

Public Law 94-203
94th Congress

An Act

Jan. 2, 1976
[S. 95]

To guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

Overseas Citizens
Voting Rights Act
of 1975.
42 USC 1973dd
note.
42 USC 1973dd.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Overseas Citizens Voting Rights Act of 1975".

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner of the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands;

(2) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN FEDERAL ELECTIONS

Absentee
registration and
voting.
42 USC
1973dd-1.

SEC. 3. Each citizen residing outside the United States shall have the right to register absentee for, and to vote by, an absentee ballot in any Federal election in the State, or any election district of such State, in which he was last domiciled immediately prior to his departure from the United States and in which he could have met all qualifications (except any qualification relating to minimum voting age) to vote in Federal elections under any present law, even though while residing outside the United States he does not have a place of abode or other address in such State or district, and his intent to return to such State or district may be uncertain, if—

(1) he has complied with all applicable State or district qualifications and requirements, which are consistent with this Act, concerning absentee registration for, and voting by, absentee ballots;

(2) he does not maintain a domicile, is not registered to vote, and is not voting in any other State or election district of a State or territory or in any territory or possession of the United States; and

(3) he has a valid passport or card of identity and registration issued under the authority of the Secretary of State.

ABSENTEE REGISTRATION AND BALLOTS FOR FEDERAL ELECTIONS

SEC. 4. (a) Each State shall provide by law for the absentee registration or other means of absentee qualification of all citizens residing outside the United States and entitled to vote in a Federal election in such State pursuant to section 3 whose application to vote in such election is received by the appropriate election official of such State not later than thirty days immediately prior to any such election. 42 USC 1973dd-2.

(b) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens residing outside the United States who—

- (1) are entitled to vote in such State pursuant to section 3;
- (2) have registered or otherwise qualified to vote under subsection (a); and
- (3) have returned such ballots to the appropriate election official of such State in sufficient time so that such ballot is received by such election official not later than the time of closing of the polls in such State on the day of such election.

ENFORCEMENT

SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or election district undertakes to deny the right to register or vote in any election in violation of section 3 or fails to take any action required by section 4, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. 42 USC 1973dd-3.

(b) Whoever knowingly or willfully shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than \$5,000, or imprisoned not more than five years, or both. Penalty.

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence for the purpose of establishing his eligibility to register, qualify, or vote under this Act, or conspires with another individual for the purpose of encouraging the giving of false information in order to establish the eligibility of any individual to register, qualify, or vote under this Act, or pays, or offers to pay, or accepts payment either for registration to vote or for voting shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEVERABILITY

SEC. 6. If any provision of this Act is held invalid, the validity of the remainder of the Act shall not be affected. 42 USC 1973dd-4.

EFFECT ON CERTAIN OTHER LAWS

42 USC
1973dd-5.

SEC. 7. Nothing in this Act shall—

- (1) be deemed to require registration in any State or election district in which registration is not required as a precondition to voting in any Federal election; or
- (2) prevent any State or election district from adopting or following any voting practice which is less restrictive than the practices prescribed by this Act.

EFFECTIVE DATE

42 USC 1973dd
note.

SEC. 8. The provisions of the Act shall apply with respect to any Federal election held on or after January 1, 1976.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 94-649 (Comm. on House Administration).
- SENATE REPORT No. 94-121 (Comm. on Rules and Administration).
- CONGRESSIONAL RECORD, Vol. 121 (1975):
 - May 15, considered and passed Senate.
 - Dec. 10, considered and passed House, amended.
 - Dec. 18, Senate concurred in House amendment.