

110TH CONGRESS
1ST SESSION

H. R. 4173

To amend the Uniformed and Overseas Citizens Absentee Voting Act to promote the participation of absent overseas voters in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2007

Mr. HONDA introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to promote the participation of absent overseas voters 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Overseas Voting Edu-
5 cation and Reform, Safeguarding Every American’s Vote
6 Act” or the “OVERSEAS Vote Act”.

1 **SEC. 2. PROHIBITING REFUSAL TO ACCEPT ABSENTEE BAL-**
 2 **LOT FOR FAILURE TO INCLUDE NOTARIZA-**
 3 **TION ON RETURN ENVELOPE.**

4 Section 103 of the Uniformed and Overseas Citizens
 5 Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

6 (1) by redesignating subsection (f) as sub-
 7 section (g); and

8 (2) by inserting after subsection (e) the fol-
 9 lowing new subsection:

10 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
 11 FOR FAILURE TO INCLUDE NOTARIZATION ON RETURN
 12 ENVELOPE.—A State may not refuse to accept or process
 13 any otherwise valid absentee ballot, including the Federal
 14 write-in absentee ballot, submitted by an absent uniformed
 15 services voter or overseas voter on the grounds that the
 16 envelope in which the ballot is submitted is not notarized
 17 or witnessed by a Notary Public or other official author-
 18 ized to administer oaths.”.

19 **SEC. 3. WAIVING REQUIREMENT TO APPLY FOR STATE AB-**
 20 **SENTEE BALLOT AS CONDITION FOR USE OF**
 21 **FEDERAL WRITE-IN ABSENTEE BALLOT.**

22 (a) WAIVING REQUIREMENT.—Section 103(a) of the
 23 Uniformed and Overseas Citizens Absentee Voting Act (42
 24 U.S.C. 1973ff-2(a)) is amended by striking “who make
 25 timely applications for” and all that follows through “ab-
 26 sentee ballots” and inserting a period.

1 (b) CONFORMING AMENDMENT RELATING TO TIM-
2 ING OF REQUEST.—Section 103(b) of such Act (42 U.S.C.
3 1973ff–2(b)) is amended—

4 (1) by adding “or” at the end of paragraph (1);

5 (2) by striking paragraph (2); and

6 (3) by redesignating paragraph (3) as para-
7 graph (2).

8 **SEC. 4. PROVISION OF BALLOTS IN SUBSEQUENT ELEC-**
9 **TIONS.**

10 (a) PERMITTING VOTERS TO REQUEST ABSENTEE
11 BALLOTS IN ALL SUBSEQUENT ELECTIONS.—Section
12 104(a) of the Uniformed and Overseas Citizens Absentee
13 Voting Act (42 U.S.C. 1973ff–3(a)) is amended by strik-
14 ing “through the next 2 regularly scheduled general elec-
15 tions” and all that follows through “such general elec-
16 tions),” and inserting “(subject to subsections (b) and
17 (d)),”

18 (b) WAIVER OF REQUIREMENT TO PROVIDE ABSEN-
19 TEE BALLOTS IN SUBSEQUENT ELECTIONS TO INDIVID-
20 UALS WITH UNKNOWN ADDRESSES.—Section 104(a) of
21 such Act (42 U.S.C. 1973ff–3(a)) is amended by striking
22 the period at the end and inserting the following: “, other
23 than any election occurring after any absentee ballot or
24 other election material sent by the State to the voter is

1 returned to the State as undeliverable or with no forwarding address within the State.”.

3 **SEC. 5. GRANT PROGRAM FOR OVERSEAS CIVILIAN VOTER**
4 **OUTREACH.**

5 (a) ESTABLISHMENT OF PROGRAM.—

6 (1) PROGRAM DESCRIBED.—The Election Assistance Commission (hereafter referred to as the
7 “Commission”) shall establish and operate a program for making grants to eligible organizations for
8 carrying out activities to assist overseas civilian voters in voting in elections for Federal office and to
9 increase turnout among such voters by providing
10 them with information in advance of the date of an
11 election on how to cast absentee ballots in such elections.
12

13 (2) PERIOD OF GRANT.—Each grant awarded
14 under the program under this section shall cover a
15 2-year period.

16 (b) ELIGIBILITY OF ORGANIZATIONS.—

17 (1) IN GENERAL.—An organization is eligible to
18 receive a grant under the program under this section
19 if the organization submits to the Commission, at
20 such time and in such form as the Commission may
21 require, an application containing information and
22 assurances that the organization meets the specific
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1 requirements for eligibility described in paragraph
2 (2), together with such other information and assur-
3 ances as the Commission considers appropriate.

4 (2) SPECIFIC REQUIREMENTS FOR ELIGI-
5 BILITY.—The specific requirements described in this
6 paragraph are as follows:

7 (A) The organization is nonpartisan in na-
8 ture and will carry out activities funded by the
9 grant in a non partisan manner.

10 (B) The organization will use the funds
11 provided under the grant to carry out projects
12 designed to increase the meaningful participa-
13 tion of overseas voters in elections for Federal
14 office.

15 (C) The organization will carry out
16 projects that include at least one of the fol-
17 lowing activities:

18 (i) Outreach and education to identify
19 overseas civilian voters and provide them
20 with accurate information about voter reg-
21 istration and voting in elections for Fed-
22 eral office, and to provide the information
23 well in advance of applicable State dead-
24 lines.

1 (ii) Providing assistance to overseas
2 civilian voters in registering to vote and
3 casting ballots in elections for Federal of-
4 fice, and to provide the assistance well in
5 advance of applicable State deadlines.

6 (D) The organization will file the reports
7 required under subsection (d).

8 (3) JOINT ELIGIBILITY OF MULTIPLE ORGANI-
9 ZATIONS.—Two or more organizations may be con-
10 sidered a single eligible organization for purposes of
11 receiving a grant under the program under this sec-
12 tion, so long as each of them meet the specific re-
13 quirements for eligibility described in paragraph (2).

14 (c) CRITERIA FOR SELECTION AMONG ELIGIBLE OR-
15 GANIZATIONS.—In selecting among eligible organizations
16 for making grants under the program under this section
17 and in determining the amount of the grant awarded, the
18 Commission shall take into consideration the following:

19 (1) The need to ensure an appropriate distribu-
20 tion of participants among various geographic areas,
21 based upon the most recent available data on the
22 number and location of overseas civilian voters.

23 (2) The extent to which the organizations enter
24 into partnerships and other collaborative agreements
25 to carry out the projects involved.

1 (3) The extent to which the organization's ap-
2 proach to providing services under the projects re-
3 flects innovation and creativity, including the use of
4 innovative technologies.

5 (4) In the case of overseas civilian voter edu-
6 cation projects, the clarity of presentation and ease
7 of use of the information provided to voters.

8 (d) REPORTING REQUIREMENT.—

9 (1) REPORTS.—Each eligible organization that
10 receives a grant under the program under this sec-
11 tion shall submit to the Commission a report con-
12 taining the following information with respect to
13 each year covered by the grant:

14 (A) A description of the projects carried
15 out with funds provided under the grant during
16 the year (and arranged to be carried out during
17 the succeeding year, in the case of a report with
18 respect to an odd-numbered year).

19 (B) The number of overseas civilian voters
20 to whom outreach was provided under the
21 projects.

22 (C) The number of overseas civilian voters
23 registered during the year under the projects.

24 (D) In the case of a report filed with re-
25 spect to an odd-numbered year, the organiza-

tion’s target for the number of overseas civilian voters to whom the organization will provide assistance during the following year (including the target for the number of absentee ballots to be cast by such voters).

(E) In the case of a report filed with respect to an even-numbered year, the number of overseas civilian voters to whom the organization provided assistance during the year and the number of absentee ballots cast by such voters.

(F) The organization’s analysis of the opportunities for replication of the projects.

(2) DEADLINE.—The organization shall submit the report required under this subsection with respect to a year not later than 90 days after the end of the year.

(e) OVERSEAS CIVILIAN VOTER DEFINED.—In this section, the term “overseas civilian voter” means an overseas voter defined in section 107(5) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(5)), but does not include an individual described in subparagraph (A) of such section.

(f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) AMOUNT AUTHORIZED.—There are author-
2 ized to be appropriated for grants under the pro-
3 gram under this section an aggregate amount of
4 \$5,000,000 for fiscal year 2008 and each of the first
5 4 succeeding 2-fiscal year periods.

6 (2) AVAILABILITY.—Amounts appropriated pur-
7 suant to the authorization under this subsection
8 shall remain available until expended.

9 **SEC. 6. OTHER OUTREACH EFFORTS TO ENCOURAGE OVER-**
10 **SEAS CITIZENS TO CAST ABSENTEE BALLOTS**
11 **IN ELECTIONS.**

12 (a) REQUIRING OFFICES WITH OVERSEAS PER-
13 SONNEL TO PROVIDE NOTICE OF OPPORTUNITIES TO
14 CAST ABSENTEE BALLOTS.—

15 (1) IN GENERAL.—The head of each office of
16 the Federal government that has employees whose
17 designated post of duty is outside the United States
18 shall provide such employees with notice of the
19 rights provided to absent uniformed services voters
20 and overseas voters under the Uniformed and Over-
21 seas Citizens Absentee Voting Act to submit voter
22 registration and absentee ballot requests and to sub-
23 mit absentee ballots (including the Federal write-in
24 absentee ballot described in such Act).

1 (2) TIMING OF NOTICE.—The head of an office
2 shall provide the notice required under paragraph
3 (1) not later than December 1 of each odd-numbered
4 year and August 1 of each even-numbered year.

5 (b) INCLUDING INFORMATION IN PASSPORTS.—The
6 Secretary of State shall ensure that each passport issued
7 on or after the date of the enactment of this Act includes
8 a page describing the rights provided to overseas voters
9 under the Uniformed and Overseas Citizens Absentee Voting
10 Act to submit voter registration and absentee ballot
11 requests and to submit absentee ballots (including the
12 Federal write-in absentee ballot described in such Act),
13 and shall include on the page a list of resources through
14 which individuals may obtain additional information re-
15 garding such rights.

16 **SEC. 7. APPLICATION OF UOCAVA TO CERTAIN INDIVID-**
17 **UALS NEVER RESIDING IN UNITED STATES.**

18 Section 107(5)(C) of the Uniformed and Overseas
19 Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(5)(C))
20 is amended to read as follows:

21 “(C) a person who resides outside the
22 United States and (but for such residence)
23 would be qualified to vote—

1 “(i) in the last place in which the per-
2 son was domiciled before leaving the
3 United States, or

4 “(ii) in the case of an individual who
5 has never resided in the United States, in
6 the last place in which the person’s parent
7 or guardian was domiciled before leaving
8 the United States;”.

9 **SEC. 8. EFFECTIVE DATE.**

10 Except as otherwise provided, this Act and the
11 amendments made by this Act shall apply with respect to
12 the regularly scheduled general election for Federal office
13 held in November 2008 and each succeeding election for
14 Federal office.

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