

107TH CONGRESS
1ST SESSION

H. R. 492

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, to direct the Secretary of Defense to conduct a study of methods to improve the procedures used to enable absent uniformed services voters to register to vote and vote in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2001

Mr. BACHUS introduced the following bill; which was referred to the Committee on House Administration

A BILL

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, to direct the Secretary of Defense to conduct a study of methods to improve the procedures used to enable absent uniformed services voters to register to vote and vote in elections for Federal office, 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,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Armed Services Voting
3 Improvement Act”.

4 SEC. 2. STANDARD FOR INVALIDATION OF BALLOTS CAST
5 BY ABSENT UNIFORMED SERVICES VOTERS
6 IN FEDERAL ELECTIONS.

7 (a) IN GENERAL.—A State may not refuse to count
8 a ballot submitted in an election for Federal office by an
9 absent uniformed services voter on the grounds that the
10 ballot was improperly or fraudulently cast unless the State
11 finds clear and convincing evidence of fraud in the prepa-
12 ration or casting of the ballot by the voter. For purposes
13 of the previous sentence, the lack of a witness signature,
14 address, postmark, or other identifying information may
15 not be considered clear and convincing evidence of fraud
16 (absent any other information or evidence).

17 (b) NO EFFECT ON FILING DEADLINES UNDER
18 STATE LAW.—Nothing in this section may be construed
19 to affect the application to ballots submitted by absent
20 uniformed services voters of any ballot submission dead-
21 line applicable under State law.

22 (c) EFFECTIVE DATE.—This section shall apply with
23 respect to ballots submitted for elections for Federal office
24 occurring after the date of the enactment of this Act.

1 **SEC. 3. STUDY OF METHODS TO IMPROVE VOTING PROCE-**
2 **DURES FOR ABSENT UNIFORMED SERVICES**
3 **VOTERS.**

4 (a) IN GENERAL.—The Secretary of Defense (here-
5 after in this Act referred to as the “Secretary”) shall con-
6 duct a study of methods to improve the procedures used
7 to enable absent uniformed services voters to register to
8 vote and vote in elections for Federal office.

9 (b) POSTMARK REQUIREMENTS FOR REGISTRATION
10 APPLICATIONS AND ABSENTEE BALLOTS.—In conducting
11 the study under subsection (a), the Secretary shall exam-
12 ine methods to ensure that each voter registration applica-
13 tion or absentee ballot which is submitted by an absent
14 uniformed services voter within the applicable deadline
15 under State law is postmarked or otherwise dated so that
16 the appropriate State election official will know that the
17 voter met the deadline.

18 (c) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Secretary shall submit
20 a report to Congress on the study conducted under this
21 section, and shall include in the report such recommenda-
22 tions as the Secretary considers appropriate.

23 **SEC. 4. ABSENT UNIFORMED SERVICES VOTER DEFINED.**

24 In this Act, the term “absent uniformed services
25 voter” has the meaning given such term in section 107(1)

1 of the Uniformed and Overseas Citizens Absentee Voting
2 Act (42 U.S.C. 1973ff–6(1)).

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