AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

emergency exists, to increase the authorized enlisted strength of the Navy to one hundred and ninety-one thousand men".

34 U. S. C. § 691; Supp. V, § 691.

(i) That portion of the fourth sentence after the heading "Marine Corps. Pay, Marine Corps;" in chapter 228, Forty-first Statutes at Large, page 812, which appears at page 830 and which reads as follows: "The authorized enlisted strength of the active list of the Marine Corps is hereby permanently established at twenty-seven thousand four hundred, distribution in the various grades to be made in the same proportion as provided under existing law: *Provided*, That".

34 U. S. C. § 691–1.

(j) Section 2 and subsection (d) of section 15 of chapter 598, Fifty-second Statutes at Large, page 944, at pages 944 and 952, respectively.

34 U. S. C., Supp. V §§ 151, 691. *Ante*, p. 95.

(k) Chapter 74, Fifty-fifth Statutes at Large, page 145, as amended by chapter 1, Fifty-sixth Statutes at Large, page 3.

Approved April 18, 1946.

[CHAPTER 142]

April 19, 1946
[H. R. 5644]
[Public Law 348]

AN ACT

To facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended.

Servicemen's voting act, amendments. 58 Stat. 136. 50 U. S. C., Supp. V, §§ 321–354.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 712, Seventy-seventh Congress, as amended, is amended by striking out titles II, III, and IV, and inserting in lieu thereof the following:

"TITLE II

"RECOMMENDATIONS TO THE STATES

Enactment of appropriate legislation.

"SEC. 201. The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures of the various States to the greatest extent possible, the following provisions are enacted.

Use of post cards.

"SEC. 202. (a) It is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person to whom this title is applicable) provided pursuant to section 209 (a) of this title, as amended, or pursuant to section 203 of this title prior to its amendment.

Post, p. 99.

Waiver of registration.

"(b) It is recommended that the several States waive registration of the persons to whom this title is applicable who, by reason of their service, have been deprived of an opportunity to register.

Persons discharged too late to register.

"(c) It is recommended that the States make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the armed forces too late to register at the time

when, and at the place where, registration is required, to vote at the election next ensuing after their discharge.

Forwarding of application to election officials.

"SEC. 203. (a) It is recommended that the secretary of state of each of the several States, upon receipt of any such post-card application, promptly forward it to the proper county, city, or other election official or officials in order that the request for an absentee ballot may be acted upon as expeditiously as possible.

Prompt mailing of ballots, etc.

"(b) It is recommended that the several States cooperate, to the end that county, city, or other election officials be authorized and instructed, upon receipt of an application made upon such a post card, to mail promptly to the voter making the application, if legally permissible under the laws of the State, a suitable absentee ballot, including therewith a self-addressed envelope for the use of the voter in returning the ballot and any instructions to govern the use of such ballot and envelope.

Identification on envelopes.

"SEC. 204. (a) It is recommended, so that the envelope in which the ballot is sent to a person to whom this title is applicable, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, that there be printed across the face of each such envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words 'Official Election Balloting Material—Via Air Mail', or similar language as prescribed in State law, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words 'Free of U. S. Postage, Including Air Mail'; and that all printing on the face of each such envelope be in red. It is also recommended that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender (State or local election officials, or voter, as the case may be).

Separation of gummed flap of State envelope.

"(b) It is recommended, in order to minimize the possibility of physical adhesion of State balloting material, that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material, and, because such inserts may not prove completely effective, that there also be included in State voting instructions a procedure to be followed by absentee voters in instances of such adhesion of the balloting material, such as a notation of the facts on the back of any such envelope, duly signed by the voter and witnessing officer.

Preaddressing of return envelopes.

"(c) It is recommended, in order to minimize action necessary to be taken by the voter and to assure legible and proper address, that each envelope supplied for the return of a State absentee ballot be preaddressed by State or local election officials insofar as possible.

Weight and size of State balloting unit.

"(d) It is recommended that the several States, in order to save postage and to assist in the air transport of absentee voting material being sent to persons to whom this title is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure so that such State balloting unit will not exceed in weight the total of one ounce and in dimension four and one-eighth inches by nine and one-half inches.

Form for establishment of legal right to vote.

"SEC. 205. (a) It is recommended that, in the case of States in which no provision is made, either on the envelope or separately, for sending with the absentee ballots a printed form to be used by a voter for the purpose of establishing his legal right to vote, appro-

priate action be taken to have printed and enclosed with absentee ballots mailed in response to applications received on the post cards hereinbefore referred to, a form for the signature and oath or affirmation of the voter; and it is suggested that a form substantially as follows would be appropriate for such purpose:

"OATH OF ELECTOR FOR VOTING IN THE _____
ELECTION TO BE HELD ON _____, 19__

"I do hereby swear (or affirm) that—

"(1) I am a citizen of the United States;

"(2) The date of my birth was _____;

"(3) For _____ years preceding this election my home (not military) residence has been _____
_____
"(Street and number or rural route)
_____ _____
"(City, town, or village) (County)
_____;
"(State)

"(4) I am serving (check appropriate blank)—

"(a) in the armed forces of the United States _____ ( );

"(b) in the merchant marine of the United States _____ ( );

"(c) as a civilian outside the United States officially attached to and serving with the armed forces of the United States _____ ( ); and

"(5) I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

"_____
"Voter must write his usual signature here and oath must be administered and attested.

"Subscribed and sworn to before me this _____ day of _____, 19__.

"_____
"Commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, shall write his name here.

"_____
"Officer or other person signing above shall print his rank, rating, or title clearly here.

Administration, etc., of oaths.

"(b) It is recommended, with respect to oaths required by State law in connection with applying for and voting by State absentee ballot by persons to whom this title is applicable, that the States authorize such oaths to be administered and attested by any commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States or any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration.

State voting instructions.

"SEC. 206. (a) It is recommended that there be included in State voting instructions for persons to whom this title is applicable an express instruction, if legally permissible under the laws of the State, to the effect that the absentee voter, in marking his ballot, may use pencil, pen, crayon, or any other suitable method for indicating his

intention, and that States, the existing laws of which would be violated by compliance with such an instruction, cause necessary changes to be made in their election laws.

"(b) It is recommended that State voting instructions be expressed in simple terms and not by use of words of the statute alone.

Changes in election laws.

"SEC. 207. It is recommended that, in States where the absentee ballot will not be available for mailing to persons to whom this title is applicable at least forty-five days prior to any primary, general, or special election, such States cause to be made such changes in the election laws of their States as will lengthen such time.

Information regarding elections. *Post*, p. 101.

"SEC. 208. It is recommended that each secretary of state furnish by registered mail to the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, at least ninety days in advance, information as to primary, special, and general elections within the State at which persons to whom this title is applicable may vote by absentee ballot. The information furnished by the secretaries of state should contain substantially the following:

"STATE OF _____

"1. Date of election _____.

"2. Type of election (general, special, or primary) _____.

"3. Name or names of governmental units to which it applies _____

_____.

"4. (a) Officers to be elected _____.

"(b) Constitutional amendments or other proposals to be voted upon _____

_____.

"5. Which of the following may vote at this election:

"(a) Members of the armed forces _____.

"(b) Members of the merchant marine _____.

"(c) Civilians outside the United States officially attached to and serving with the armed forces _____.

"6. (a) From which of the following is the Federal post-card application acceptable as an application for a ballot:

"(1) Members of the armed forces _____.

"(2) Members of the merchant marine _____.

"(3) Civilians outside the United States officially attached to and serving with the armed forces _____.

"(b) What action is it necessary for the applicant to take if the post card is not acceptable as an application _____

_____.

"7. Earliest date State will receive application _____.

"8. Earliest date the ballot will be mailed _____.

"9. Last day ballot may be received back to be counted _____.

"_____,

"Secretary of State,

"State of _____.

"Dated: _____.

"COOPERATION WITH THE STATES

Printing and availability of post cards.

"SEC. 209. (a) In order to afford an opportunity for persons to whom this title is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be printed an adequate number of post cards for use in accordance with the provisions of this title and shall, wherever practicable and compatible with military or merchant-marine operations, cause such

post cards to be made available to each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such cards to be made available outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military or merchant-marine operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and in primary and special elections.

Text and form.

"(b) Upon one side of the post card shall be printed the following:

"Secretary of State, or other appropriate official within the State of _____

"FILL OUT EVERY ITEM

"(1) I hereby request an absentee ballot to vote in the coming (general) (primary) (special) election.
"(Strike out inapplicable words)

"(2) I am a citizen of the United States, serving—
"in the armed forces of the United States _____ ☐
"in the merchant marine of the United States _____ ☐
"as a civilian outside the United States officially attached to and serving with the armed forces of the United States _____ ☐

"(3) I was born _____
"(Day) (Month) (Year)

"(4) For _____ years preceding the above election my home (not military) residence in the above State has been _____
"(Street and number or rural route)

_____ _____ To the best of my
"(City, town, or village) (County)
knowledge, my voting precinct or district is _____

"(5) Mail my ballot to the following service (or merchant marine) address _____

_____
"(Must include COMPLETE military, naval, or merchant marine MAIL address; include military or naval unit and APO or FPO and Postmaster; for merchant marine include vessel, foreign agent, and port)

"You must both print and sign your name
_____
"(Print name and serial number plainly here)
_____
"(Sign here)

"If this card is used in applying for a primary ballot (but not otherwise), state below choice of party:
_____

"Subscribed and sworn to before me on _____
_____
"(Day, month, year)
_____
"(Commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, writes his name and rank or title here)

"(c) Upon the other side of the post card shall be printed in red the following:

"Name and complete military, naval, or merchant marine address

"Free of U. S. postage including air mail

"_____
"_____
"_____
"_____

"OFFICIAL ELECTION BALLOTING MATERIAL—
VIA AIR MAIL

"Secretary of State of _____
"(Home State)
"_____
"(Capital city of home State)
"_____
"(Home State)

"(d) In lieu of and interchangeably with the post cards referred to, the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration may continue to make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 203 of this title prior to its amendment until the existing supply thereof is exhausted.

Use of existing supply.

58 Stat. 137.
50 U. S. C., Supp. V, § 323.

"SEC. 210. (a) It shall, wherever practicable and compatible with military or merchant-marine operations, be the duty of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, and the Administrator of the War Shipping Administration, as may be appropriate, to cooperate with appropriate State officers and agencies in transmitting to and from persons to whom this title is applicable, making applications therefor to their several States, such absentee ballots, and envelopes to be used in connection therewith, as may be provided under the laws of the several States for the use of such applicants, and to cooperate in the execution by such applicants of oaths in connection with such ballots.

Cooperation with States.

"(b) The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, the Administrator of the War Shipping Administration and other appropriate authorities shall, so far as practicable and compatible with military or merchant-marine operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military or merchant-marine operations.

Transmission of ballots, etc.

Ballots executed outside U. S.

"SEC. 211. Whenever practicable and compatible with military or merchant-marine operations, the Secretaries of War, Navy, and Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be made available to persons to whom this title is applicable so much of the information referred to in section 208 of this title as may be received from a secretary of state.

Information regarding elections.

Ante, p. 99.

"TITLE III

"VOTING SAFEGUARDS

"SEC. 301. (a) Every individual concerned with the administration of this Act shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.

Steps to prevent fraud.

"(b) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to attempt to influence any member of the armed forces to vote or not to vote for any particular candidate, or (2) to require any member of the armed forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

Unlawful acts.

Free discussion of political issues, etc.

"(c) No act done in good faith under this Act by a member of the armed forces of the United States, an officer or employee of the War Shipping Administration, or a member of the merchant marine of the United States, in the exercise of his judgment as to what was practicable and compatible with military or merchant-marine operations, shall constitute a violation of any provision of law prohibiting offenses against the elective franchise.

"TAKING OF POLLS PROHIBITED

"SEC. 302. (a) No person within or without the armed forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he shall have executed any ballot under any State law, with reference to his choice of or his vote for any candidate for any of the offices authorized to be voted for by the use of the aforesaid ballot nor state, publish, or release any result of any purported poll taken from or among the members of the armed forces of the United States or including within it the statement of choice for or of votes cast by any member of the armed forces of the United States for any of the offices authorized to be voted for by the use of the aforesaid ballot.

"Poll."

"(b) The word 'poll' is defined as any request for information, either verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

Penalty.

"(c) Any person not a member of the armed forces of the United States who violates the provisions of this section, either within or outside of the United States, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than one year, or both.

"TITLE IV

"DEFINITIONS

"SEC. 401. As used in this Act—

"Secretary of state."

"(a) The term 'secretary of state' shall include such other official in any State wherever an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this Act;

"United States."

"(b) The term 'United States' used geographically includes only the territorial limits of the several States of the United States and the District of Columbia; and

"Members of the merchant marine of the United States."

"(c) The term 'members of the merchant marine of the United States' means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for emergency relief service, on the Great Lakes or the inland waterways.

"FREE POSTAGE

"SEC. 402. Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails: *Provided*, That in order to be entitled to free air-mail postage under this Act, a State balloting unit, composed of ballot, voting instructions, and envelope or envelopes, must not exceed in weight the total of one ounce.

"ADMINISTRATION

"SEC. 403. The Secretaries of War and Navy shall be responsible for the administration of this Act with respect to members of the armed forces and civilians outside the United States officially attached to and serving with the armed forces; but the Secretary of the Treasury shall be responsible for the administration of this Act with respect to members of the Coast Guard who are operating under the Treasury Department and civilians outside the United States officially attached to and serving with the Coast Guard. The Administrator of the War Shipping Administration shall be responsible for the administration of this Act with respect to members of the merchant marine of the United States. Any of the officers specified above may delegate to one or more of the others, with his or their consent, any of his functions under this Act.

"SEPARABILITY

"SEC. 404. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

"ACT TO BE CONSTRUED LIBERALLY

"SEC. 405. The provisions of this Act shall be construed liberally in order to effectuate its purposes."

Approved April 19, 1946.

[CHAPTER 143]

JOINT RESOLUTION

April 19, 1946
[H. J. Res. 342]
[Public Law 349]

Making additional appropriations for the fiscal year 1946 to pay increased compensation authorized by law to officers and employees of sundry Federal and other agencies.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, namely:

Additional appropriations for increased pay costs, fiscal year 1946.

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1946, to meet increased pay costs authorized by the Acts of June 30, 1945 (Public Law 106), July 6, 1945 (Public Law 134), July 14, 1945 (Public Law 151), and July 21, 1945 (Public Law 158), and other legislation enacted during or applicable to said fiscal year authorizing increases in pay of Government officers and employees, as follows:

59 Stat. 295, 435, 470, 488.
5 U. S. C., Supp. V, § 901 note; 39 U. S. C., Supp. V, §§ 851-876.
Post, pp. 203, 216 *et seq.*, 417.

LEGISLATIVE BRANCH

59 Stat. 238.

For—

"Salaries, officers and employees, Senate", $490,000;

"Salaries and expenses, Joint Committee on Printing, Senate", $1,150;

"Salaries and expenses, Legislative Counsel, Senate", $12,000;

"Contingent expenses, Senate, reporting debates and proceedings of the Senate", $10,000;

"Contingent expenses, Senate, services in cleaning, repairing, and varnishing furniture", $385;

"Contingent expenses, Senate, salaries and expenses, Joint Committee on Internal Revenue Taxation, Senate", $7,000;