C. 1973ff(b)) is amended—

23 (1) by striking “and” at the end of paragraph
 24 (6);

1 (2) by striking the period at the end of para-
2 graph (7) and inserting “; and”; and

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

5 “(8) carry out section 103A with respect to the
6 collection and delivery of marked absentee ballots of
7 absent overseas uniformed services voters in elec-
8 tions for Federal office.”.

9 (c) TRACKING MARKED BALLOTS.—Section 102 of
10 the Uniformed and Overseas Citizens Absentee Voting Act
11 (42 U.S.C. 1973ff–1(a)), as amended by section 5, is
12 amended by adding at the end the following new sub-
13 section:

14 “(h) TRACKING MARKED BALLOTS.—The chief State
15 election official, in coordination with local election jurisdic-
16 tions, shall develop a free access system by which an ab-
17 sent uniformed services voter or overseas voter may deter-
18 mine whether the absentee ballot of the absent uniformed
19 services voter or overseas voter has been received by the
20 appropriate State election official.”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply with respect to the regularly sched-
23 uled general election for Federal office held in November
24 2010 and each succeeding election for Federal office.

1 **SEC. 7. FEDERAL WRITE-IN ABSENTEE BALLOT.**

2 (a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUN-
3 OFF ELECTIONS FOR FEDERAL OFFICE.—

4 (1) IN GENERAL.—Section 103 of the Uni-
5 formed and Overseas Citizens Absentee Voting Act
6 (42 U.S.C. 1973ff–2) is amended—

7 (A) in subsection (a), by striking “general
8 elections for Federal office” and inserting “gen-
9 eral, special, primary, and runoff elections for
10 Federal office”;

11 (B) in subsection (e), in the matter pre-
12 ceding paragraph (1), by striking “a general
13 election” and inserting “a general, special, pri-
14 mary, or runoff election for Federal office”; and

15 (C) in subsection (f), by striking “the gen-
16 eral election” each place it appears and insert-
17 ing “the general, special, primary, or runoff
18 election for Federal office”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect on December 31,
21 2010, and apply with respect to elections for Federal
22 office held on or after such date.

23 (b) PROMOTION AND EXPANSION OF USE.—Section
24 103(a) of the Uniformed and Overseas Citizens Absentee
25 Voting Act (42 U.S.C. 1973ff–2) is amended—

1 (1) by striking “GENERAL.—The Presidential”
2 and inserting “GENERAL.—

3 “(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—
4 The Presidential”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) PROMOTION AND EXPANSION OF USE OF
8 FEDERAL WRITE-IN ABSENTEE BALLOTS.—

9 “(A) IN GENERAL.—Not later than De-
10 cember 31, 2011, the Presidential designee
11 shall adopt procedures to promote and expand
12 the use of the Federal write-in absentee ballot
13 as a back-up measure to vote in elections for
14 Federal office.

15 “(B) USE OF TECHNOLOGY.—Under such
16 procedures, the Presidential designee shall uti-
17 lize technology to implement a system under
18 which the absent uniformed services voter or
19 overseas voter may—

20 “(i) enter the address of the voter or
21 other information relevant in the appro-
22 priate jurisdiction of the State, and the
23 system will generate a list of all candidates
24 in the election for Federal office in that ju-
25 risdiction; and

1 “(ii) submit the marked Federal
 2 write-in absentee ballot by printing the bal-
 3 lot (including complete instructions for
 4 submitting the marked Federal write-in ab-
 5 sentee ballot to the appropriate State elec-
 6 tion official and the mailing address of the
 7 single State office designated under section
 8 102(b)).”.

9 **SEC. 8. PROHIBITING REFUSAL TO ACCEPT VOTER REG-**
 10 **ISTRATION AND ABSENTEE BALLOT APPLICA-**
 11 **TIONS, MARKED ABSENTEE BALLOTS, AND**
 12 **FEDERAL WRITE-IN ABSENTEE BALLOTS FOR**
 13 **FAILURE TO MEET TECHNICAL REQUIRE-**
 14 **MENTS.**

15 (a) VOTER REGISTRATION AND ABSENTEE BALLOT
 16 APPLICATIONS.—Section 102 of the Uniformed and Over-
 17 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1),
 18 as amended by section 6, is amended by adding at the
 19 end the following new subsection:

20 “(i) PROHIBITING REFUSAL TO ACCEPT APPLICA-
 21 TIONS FOR FAILURE TO MEET TECHNICAL REQUIRE-
 22 MENTS.—A State shall not refuse to accept and process
 23 any otherwise valid voter registration application or absen-
 24 tee ballot application (including the official post card form
 25 prescribed under section 101) or marked absentee ballot

1 submitted in any manner by an absent uniformed services
2 voter or overseas voter solely on the basis of the following:

3 “(1) Notarization requirements.

4 “(2) Restrictions on paper type, including
5 weight and size.

6 “(3) Restrictions on envelope type, including
7 weight and size.”.

8 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-
9 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection:

14 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
15 FOR FAILURE TO MEET TECHNICAL REQUIREMENTS.—

16 A State shall not refuse to accept and process any other-
17 wise valid Federal write-in absentee ballot submitted in
18 any manner by an absent uniformed services voter or over-
19 seas voter solely on the basis of the following:

20 “(1) Notarization requirements.

21 “(2) Restrictions on paper type, including
22 weight and size.

23 “(3) Restrictions on envelope type, including
24 weight and size.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply with respect to the regularly sched-
3 uled general election for Federal office held in November
4 2010 and each succeeding election for Federal office.

5 **SEC. 9. FEDERAL VOTING ASSISTANCE PROGRAM IM-**
6 **PROVEMENTS.**

7 (a) FEDERAL VOTING ASSISTANCE PROGRAM IM-
8 PROVEMENTS.—

9 (1) IN GENERAL.—The Uniformed and Over-
10 seas Citizens Absentee Voting Act (42 U.S.C. 1397ff
11 et seq.), as amended by section 6, is amended by in-
12 serting after section 103A the following new section:

13 **“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IM-**
14 **PROVEMENTS.**

15 “(a) IN GENERAL.—The Presidential designee shall
16 develop standards for training, supporting, and empha-
17 sizing Voting Assistance Officers under the Federal Vot-
18 ing Assistance Program of the Department of Defense—

19 “(1) for all members of the uniformed services;
20 and

21 “(2) on all installations and facilities of the uni-
22 formed services in the United States and overseas.

23 “(b) DUTIES.—The Presidential designee shall carry
24 out the following duties:

1 “(1) Assign Senior Voting Assistance Officers
2 as follows:

3 “(A)(i) Assign 1 Senior Voting Assistance
4 Officer on each installation or facility and in
5 each organization of the uniformed services, at
6 the 0–6 level, to coordinate the programs con-
7 ducted by subordinate units and tenant com-
8 mands.

9 “(ii) To the extent practicable, subject to
10 clause (iii), an individual assigned under this
11 subparagraph as the Senior Voting Assistance
12 Officer on an installation or facility or in an or-
13 ganization shall be an employee in a position at
14 GS–12 or higher of the General Schedule, or, if
15 a member of a uniformed service is so assigned,
16 the member shall be in a pay grade of O–4 or
17 higher.

18 “(iii) In the case where the number of indi-
19 viduals on the installation or facility or in the
20 organization at the 0–6 level is less than 50,
21 the Senior Voting Assistance Officer shall be
22 assigned at the next highest level that has at
23 least 50 individual assigned to it.

24 “(iv) To the extent practicable, each indi-
25 vidual assigned under this subparagraph shall

1 notify individuals on the installation or facility
2 or in the organization of the last date before a
3 regularly scheduled general election for Federal
4 office on which absentee ballots mailed from
5 that installation, facility, or organization may
6 reasonably be expected to be delivered in time
7 to be counted in such election.

8 “(B) Assign 1 Senior Voting Assistance
9 Officer to each reserve component at its head-
10 quarters level.

11 “(2) Designate and assign in writing 1 Voting
12 Assistance Officer to each unit, installation, or facil-
13 ity of the uniformed services for every 50 members
14 of a uniformed service permanently assigned to the
15 unit, installation, or facility. A member of a uni-
16 formed service assigned under the preceding sen-
17 tence shall hold a pay grade of not less than O-2
18 for officers or E-7 for enlisted personnel. Voting As-
19 sistance Officers assigned under this paragraph shall
20 operate under the guidance of Senior Voting Assist-
21 ance Officers assigned under paragraph (1).

22 “(3) Ensure that Voting Assistance Officers are
23 available and equipped to—

1 “(A) personally assist absent uniformed
2 services voters with respect to each election for
3 Federal office; and

4 “(B) ensure that any absent uniformed
5 services voter who appears to need assistance in
6 reading or understanding the English language
7 on voter registration or voting materials re-
8 ceives immediate assistance with balloting mate-
9 rials in the appropriate language.

10 “(4) Provide Voting Assistance Officers with
11 time and resources needed to perform their voting
12 assistance duties, especially during even-numbered
13 years.

14 “(5) Develop online portals of information for
15 use by Voting Assistance Officers—

16 “(A) for training purposes; and

17 “(B) to inform absent uniformed services
18 voters regarding voter registration procedures
19 and absentee ballot procedures to be used by
20 such voters with respect to elections for Federal
21 office.

22 “(6) Establish a program to notify absent uni-
23 formed services voters of voter registration informa-
24 tion and resources, the availability of the Federal
25 postcard application, and the availability of the Fed-

1 eral write-in absentee ballot on the military Global
2 Network, and shall use the military Global Network
3 to notify absent uniformed services voters of the
4 foregoing 90, 60, and 30 days prior to each election
5 for Federal office.

6 “(7) Include, in the standard forms provided to
7 a new member of the uniformed services during in-
8 processing upon arrival at installations and bases of
9 the uniformed services, information on voter reg-
10 istration procedures and absentee ballot procedures
11 to be used by absent uniformed services voters (in-
12 cluding the official post card form prescribed under
13 section 101).

14 “(8) Provide clear written notice and instruc-
15 tions for the absent uniformed services voter to
16 change their address by submitting the official post
17 card form prescribed under section 101 to the ap-
18 propriate State election official.

19 “(9) Not later than December 31 of each year,
20 transmit to the President and to Congress a report
21 on the effectiveness of activities carried out under
22 this section, including the activities and actions of
23 the Federal Voting Assistance Program of the De-
24 partment of Defense, a separate assessment of voter
25 registration and participation by absent uniformed

1 overseas voters, a separate assessment of voter reg-
2 istration and participation by overseas voters who
3 are not members of the uniformed services, and a
4 description of the cooperation between the States
5 and the Federal Government in carrying out this
6 section.

7 “(c) CLARIFICATION REGARDING OTHER DUTIES
8 AND OBLIGATIONS.—Nothing in this section shall relieve
9 the Presidential designee of their duties and obligations
10 under any directives or regulations issued by the Depart-
11 ment of Defense, including the Department of Defense Di-
12 rective 1000.04 (or any successor directive or regulation)
13 that is not inconsistent or contradictory to the provisions
14 of this section.

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Federal Voting
17 Assistance Program of the Department of Defense such
18 sums as are necessary for purposes of carrying out this
19 section.”.

20 (2) CONFORMING AMENDMENTS.—Section 101
21 of such Act (42 U.S.C. 1973ff), as amended by sec-
22 tion 6, is amended—

23 (A) in subparagraph (b)—

24 (i) by striking “and” at the end of
25 paragraph (7);

1 (ii) by striking the period at the end
2 of paragraph (8) and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing new paragraph:

6 “(9) carry out section 103B with respect to
7 Federal Voting Assistance Program Improvements.”;
8 and

9 (B) by adding at the end the following new
10 subsection:

11 “(d) AUTHORIZATION OF APPROPRIATIONS FOR CAR-
12 RYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IM-
13 PROVEMENTS.—There are authorized to be appropriated
14 to the Presidential designee such sums as are necessary
15 for purposes of carrying out subsection (b)(9).”.

16 (b) TREATMENT OF MILITARY PAY, PERSONNEL,
17 AND IDENTIFICATION OFFICES AND CERTAIN OTHER OF-
18 FICES AS VOTER REGISTRATION AGENCIES.—Section 102
19 of the Uniformed and Overseas Citizens Absentee Voting
20 Act (42 U.S.C. 1973ff-1), as amended by section 8, is
21 amended by adding at the end the following new sub-
22 section:

23 “(j) TREATMENT OF MILITARY PAY, PERSONNEL,
24 AND IDENTIFICATION OFFICES AND CERTAIN OFFICES AS
25 VOTER REGISTRATION AGENCIES.—

1 “(1) PAY, PERSONNEL, AND IDENTIFICATION
2 OFFICES OF THE DEPARTMENT OF DEFENSE.—Each
3 State and the Secretary of Defense shall jointly de-
4 velop and implement procedures for persons to apply
5 to register to vote at pay, personnel, and identifica-
6 tion offices of the Department of Defense. A pay,
7 personnel, or identification office of the Department
8 of Defense shall be considered to be a voter registra-
9 tion agency designated under section 7(a)(2) of the
10 National Voter Registration Act of 1993 for all pur-
11 poses of such Act.

12 “(2) DESIGNATION OF CERTAIN OFFICES AT
13 THE INSTALLATION LEVEL.—

14 “(A) IN GENERAL.—A Secretary of a mili-
15 tary department may designate an office at the
16 installation level, consistent across every instal-
17 lation of the department of the Secretary con-
18 cerned, to serve as a voter registration agency
19 for that department. An office designated by
20 the Secretary concerned under the preceding
21 sentence shall be considered to be a voter reg-
22 istration agency designated under section
23 7(a)(2) of such Act for all purposes of such
24 Act.

1 “(10) working with the Election Assistance
2 Commission and the chief State election official of
3 each State, develop standards—

4 “(A) for States to report data on the num-
5 ber of absentee ballots transmitted and received
6 under section 102(c) and such other data as the
7 Presidential designee determines appropriate;
8 and

9 “(B) for the Presidential designee to store
10 the data reported.”.

11 (b) CONFORMING AMENDMENT.—Section 102(a) of
12 such Act (42 U.S.C. 1973ff–1(a)), as amended by section
13 5, is amended—

14 (1) in paragraph (9), by striking “and” at the
15 end;

16 (2) in paragraph (10), by striking the period at
17 the end and inserting “; and”; and

18 (3) by adding at the end the following new
19 paragraph:

20 “(11) report data on the number of absentee
21 ballots transmitted and received under section
22 102(c) and such other data as the Presidential des-
23 ignee determines appropriate in accordance with the
24 standards developed by the Presidential designee
25 under section 101(b)(10).”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply with respect to the regularly sched-
 3 uled general election for Federal office held in November
 4 2010 and each succeeding election for Federal office.

5 **SEC. 11. ANNUAL REPORT ON ENFORCEMENT.**

6 Section 105 of the Uniformed and Overseas Citizens
 7 Absentee Voting Act (42 U.S.C. 1973f-4) is amended—
 8 (1) by striking “The Attorney” and inserting
 9 “(a) IN GENERAL.—The Attorney”; and
 10 (2) by adding at the end the following new sub-
 11 section:

12 “(b) REPORT TO CONGRESS.—Not later than Decem-
 13 ber 31 of each year, the Attorney General shall submit
 14 to Congress an annual report on any civil action brought
 15 under subsection (a) during the preceding year.”.

16 **SEC. 12. REQUIREMENTS PAYMENTS.**

17 (a) USE OF FUNDS.—Section 251(b) of the Help
 18 America Vote Act of 2002 (42 U.S.C. 15401(b)) is amend-
 19 ed—

20 (1) in paragraph (1), by striking “paragraph
 21 (2)” and inserting “paragraphs (2) and (3)”; and
 22 (2) by adding at the end the following new
 23 paragraph:

24 “(3) ACTIVITIES UNDER UNIFORMED AND
 25 OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A

1 State shall use a requirements payment made using
2 funds appropriated pursuant to the authorization
3 under section 257(4) only to meet the requirements
4 under the Uniformed and Overseas Absentee Voting
5 Act imposed as a result of the provisions of and
6 amendments made by the Military and Overseas
7 Voter Empowerment Act.”.

8 (b) REQUIREMENTS.—

9 (1) STATE PLAN.—Section 254 of the Help
10 America Vote Act of 2002 (42 U.S.C. 15404) is
11 amended—

12 (A) in subsection (a), by striking “The
13 State” and inserting “Subject to subsection (c),
14 the State”;

15 (B) by redesignating subsection (c) as sub-
16 section (d); and

17 (C) by inserting after subsection (b) the
18 following new subsection:

19 “(c) STATE PLAN FOR CERTAIN REQUIREMENTS
20 PAYMENTS.—In the case of a requirements payment made
21 using funds appropriated pursuant to the authorization
22 under section 257(4), the State plan shall contain a de-
23 scription of how the State will use such requirements pay-
24 ment to meet the requirements under the Uniformed and
25 Overseas Absentee Voting Act imposed as a result of the

1 provisions of and amendments made by the Military and
2 Overseas Voter Empowerment Act.”.

3 (2) CONFORMING AMENDMENTS.—Section
4 253(b) of the Help America Vote Act of 2002 (42
5 U.S.C. 15403(b)) is amended—

6 (A) in paragraph (1)(A), by striking “sec-
7 tion 254” and inserting “subsection (a) of sec-
8 tion 254 (or, in the case of a requirements pay-
9 ment made using funds appropriated pursuant
10 to the authorization under section 257(4), sub-
11 section (c) of such section)”;

12 (B) in paragraph (2)—

13 (i) by striking “(2) The State” and
14 inserting “(2)(A) Subject to subparagraph
15 (B), the State”;

16 (ii) by inserting after subparagraph
17 (A), as added by clause (i), the following
18 new subparagraph:

19 “(B) The requirement under subparagraph (A)
20 shall not apply in the case of a requirements pay-
21 ment made using funds appropriated pursuant to
22 the authorization under section 257(4).”.

23 (c) AUTHORIZATION.—Section 257 of the Help
24 America Vote Act of 2002 (42 U.S.C. 15407) is amended
25 by adding at the end the following new paragraph:

1 “(4) For fiscal year 2010 and subsequent fiscal
2 years, such sums as are necessary for purposes of
3 making requirements payments to States to carry
4 out the activities described in section 251(b)(3).”.

5 **SEC. 13. TECHNOLOGY PILOT PROGRAM.**

6 (a) DEFINITIONS.—In this section:

7 (1) ABSENT UNIFORMED SERVICES VOTER.—
8 The term “absent uniformed services voter” has the
9 meaning given such term in section 107(a) of the
10 Uniformed and Overseas Citizens Absentee Voting
11 Act (42 U.S.C. 1973ff et seq.).

12 (2) OVERSEAS VOTER.—The term “overseas
13 voter” has the meaning given such term in section
14 107(5) of such Act.

15 (3) PRESIDENTIAL DESIGNEE.—The term
16 “Presidential designee” means the individual des-
17 ignated under section 101(a) of such Act.

18 (b) ESTABLISHMENT.—

19 (1) IN GENERAL.—The Presidential designee
20 may establish 1 or more pilot programs under which
21 the feasibility of new election technology is tested for
22 the benefit of absent uniformed services voters and
23 overseas voters claiming rights under the Uniformed
24 and Overseas Citizens Absentee Voting Act (42
25 U.S.C. 1973ff et seq.).

1 (2) DESIGN AND CONDUCT.—The design and
2 conduct of a pilot program established under this
3 subsection—

4 (A) shall be at the discretion of the Presi-
5 dential designee; and

6 (B) shall not conflict with or substitute for
7 existing laws, regulations, or procedures with
8 respect to the participation of absent uniformed
9 services voters and military voters in elections
10 for Federal office.

11 (c) CONSIDERATIONS.—In conducting a pilot pro-
12 gram established under subsection (b), the Presidential
13 designee may consider the following issues:

14 (1) The transmission of electronic voting mate-
15 rial across military networks.

16 (2) Virtual private networks, cryptographic vot-
17 ing systems, centrally controlled voting stations, and
18 other information security techniques.

19 (3) The transmission of ballot representations
20 and scanned pictures in a secure manner.

21 (4) Capturing, retaining, and comparing elec-
22 tronic and physical ballot representations.

23 (5) Utilization of voting stations at military
24 bases.

25 (6) Document delivery and upload systems.

1 (7) The functional effectiveness of the applica-
2 tion or adoption of the pilot program to operational
3 environments, taking into account environmental
4 and logistical obstacles and State procedures.

5 (d) REPORTS.—The Presidential designee shall sub-
6 mit to Congress reports on the progress and outcomes of
7 any pilot program conducted under this subsection, to-
8 gether with recommendations—

9 (1) for the conduct of additional pilot programs
10 under this section; and

11 (2) for such legislation and administrative ac-
12 tion as the Presidential designee determines appro-
13 priate.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as are nec-
16 essary to carry out this section.

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