

## EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, § 580(f), Oct. 28, 2009, 123 Stat. 2326, provided that: “The amendments made by this section [enacting section 20304 of this title and amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111–84, div. A, title V, § 583(a)(3), Oct. 28, 2009, 123 Stat. 2328, provided that: “The amendments made by this subsection [enacting section 20305 of this title and amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

Pub. L. 111–84, div. A, title V, § 584(c), Oct. 28, 2009, 123 Stat. 2331, provided that: “The amendments made by this section [amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.”

## EFFECTIVE DATE

Pub. L. 99–410, title II, § 204, Aug. 28, 1986, 100 Stat. 930, provided that: “The amendments and repeals made by this Act [see Tables for classification] shall apply with respect to elections taking place after December 31, 1987.”

## SENSE OF CONGRESS REGARDING THE IMPORTANCE OF VOTING

Pub. L. 107–107, div. A, title XVI, § 1601, Dec. 28, 2001, 115 Stat. 1274, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that each person who is an administrator of a Federal, State, or local election—

“(1) should be aware of the importance of the ability of each uniformed services voter to exercise the right to vote; and

“(2) should perform that person’s duties as an election administrator with the intent to ensure that—

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

“(B) each valid ballot cast by such a voter is duly counted; and

“(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and to have that vote counted.

“(b) UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘uniformed services voter’ means—

“(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

“(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) [now 52 U.S.C. 20310]); and

“(3) a spouse or dependent of a member referred to in paragraph (1) or (2) who is qualified to vote.”

## ELECTRONIC VOTING DEMONSTRATION PROJECT

Pub. L. 107–107, div. A, title XVI, § 1604, Dec. 28, 2001, 115 Stat. 1277, as amended by Pub. L. 108–375, div. A, title V, § 567, Oct. 28, 2004, 118 Stat. 1919, which established a demonstration project under which absent uniformed services voters were permitted to vote in the November 2002 general election for Federal office through an electronic voting system, was repealed by Pub. L. 113–291, div. A, title V, § 593, Dec. 19, 2014, 128 Stat. 3395.

## GOVERNORS’ REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS FOR CHANGES IN STATE LAW MADE UNDER FEDERAL VOTING ASSISTANCE PROGRAM

Pub. L. 107–107, div. A, title XVI, § 1605, Dec. 28, 2001, 115 Stat. 1277, required the chief executive authority of

a State to provide an implementation status report to the Secretary of Defense, acting as the Presidential designee, within 90 days of receiving a uniformed services voting assistance legislative recommendation from the Secretary of Defense and was applicable to any uniformed services voting assistance legislative recommendation transmitted to a state during the three-year period beginning on Dec. 28, 2001.

## Executive Documents

## EX. ORD. NO. 12642. DESIGNATION OF SECRETARY OF DEFENSE AS PRESIDENTIAL DESIGNEE

Ex. Ord. No. 12642, June 8, 1988, 53 F.R. 21975, provided: By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99–410) (“the Act”) [52 U.S.C. 20301(a)], it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is hereby designated as the “Presidential designee” under Title I of the Act [52 U.S.C. 20301 et seq.].

SEC. 2. In order to effectuate the purposes of the Act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

RONALD REAGAN.

## § 20301a. Duties of Secretary under Uniformed and Overseas Citizens Absentee Voting Act

## (a) Ensuring ability of absent uniformed services voters serving at diplomatic and consular posts to receive and transmit balloting materials

In carrying out the Secretary’s duties as the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.), the Secretary shall take such actions as may be necessary, feasible, and practical to ensure that a uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a diplomatic and consular post of the United States is able to receive and transmit balloting materials in the same manner and with the same rights and protections as a uniformed services voter under such Act who is absent from the United States by reason of active duty or service at a military installation.

## (b) Effective date

This section shall apply with respect to elections held on or after January 1, 2021.

(Pub. L. 116–283, div. A, title X, § 1086, Jan. 1, 2021, 134 Stat. 3877.)

## Editorial Notes

## REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (a), is Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, and not as part of title I of the Uniformed and Overseas Citizens Absentee Voting Act which comprises this chapter.

**§ 20302. State responsibilities****(a) In general**

Each State shall—

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 20303 of this title) in general elections for Federal office;

(4) use the official post card form (prescribed under section 20301 of this title) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this chapter, use the standard oath prescribed by the Presidential designee under section 20301(b)(7) of this title;

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case in which the request is received less than 45 days before an election for Federal office—

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner<sup>1</sup> that gives them sufficient time to vote in the runoff election;

(10) carry out section 20304(b)(1) of this title with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under subsection (c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 20301(b)(11) of this title.

**(b) Designation of single State office to provide information on registration and absentee ballot procedures for all voters in State****(1) In general**

Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

**(2) Recommendation regarding use of office to accept and process materials**

Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

**(c) Report on number of absentee ballots transmitted and received**

Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002 [52 U.S.C. 20901 et seq.]) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and

<sup>1</sup> So in original. Probably should be “in a manner”.