

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5673

To amend the Uniformed and Overseas Citizens Absentee Voting Act to direct the Secretary of Defense to collect absentee ballots of absent overseas uniformed services voters for elections for Federal office and deliver the ballots to State election officials prior to the time established for the closing of the polls on the date of the election, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2008

Mr. MCCARTHY of California (for himself, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to direct the Secretary of Defense to collect absentee ballots of absent overseas uniformed services voters for elections for Federal office and deliver the ballots to State election officials prior to the time established for the closing of the polls on the date of the election, 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 “Military Voting Protec-  
3 tion Act of 2008”.

4 **SEC. 2. REQUIRING COLLECTION AND DELIVERY OF ABSEN-**  
5 **TEE BALLOTS OF ABSENT OVERSEAS UNI-**  
6 **FORMED SERVICES VOTERS.**

7 (a) **REQUIRING COLLECTION AND DELIVERY BY SEC-**  
8 **RETARY OF DEFENSE.**—The Uniformed and Overseas  
9 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)  
10 is amended by inserting after section 103 the following  
11 new section:

12 **“SEC. 103A. COLLECTION AND DELIVERY OF ABSENTEE**  
13 **BALLOTS OF ABSENT OVERSEAS UNIFORMED**  
14 **SERVICES VOTERS.**

15 “(a) **COLLECTION.**—The Presidential designee shall  
16 establish procedures for collecting absentee ballots of ab-  
17 sent overseas uniformed services voters in elections for  
18 Federal office, including absentee ballots prepared by  
19 States and the Federal write-in absentee ballot prescribed  
20 under section 103, and for delivering the ballots to the  
21 appropriate State election officials.

22 “(b) **ENSURING DELIVERY PRIOR TO CLOSING OF**  
23 **POLLS.**—

24 “(1) **IN GENERAL.**—Under the procedures es-  
25 tablished under this section, the Presidential des-  
26 ignee shall ensure that any absentee ballot collected

1 prior to the applicable deadline described in para-  
2 graph (2) is delivered to the appropriate State elec-  
3 tion official prior to the time established by the  
4 State for the closing of the polls on the date of the  
5 election.

6 “(2) APPLICABLE DEADLINE.—The applicable  
7 deadline described in this paragraph is—

8 “(A) noon (in the location in which the  
9 ballot is collected) on the last Friday that pre-  
10 ceedes the date of the election involved, in the  
11 case of a regularly scheduled general election  
12 for Federal office; or

13 “(B) noon (in the location in which the  
14 ballot is collected) on the fourth day that imme-  
15 diately precedes the date of the election in-  
16 volved, in the case of any other election for  
17 Federal office.

18 “(c) USE OF CONTRACTORS.—

19 “(1) USE OF CONTRACTOR PERMITTED.—To  
20 the greatest extent practicable, the Presidential des-  
21 ignee shall carry out this section by contract with a  
22 private provider of air transportation.

23 “(2) TRACKING MECHANISM.—Any contract en-  
24 tered into pursuant to paragraph (1) shall include a  
25 requirement that the private provider of air trans-

1 portation implement procedures to enable any indi-  
 2 vidual whose absentee ballot is collected by the Pres-  
 3 idential designee under the procedures established  
 4 under this section to track the progress of the ballot  
 5 using the Internet, an automated telephone system,  
 6 or such other methods as may be provided under the  
 7 contract.

8 “(d) ABSENT OVERSEAS UNIFORMED SERVICES  
 9 VOTER DEFINED.—In this section, the term ‘absent over-  
 10 seas uniformed services voter’ means an overseas voter de-  
 11 scribed in section 107(5)(A).

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to the Presidential des-  
 14 ignee such sums as may be necessary to carry out this  
 15 section. Any amounts appropriated pursuant to the au-  
 16 thorization under this subsection shall remain available  
 17 until expended without fiscal year limitation.”

18 (b) CONFORMING AMENDMENTS.—

19 (1) FEDERAL RESPONSIBILITIES.—Section  
 20 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-  
 21 ed—

22 (A) by striking “and” at the end of para-  
 23 graph (6);

24 (B) by striking the period at the end of  
 25 paragraph (7) and inserting “; and”; and

1 (C) by adding at the end the following new  
2 paragraph:

3 “(8) carry out section 103A with respect to the  
4 collection and delivery of absentee ballots of absent  
5 overseas uniformed services voters in elections for  
6 Federal office.”.

7 (2) STATE RESPONSIBILITIES.—Section 102(a)  
8 of such Act (42 U.S.C. 1973ff–1(a)) is amended—

9 (A) by striking “and” at the end of para-  
10 graph (4);

11 (B) by striking the period at the end of  
12 paragraph (5) and inserting “; and”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(6) carry out section 103A(b)(2) with respect  
16 to the processing and acceptance of absentee ballots  
17 of absent overseas uniformed services voters.”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply with respect to the regularly sched-  
20 uled general election for Federal office held in November  
21 2008 and each succeeding election for Federal office.

1 **SEC. 3. PROTECTING VOTER PRIVACY AND SECRECY OF AB-**  
2 **SENTEE BALLOTS.**

3 Section 101(b) of the Uniformed and Overseas Citi-  
4 zens Absentee Voting Act (42 U.S.C. 1973ff(b)), as  
5 amended by section 2(b), is amended—

6 (1) by striking “and” at the end of paragraph  
7 (7);

8 (2) by striking the period at the end of para-  
9 graph (8) and inserting “; and”; and

10 (3) by adding at the end the following new  
11 paragraph:

12 “(9) take such actions as may be required to  
13 ensure that absent uniformed services voters are  
14 able to cast absentee ballots in a private and inde-  
15 pendent manner, and that the contents of absentee  
16 ballots of absent uniformed services voters and over-  
17 seas voters will remain secret until tabulation by the  
18 appropriate State election official.”.

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