

Union Calendar No. 158

111TH CONGRESS
1ST SESSION

H. R. 2393

[Report No. 111-281]

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2009

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

OCTOBER 1, 2009

Additional sponsors: Mr. OLSON, Mr. PAULSEN, Mr. THORNBERRY, Mr. McKEON, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. CALVERT, Mr. COLE, Mr. YOUNG of Alaska, Mr. BROWN of South Carolina, Mr. SENSENBRENNER, Mr. McCLINTOCK, Mrs. McMORRIS RODGERS, Mrs. BONO MACK, Mrs. BACHMANN, Mr. LATTA, Mr. GALLEGLY, Mr. WHITFIELD, Mr. JONES, Mr. WITTMAN, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. ROGERS of Kentucky, Mr. LATHAM, Mr. KLINE of Minnesota, Mr. FLEMING, Mr. BLUNT, Mr. LAMBORN, Ms. GRANGER, Mr. CASTLE, Mr. BURGESS, Mr. WALDEN, Mr. SHULER, Mrs. MILLER of Michigan, and Ms. FALLIN

OCTOBER 1, 2009

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Voting Protec-
5 tion Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) In the defense of freedom, members of the
9 United States Armed Forces are routinely deployed
10 to overseas theaters of combat, assigned to overseas
11 locations, and assigned to ocean-going vessels far
12 from home.

13 (2) As the United States continues to fight the
14 Global War on Terror, the substantial need for over-
15 seas service by members of the Armed Forces will
16 continue, as we live in what senior Army leaders
17 have referred to as an “era of persistent conflict”.

18 (3) The right to vote is one of the most basic
19 and fundamental rights enjoyed by Americans, and
20 one which the members of the Armed Forces bravely
21 defend both at home in the United States and over-
22 seas.

23 (4) The decisions of elected officials of the
24 United States Government directly impact the mem-
25 bers of the Armed Forces who are often called to de-

1 ploy or otherwise serve overseas as a result of deci-
2 sions made by such elected officials.

3 (5) The ability of the members of the Armed
4 Forces to vote while serving overseas has been ham-
5 pered by numerous factors, including inadequate
6 processes for ensuring their timely receipt of absen-
7 tee ballots, delivery methods that are typically slow
8 and antiquated, and a myriad of absentee voting
9 procedures that are often confusing and vary among
10 the several States.

11 (6) The Uniformed and Overseas Citizens Ab-
12 sentee Voting Act, which requires the States to allow
13 absentee voting for members of the Armed Forces
14 and other specified groups of United States citizens,
15 was intended to protect the voting rights of members
16 of the Armed Forces.

17 (7) The current system of absentee voting for
18 overseas members of the Armed Forces could be
19 greatly improved by decreasing delays in the process,
20 and certain steps by the Department of Defense, in-
21 cluding utilization of express mail services for the
22 delivery of completed absentee ballots, would address
23 the major sources of delay.

1 **SEC. 3. PROCEDURES FOR COLLECTION AND DELIVERY OF**
2 **MARKED ABSENTEE BALLOTS OF ABSENT**
3 **OVERSEAS UNIFORMED SERVICES VOTERS.**

4 (a) IN GENERAL.—The Uniformed and Overseas
5 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
6 is amended by inserting after section 103 the following
7 new section:

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

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

18 “(b) ENSURING DELIVERY PRIOR TO CLOSING OF
19 POLLS.—

20 “(1) IN GENERAL.—Under the procedures es-
21 tablished under this section, the Presidential des-
22 ignee shall ensure that any marked absentee ballot
23 for a regularly scheduled general election for Federal
24 office which is collected prior to the deadline de-
25 scribed in paragraph (3) is delivered to the appro-
26 priate election official in a State prior to the time

1 established by the State for the closing of the polls
2 on the date of the election.

3 “(2) UTILIZATION OF EXPRESS MAIL DELIVERY
4 SERVICES.—The Presidential designee shall carry
5 out this section by utilizing the express mail delivery
6 services of the United States Postal Service.

7 “(3) DEADLINE DESCRIBED.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the deadline described in
10 this paragraph is noon (in the location in which
11 the ballot is collected) on the fourth day pre-
12 ceding the date of the election.

13 “(B) AUTHORITY TO ESTABLISH ALTER-
14 NATIVE DEADLINE FOR CERTAIN LOCATIONS.—

15 If the Presidential designee determines that the
16 deadline described in subparagraph (A) is not
17 sufficient to ensure timely delivery of the ballot
18 under paragraph (1) with respect to a par-
19 ticular location because of remoteness or other
20 factors, the Presidential designee may establish
21 as an alternative deadline for that location the
22 latest date occurring prior to the deadline de-
23 scribed in subparagraph (A) which is sufficient
24 to ensure timely delivery of the ballot under
25 paragraph (1).

1 “(c) TRACKING MECHANISM.—Under the procedures
2 established under this section, the Presidential designee,
3 working in conjunction with the United States Postal
4 Service, shall implement procedures to enable any indi-
5 vidual whose marked absentee ballot for a regularly sched-
6 uled general election for Federal office is collected by the
7 Presidential designee to determine whether the ballot has
8 been delivered to the appropriate election official, using
9 the Internet, an automated telephone system, or such
10 other methods as the Presidential designee may provide.

11 “(d) OUTREACH FOR ABSENT OVERSEAS UNI-
12 FORMED SERVICES VOTERS ON PROCEDURES.—The Pres-
13 idential designee shall take appropriate actions to inform
14 individuals who are anticipated to be absent overseas uni-
15 formed services voters in a regularly scheduled general
16 election for Federal office to which this section applies of
17 the procedures for the collection and delivery of marked
18 absentee ballots established pursuant to this section, in-
19 cluding the manner in which such voters may utilize such
20 procedures for the submittal of marked absentee ballots
21 in the election.

22 “(e) REPORTS ON UTILIZATION OF PROCEDURES.—
23 “(1) REPORTS REQUIRED.—Not later than 180
24 days after each regularly scheduled general election
25 for Federal office to which this section applies, the

1 Presidential designee shall submit to the relevant
2 committees of Congress a report on the utilization of
3 the procedures for the collection and delivery of
4 marked absentee ballots established pursuant to this
5 section during such general election.

6 “(2) ELEMENTS.—Each report under para-
7 graph (1) shall include, for the general election cov-
8 ered by such report, a description of the utilization
9 of the procedures described in that paragraph during
10 such general election, including the number of
11 marked absentee ballots collected and delivered
12 under such procedures and the number of such bal-
13 lots which were not delivered by the time of the clos-
14 ing of the polls on the date of the election (and the
15 reasons therefor).

16 “(3) RELEVANT COMMITTEES OF CONGRESS
17 DEFINED.—In this subsection, the term ‘relevant
18 committees of Congress’ means—

19 “(A) the Committees on Appropriations,
20 Armed Services, and Rules and Administration
21 of the Senate; and

22 “(B) the Committees on Appropriations,
23 Armed Services, and House Administration of
24 the House of Representatives.

1 “(f) ABSENT OVERSEAS UNIFORMED SERVICES
 2 VOTER DEFINED.—In this section, the term ‘absent over-
 3 seas uniformed services voter’ means an overseas voter de-
 4 scribed in section 107(5)(A).

5 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 6 are authorized to be appropriated to the Presidential des-
 7 ignee such sums as may be necessary to carry out this
 8 section.

9 “(h) EFFECTIVE DATE.—This section shall apply
 10 with respect to the regularly scheduled general election for
 11 Federal office held in November 2010 and each succeeding
 12 election for Federal office.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) FEDERAL RESPONSIBILITIES.—Section
 15 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-
 16 ed—

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

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

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

23 “(8) carry out section 103A with respect to the
 24 collection and delivery of marked absentee ballots of

absent overseas uniformed services voters in elections for Federal office.”.

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

(A) by striking “and” at the end of paragraph (4);

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

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

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

(c) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Presidential designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act shall submit to the relevant committees of Congress a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of such Act, as added by subsection (a).

1 (2) ELEMENTS.—The report under paragraph
 2 (1) shall include a status of the implementation of
 3 the program and a detailed description of the spe-
 4 cific steps taken towards its implementation for No-
 5 vember 2010.

6 (3) RELEVANT COMMITTEES OF CONGRESS DE-
 7 FINED.—In this subsection, the term “relevant com-
 8 mittees of Congress” has the meaning given such
 9 term in section 103A(e)(3) of the Uniformed and
 10 Overseas Citizens Absentee Voting Act, as added by
 11 subsection (a).

12 **SEC. 4. PROTECTING VOTER PRIVACY AND SECRECY OF AB-**
 13 **SENTEE BALLOTS.**

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

17 (1) by striking “and” at the end of paragraph
 18 (7);

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

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

23 “(9) to the greatest extent practicable, take
 24 such actions as may be required to ensure that ab-
 25 sent uniformed services voters who cast absentee

1 ballots at locations or facilities under the Presi-
2 dential designee’s jurisdiction are able to do so in a
3 private and independent manner, and take such ac-
4 tions as may be required to protect the privacy of
5 the contents of absentee ballots cast by absent uni-
6 formed services voters and overseas voters while
7 such ballots are in the Presidential designee’s pos-
8 session or control.”.

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