

110TH CONGRESS
1ST SESSION

H. R. 4237

To amend the Uniformed and Overseas Citizens Absentee Voting Act to prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mrs. MALONEY of New York (for herself and Mr. HONDA) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, 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 prohibit States from refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, 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 “Overseas Voting Prac-
3 tical Amendments Act of 2007”.

4 **SEC. 2. DESIGNATION OF OFFICIAL FEDERAL FORM AS**
5 **FEDERAL VOTER REGISTRATION AND BAL-**
6 **LOT APPLICATION.**

7 (a) DESIGNATION AND DISTRIBUTION.—Section 101
8 of the Uniformed and Overseas Citizens Absentee Voting
9 Act (42 U.S.C. 1973ff) is amended—

10 (1) in subsection (b)(2), by striking “an official
11 post card form” and inserting “an official Federal
12 Voter Registration and Ballot Application”; and

13 (2) in subsection (c)(2), by striking “official
14 post card forms” and inserting “official Federal
15 Voter Registration and Ballot Applications”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) STATE RESPONSIBILITIES.—Section
18 102(a)(4) of such Act (42 U.S.C. 1973ff–1(a)(4)) is
19 amended by striking “the official post card form”
20 and inserting “the official Federal Voter Registra-
21 tion and Ballot Application”.

22 (2) USE OF SINGLE APPLICATION FOR ALL SUB-
23 SEQUENT ELECTIONS.—Section 104 of such Act (42
24 U.S.C. 1973ff–3) is amended—

25 (A) in subsection (a), by striking “an offi-
26 cial post card form” and inserting “an official

1 Federal Voter Registration and Ballot Applica-
 2 tion”;

3 (B) in subsection (c)—

4 (i) in the heading, by striking “OFFI-
 5 CIAL POST CARD FORM” and inserting
 6 “OFFICIAL FEDERAL VOTER REGISTRA-
 7 TION AND BALLOT APPLICATION”, and

8 (ii) in the matter preceding paragraph
 9 (1), by striking “official post card form”
 10 and inserting “official Federal Voter Reg-
 11 istration and Ballot Application”; and

12 (C) in subsection (e), by striking “the
 13 postcard form” and inserting “the official Fed-
 14 eral Voter Registration and Ballot Application”.

15 (3) DEFINITION OF BALLOTING MATERIALS.—

16 Section 107(2) of such Act (42 U.S.C. 1973ff–6(2))
 17 is amended by striking “official post card forms”
 18 and inserting “official Federal Voter Registration
 19 and Ballot Applications”.

20 **SEC. 3. PROHIBITING REFUSAL TO ACCEPT APPLICATIONS,**
 21 **BALLOTS, AND OTHER MATERIALS FOR FAIL-**
 22 **URE TO MEET NONESSENTIAL REQUIRE-**
 23 **MENTS.**

24 (a) VOTER REGISTRATION AND ABSENTEE BALLOT
 25 APPLICATIONS.—Section 102 of the Uniformed and Over-

1 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1)
2 is amended by adding at the end the following new sub-
3 section:

4 “(e) PROHIBITING REFUSAL TO ACCEPT APPLICA-
5 TIONS FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
6 MENTS.—A State may not refuse to accept or process any
7 otherwise valid voter registration application or absentee
8 ballot application (including the official Federal Voter
9 Registration and Ballot Application prescribed under sec-
10 tion 101) submitted by an absent uniformed services voter
11 or overseas voter on any of the following grounds:

12 “(1) The application is not on a post card, is
13 printed or otherwise produced through the use of a
14 computer program or an Internet site, or is other-
15 wise a facsimile of an official application.

16 “(2) In the case of the official Federal Voter
17 Registration and Ballot Application prescribed under
18 section 101, the application does not include specific
19 information included on applications produced by the
20 State.

21 “(3) The application, the envelope in which the
22 application is submitted, or any affidavit or other at-
23 testation accompanying the application does not con-
24 form to specific requirements under State law re-

1 garding the size, shape, weight, or color of the paper
2 on which it is produced.

3 “(4) The application is not notarized or wit-
4 nessed by a Notary Public or other official author-
5 ized to administer oaths.

6 “(5) The application is received by the State
7 other than through delivery by the United States
8 Postal Service.

9 “(6) The application, the envelope in which the
10 application is submitted, or any affidavit or other at-
11 testation accompanying the application does not
12 meet any other requirement which the Presidential
13 designee determines (under regulations promulgated
14 by the Presidential designee) is not clearly necessary
15 to prevent fraud in the conduct of elections.”.

16 (b) ABSENTEE BALLOTS.—Section 103 of such Act
17 (42 U.S.C. 1973ff–2) is amended—

18 (1) by redesignating subsection (f) as sub-
19 section (g); and

20 (2) by inserting after subsection (e) the fol-
21 lowing new subsection:

22 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
23 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
24 MENTS.—A State may not refuse to accept or process any
25 otherwise valid absentee ballot, including the Federal

1 write-in absentee ballot, submitted by an absent uniformed
2 services voter or overseas voter on any of the following
3 grounds:

4 “(1) The ballot as submitted is printed or oth-
5 erwise produced through the use of a computer pro-
6 gram or an Internet site or is otherwise a facsimile
7 of the original ballot.

8 “(2) The ballot, the envelope in which the ballot
9 is submitted, or any affidavit or other attestation ac-
10 companying the ballot as submitted does not con-
11 form to specific requirements under State law re-
12 garding the size, shape, weight, or color of the paper
13 on which it is produced.

14 “(3) The ballot is not notarized or witnessed by
15 a Notary Public or other official authorized to ad-
16 minister oaths.

17 “(4) The ballot is received by the State other
18 than through delivery by the United States Postal
19 Service.

20 “(5) The ballot, the envelope in which the ballot
21 is submitted, or any affidavit or other attestation ac-
22 companying the ballot as submitted does not meet
23 any other requirement which the Presidential des-
24 ignee determines (under regulations promulgated by

1 the Presidential designee) is not clearly necessary to
2 prevent fraud in the conduct of elections.”.

3 **SEC. 4. REQUIRING CLARIFICATION OF POSTAGE MARK-**
4 **INGS ON CERTAIN BALLOTING MATERIALS**
5 **MAILED BY STATES.**

6 Section 3406 of title 39, United States Code, is
7 amended—

8 (1) by redesignating subsection (b) as sub-
9 section (c); and

10 (2) by inserting after subsection (a) the fol-
11 lowing new subsection:

12 “(b) In the case of balloting materials under the Uni-
13 formed and Overseas Citizens Absentee Voting Act con-
14 sisting of pre-printed return envelopes which are prepared
15 by a State for the submission of materials by an absent
16 uniformed services voter or overseas voter under such
17 Act—

18 “(1) the State shall ensure that the address to
19 which the materials are to be submitted includes the
20 designation ‘United States of America’ or ‘USA’;
21 and

22 “(2) if the materials are designated as postage
23 paid, the State shall clarify whether the designation
24 applies only to materials mailed within the United

1 States or to materials mailed overseas through the
 2 Army Post Office or Fleet Post Office.”.

3 **SEC. 5. PROVISION OF BALLOTS IN SUBSEQUENT ELEC-**
 4 **TIONS.**

5 (a) PERMITTING VOTERS TO REQUEST ABSENTEE
 6 BALLOTS IN ALL SUBSEQUENT ELECTIONS.—Section
 7 104(a) of the Uniformed and Overseas Citizens Absentee
 8 Voting Act (42 U.S.C. 1973ff–3(a)) is amended by strik-
 9 ing “through the next 2 regularly scheduled general elec-
 10 tions” and all that follows through “such general elec-
 11 tions),” and inserting “(subject to subsections (b) and
 12 (d)),”

13 (b) WAIVER OF REQUIREMENT TO PROVIDE ABSEN-
 14 TEE BALLOTS IN SUBSEQUENT ELECTIONS TO INDIVID-
 15 UALS WITH UNKNOWN ADDRESSES.—Section 104(a) of
 16 such Act (42 U.S.C. 1973ff–3(a)) is amended by striking
 17 the period at the end and inserting the following: “, other
 18 than any election occurring after any absentee ballot or
 19 other election material sent by the State to the voter is
 20 returned to the State as undeliverable or with no for-
 21 warding address within the State.”.

22 (c) PERMITTING EARLY SUBMISSION OF REQUEST
 23 DURING PREVIOUS YEAR.—Section 104(e) of such Act
 24 (42 U.S.C. 1973ff–3(e)) is amended—

25 (1) by striking “during a year”; and

1 (2) by striking “for that year”.

2 **SEC. 6. APPLICATION OF UOCAVA TO INDIVIDUALS NEVER**
3 **RESIDING IN UNITED STATES WHOSE PAR-**
4 **ENTS ARE OVERSEAS VOTERS.**

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

8 “(C) a person who resides outside the
9 United States and (but for such residence)
10 would be qualified to vote—

11 “(i) in the last place in which the per-
12 son was domiciled before leaving the
13 United States, or

14 “(ii) in the case of an individual who
15 has never resided in the United States, in
16 the last place in which the person’s parent
17 or guardian was domiciled before leaving
18 the United States;”.

19 **SEC. 7. REQUIRING PROMPT NOTIFICATION OF REJECTION**
20 **OF VOTER REGISTRATION OR ABSENTEE**
21 **BALLOT REQUEST.**

22 Section 102(d) of the Uniformed and Overseas Citi-
23 zens Absentee Voting Act (42 U.S.C. 1973ff–1(d)) is
24 amended by striking “shall provide” and inserting “shall
25 promptly provide”.

1 **SEC. 8. USE OF DIPLOMATIC POUCH FOR RETURNING COM-**
2 **PLETED ABSENTEE BALLOTS.**

3 Section 101(c) of the Uniformed and Overseas Citi-
4 zens Absentee Voting Act (42 U.S.C. 1973ff(c)) is amend-
5 ed by adding at the end the following new paragraph:

6 “(3) USE OF DIPLOMATIC POUCH FOR RETURN-
7 ING COMPLETED ABSENTEE BALLOTS.—If an over-
8 seas voter delivers a completed absentee ballot to an
9 overseas facility of the Department of State, the
10 Secretary of State shall use the diplomatic pouch to
11 transmit the ballot to the United States, but only
12 if—

13 “(A) the ballot is delivered to the facility
14 not earlier than 14 days prior to the date of the
15 election involved; and

16 “(B) the Secretary of State determines
17 that there is no effective alternative available at
18 the location of the facility (including private
19 courier services) for the overseas voter to use to
20 ensure the timely receipt of the ballot.”.

21 **SEC. 9. EFFECTIVE DATE.**

22 The amendments made by this Act shall apply with
23 respect to elections occurring on or after the expiration
24 of the 45-day period which begins on the date of the enact-
25 ment of this Act.

