

110TH CONGRESS
2D SESSION

S. 3073

AN ACT

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of absentee ballots of absent overseas uniformed services voters, 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. PROCEDURES FOR COLLECTION AND DELIV-**
 2 **ERY OF MARKED ABSENTEE BALLOTS OF AB-**
 3 **SENT OVERSEAS UNIFORMED SERVICES VOT-**
 4 **ERS.**

5 (a) PROCEDURES.—

6 (1) IN GENERAL.—The Uniformed and Over-
 7 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff
 8 et seq.) is amended by inserting after section 103
 9 the following new section:

10 **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**
 11 **OF MARKED ABSENTEE BALLOTS OF ABSENT**
 12 **OVERSEAS UNIFORMED SERVICES VOTERS.**

13 “(a) COLLECTION.—The Presidential designee shall
 14 establish procedures for collecting marked absentee ballots
 15 of absent overseas uniformed services voters in regularly
 16 scheduled general elections for Federal office, including
 17 absentee ballots prepared by States and Federal write-in
 18 absentee ballots prescribed under section 103, and for de-
 19 livering the ballots to the appropriate election officials.

20 “(b) ENSURING DELIVERY PRIOR TO CLOSING OF
 21 POLLS.—

22 “(1) IN GENERAL.—Under the procedures es-
 23 tablished under this section, the Presidential des-
 24 ignee shall ensure that any marked absentee ballot
 25 for a regularly scheduled general election for Federal
 26 office which is collected prior to the deadline de-

1 scribed in paragraph (3) is delivered to the appro-
2 priate election official in a State prior to the time
3 established by the State for the closing of the polls
4 on the date of the election.

5 “(2) CONTRACT WITH EXPRESS MAIL PRO-
6 VIDERS.—

7 “(A) IN GENERAL.—The Presidential des-
8 ignee shall carry out this section by contract
9 with one or more providers of express mail serv-
10 ices.

11 “(B) SPECIAL RULE FOR VOTERS IN JU-
12 RISDICTIONS USING POST OFFICE BOXES FOR
13 COLLECTION OF MARKED ABSENTEE BAL-
14 LOTS.—In the case of an absent uniformed
15 services voter who wishes to use the procedures
16 established under this section and whose
17 marked absentee ballot is required by the ap-
18 propriate election official to be delivered to a
19 post office box, the Presidential designee shall
20 enter into an agreement with the United States
21 Postal Service for the delivery of the ballot to
22 the election official under the procedures estab-
23 lished under this section.

24 “(3) DEADLINE DESCRIBED.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B), the deadline described in
3 this paragraph is noon (in the location in which
4 the ballot is collected) on the last Tuesday that
5 precedes the date of the election.

6 “(B) AUTHORITY TO ESTABLISH ALTER-
7 NATIVE DEADLINE FOR CERTAIN LOCATIONS.—
8 If the Presidential designee determines that the
9 deadline described in subparagraph (A) is not
10 sufficient to ensure timely delivery of the ballot
11 under paragraph (1) with respect to a par-
12 ticular location because of remoteness or other
13 factors, the Presidential designee may establish
14 as an alternative deadline for that location the
15 latest date occurring prior to the deadline de-
16 scribed in subparagraph (A) which is sufficient
17 to ensure timely delivery of the ballot under
18 paragraph (1).

19 “(4) PROHIBITION ON REFUSAL BY STATES TO
20 ACCEPT MARKED ABSENTEE BALLOTS NOT DELIV-
21 ERED BY POSTAL SERVICE OR IN PERSON.—A State
22 may not refuse to accept or process any marked ab-
23 sentee ballot delivered under the procedures estab-
24 lished under this section on the grounds that the

1 ballot is received by the State other than through
2 delivery by the United States Postal Service.

3 “(c) TRACKING MECHANISM.—Under the procedures
4 established under this section, the entity responsible for
5 delivering marked absentee ballots to the appropriate elec-
6 tion officials shall implement procedures to enable any in-
7 dividual whose ballot for a regularly scheduled general
8 election for Federal office is collected by the Presidential
9 designee to determine whether the ballot has been deliv-
10 ered to the appropriate election official, using the Internet,
11 an automated telephone system, or such other methods as
12 the entity may provide.

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

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the Presidential des-
19 ignee such sums as may be necessary to carry out this
20 section.”.

21 (2) EFFECTIVE DATE.—Section 103A of the
22 Uniformed and Overseas Citizens Absentee Voting
23 Act, as added by this subsection, shall apply with re-
24 spect to each regularly scheduled general election for
25 Federal office held on or after November 1, 2010.

1 (b) CONFORMING AMENDMENTS.—

2 (1) FEDERAL RESPONSIBILITIES.—Section
3 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-
4 ed—

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

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

9 (C) by adding at the end the following new
10 paragraph:

11 “(8) carry out section 103A with respect to the
12 collection and delivery of marked absentee ballots of
13 absent overseas uniformed services voters in elec-
14 tions for Federal office.”.

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

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

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

21 (C) by adding at the end the following new
22 paragraph:

23 “(6) carry out section 103A(b)(2) with respect
24 to the processing and acceptance of marked absentee

1 ballots of absent overseas uniformed services vot-
2 ers.”.

3 (c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED
4 SERVICES VOTERS ON PROCEDURES.—The Presidential
5 designee shall take appropriate actions to inform individ-
6 uals who are anticipated to be absent overseas uniformed
7 services voters in the regularly scheduled general election
8 for Federal office held in November 2008 of the proce-
9 dures for the collection and delivery of marked absentee
10 ballots established pursuant to section 103A of the Uni-
11 formed and Overseas Citizens Absentee Voting Act, as
12 added by subsection (a), including the manner in which
13 such voters may utilize such procedures for the submittal
14 of marked absentee ballots in regularly scheduled elections
15 for Federal office.

16 (d) REPORTS ON UTILIZATION OF PROCEDURES.—

17 (1) REPORTS REQUIRED.—Not later than 180
18 days after each regularly scheduled general election
19 for Federal office held after January 1, 2008, the
20 Presidential designee shall submit to the congres-
21 sional defense committees a report on the utilization
22 of the procedures for the collection and delivery of
23 marked absentee ballots established pursuant to sec-
24 tion 103A of the Uniformed and Overseas Citizens

1 Absentee Voting Act, as so added, during such gen-
2 eral election.

3 (2) ELEMENTS.—Each report under paragraph
4 (1) shall include, for the general election covered by
5 such report, a description of the utilization of the
6 procedures described in that paragraph during such
7 general election, including the number of marked ab-
8 sentee ballots collected and delivered under such pro-
9 cedures.

10 (e) REPORT ON STATUS OF IMPLEMENTATION.—

11 (1) REPORT REQUIRED.—Not later than one
12 year after the date of the enactment of this Act, the
13 Presidential designee shall submit to the congres-
14 sional defense committees a report on the status of
15 the implementation of the program for the collection
16 and delivery of marked absentee ballots established
17 pursuant to section 103A of the Uniformed and
18 Overseas Citizens Absentee Voting Act, as added by
19 subsection (a).

20 (2) ELEMENTS.—The report under paragraph
21 (1) shall include a status of the implementation of
22 the program and a detailed description of the spe-
23 cific steps taken towards its implementation for No-
24 vember 2009 and November 2010.

25 (f) DEFINITIONS.—In this section:

1 (1) The term “absent overseas uniformed serv-
 2 ices voter” has the meaning given that term in sec-
 3 tion 103A(d) of the Uniformed and Overseas Citi-
 4 zens Absentee Voting Act, as added by subsection
 5 (a).

6 (2) The term “Presidential designee” means the
 7 official designated under section 101(a) of the Uni-
 8 formed and Overseas Citizens Absentee Voting Act
 9 (42 U.S.C. 1973ff(a)).

10 (3) The term “congressional defense commit-
 11 tees” means—

12 (A) the Committee on Armed Services and
 13 the Committee on Appropriations of the Senate;
 14 and

15 (B) the Committee on Armed Services and
 16 the Committee on Appropriations of the House
 17 of Representatives.

18 **SEC. 2. PROHIBITION ON REFUSAL TO ACCEPT VOTER REG-**
 19 **ISTRATION AND ABSENTEE BALLOT APPLICA-**
 20 **TIONS AND FEDERAL WRITE-IN ABSENTEE**
 21 **BALLOTS FOR FAILURE TO MEET NON-**
 22 **ESSENTIAL REQUIREMENTS.**

23 (a) VOTER REGISTRATION AND ABSENTEE BALLOT
 24 APPLICATIONS.—

1 (1) PROHIBITING REFUSAL TO ACCEPT APPLI-
2 CATIONS FOR FAILURE TO MEET NONESSENTIAL RE-
3 QUIREMENTS.—Section 102 of the Uniformed and
4 Overseas Citizens Absentee Voting Act (42 U.S.C.
5 1973ff–1) is amended by adding at the end the fol-
6 lowing new subsection:

7 “(e) PROHIBITING REFUSAL TO ACCEPT APPLICA-
8 TIONS FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
9 MENTS.—A State shall accept and process any otherwise
10 valid voter registration application or absentee ballot ap-
11 plication (including the official post card form prescribed
12 under section 101) submitted in any manner by an absent
13 uniformed services voter or overseas voter that contains
14 the information required on the official post card form
15 prescribed under section 101 (other than information
16 which the Presidential designee, in consultation with the
17 Election Assistance Commission and the Election Assist-
18 ance Commission Board of Advisors under section 214 of
19 the Help America Vote Act of 2002 (42 U.S.C. 15344),
20 determines, under regulations promulgated by the Presi-
21 dential designee, is not clearly necessary to prevent fraud
22 in the conduct of elections).”.

23 (2) EFFECTIVE DATE.—Subsection (e) of sec-
24 tion 102 of the Uniformed and Overseas Citizens
25 Absentee Voting Act, as added by this subsection,

1 shall apply with respect to each regularly scheduled
2 general election for Federal office held on or after
3 November 1, 2010.

4 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—

5 (1) PROHIBITING REFUSAL TO ACCEPT BALLOT
6 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
7 MENTS.—Section 103 of such Act (42 U.S.C.
8 1973ff-2) is amended—

9 (A) by redesignating subsection (f) as sub-
10 section (g); and

11 (B) by inserting after subsection (e) the
12 following new subsection:

13 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
14 FOR FAILURE TO MEET NONESSENTIAL REQUIRE-
15 MENTS.—A State shall accept and process any otherwise
16 valid Federal write-in absentee ballot submitted in any
17 manner by an absent uniformed services voter or overseas
18 voter that contains the information required to be sub-
19 mitted with such ballot by the Presidential designee (other
20 than information which the Presidential designee, in con-
21 sultation with the Election Assistance Commission and the
22 Election Assistance Commission Board of Advisors under
23 section 214 of the Help America Vote Act of 2002 (42
24 U.S.C. 15344), determines, under regulations promul-

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

3 (2) EFFECTIVE DATE.—Subsection (f) of sec-
4 tion 102 of the Uniformed and Overseas Citizens
5 Absentee Voting Act, as amended by this subsection,
6 shall apply with respect to each regularly scheduled
7 general election for Federal office held on or after
8 November 1, 2010.

Passed the Senate October 1 (legislative day, Sep-
tember 17), 2008.

Attest:

Secretary.

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