

111TH CONGRESS
1ST SESSION

S. 1265

To amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2009

Mr. CORNYN (for himself, Mr. BEGICH, and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, 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 Voters’ Equal
5 Access to Voter Registration Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Members of the Armed Forces and their
2 family members (in this section referred to as “mili-
3 tary voters”) who have sought to vote in recent elec-
4 tions for Federal office have had substantial dif-
5 ficulty doing so, frequently resulting in the dis-
6 enfranchisement of such military voters.

7 (2) Due to the highly transient nature of mili-
8 tary service and frequent overseas deployments, mili-
9 tary voters are constantly on the move between mili-
10 tary installations in the United States and to and
11 from overseas locations. As a result, military voters
12 are typically absent from their home voting jurisdic-
13 tions on election day and, if military voters wish to
14 exercise their right to vote, they must do so by ab-
15 sentee ballot.

16 (3) In 1986, Congress enacted the Uniformed
17 and Overseas Citizens Absentee Voting Act (42
18 U.S.C. 1973ff et seq.) in an attempt to permit mili-
19 tary voters to register to vote and vote by absentee
20 ballot in all elections for Federal office. Neverthe-
21 less, the absentee voting system, as created under
22 such Act, has consistently failed to ensure that mili-
23 tary voters actually receive their unmarked absentee
24 ballots prior to election day. Military voters continue
25 to experience substantial difficulty in registering to

1 vote, updating their voting addresses, and obtaining
2 absentee ballots prior to election day.

3 (4) In 1993, Congress enacted the National
4 Voter Registration Act of 1993 (42 U.S.C. 1973gg
5 et seq.) to create a national voter registration sys-
6 tem, as well as to provide citizens with increased op-
7 portunities to register to vote and receive voting as-
8 sistance. Such Act, however, failed to ensure that
9 military voters have the same access to voter reg-
10 istration assistance as the civilian population, be-
11 cause their military service typically takes them out
12 of their home voting jurisdictions, where they would
13 otherwise be able to receive such assistance, as re-
14 quired under such Act.

15 (5) The Inspector General of the Department of
16 Defense has found that military voters do not re-
17 ceive adequate information and assistance to register
18 to vote and request an absentee ballot. In a survey
19 following the 2004 election, the Inspector General
20 found that only 40 to 50 percent of members of the
21 Armed Forces, and a lesser percentage of their de-
22 pendants, received voting information or assistance
23 prior to the election. The Inspector General reached
24 a similar conclusion after the 2006 election, finding

1 that less than 40 percent of military voters received
2 voting information and assistance.

3 (6) Millions of military voters have been
4 disenfranchised as a result of the current system's
5 inability to provide them with voting information
6 and assistance. A Department of Defense study con-
7 ducted by the Defense Manpower Data Center found
8 that, in the 2006 election for Federal office, only 22
9 percent of military voters were able to successfully
10 vote, by either casting an absentee ballot or voting
11 in person—which represents approximately one-half
12 of the percentage of the overall national population
13 that voted in such election. A separate study by the
14 U.S. Election Assistance Commission found that, in
15 such election, only a small fraction of military voters
16 were able to request an absentee ballot. The Election
17 Assistance Commission study further showed that,
18 even when military voters were able to request a bal-
19 lot, a significant percentage of the ballots requested
20 never reached the military voters who requested
21 them, having been sent to outdated addresses from
22 which the military voters had since moved.

23 (7) Preliminary data from the 2008 Presi-
24 dential election shows little or no improvement. Ac-
25 cording to statistics collected from 5 of the 6 States

1 with the largest number of military voters, only 21.9
2 percent of all eligible military voters in those States
3 were able to request absentee ballots. Once again,
4 many ballots were sent to outdated addresses and
5 did not reach the intended military voters.

6 (8) The ability of military voters to participate
7 in the democratic process would be significantly im-
8 proved through more robust efforts by the Armed
9 Forces to provide such voters with pertinent voting
10 information and effective assistance when they need
11 it most—when their address changes as a result of
12 reassignment to a new duty station or overseas de-
13 ployment. The Armed Forces, in so doing, would
14 dramatically increase the ability of military voters to
15 request and obtain absentee ballots, and they would
16 also help ensure that local election officials have the
17 most current address of military voters in order to
18 send absentee ballots to such voters.

19 **SEC. 3. TREATMENT OF ACTIVE DUTY MILITARY INSTALLA-**
20 **TIONS.**

21 Section 7 of the National Voter Registration Act of
22 1993 (42 U.S.C. 1973gg-5) is amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing new subsection:

3 “(d) ACTIVE DUTY MILITARY INSTALLATIONS.—

4 “(1) Not later than 180 days after the date of
5 enactment of this subsection, each Secretary of a
6 military department shall take appropriate actions to
7 designate an office on each installation of the Armed
8 Forces under the jurisdiction of such Secretary to
9 ensure that each individual described in paragraph
10 (2) is provided the opportunity to register to vote in
11 an election for Federal office, update the individual’s
12 voter registration information, and request an absen-
13 tee ballot under the Uniformed and Overseas Citi-
14 zens Absentee Voting Act.

15 “(2) The following individuals are described in
16 this paragraph:

17 “(A) A member of the Armed Forces—

18 “(i) who is undergoing a permanent
19 change of duty station;

20 “(ii) who is deploying overseas for at
21 least 6 months;

22 “(iii) who is or returning from an
23 overseas deployment of at least 6 months;

24 or

1 “(iv) who requests assistance related
2 to voter registration.

3 “(B) A dependent of a member of the
4 Armed Forces, if the dependent—

5 “(i) requests assistance related to
6 voter registration; and

7 “(ii) is at least 18 years of age.

8 “(3) The assistance described in paragraph (1)
9 shall be provided to a member of the Armed
10 Forces—

11 “(A) described in clause (i) of paragraph
12 (2)(A), as part of the administrative processing
13 of the member upon arrival at the new duty
14 station of the member;

15 “(B) described in clause (ii) of such para-
16 graph, as part of the administrative processing
17 of the member upon deployment from the home
18 duty station of the member;

19 “(C) described in clause (iii) of such para-
20 graph, as part of the administrative processing
21 of the member upon return to the home duty
22 station of the member; and

23 “(D) described in clause (iv) of such para-
24 graph, at any time the member requests such
25 assistance.

1 “(4) An office designated by the Secretary of a
 2 military department under paragraph (1) shall be
 3 considered to be a voter registration agency des-
 4 ignated under subsection (a)(2) of this section for all
 5 purposes of this subchapter.”.

6 **SEC. 4. OUTREACH FOR MEMBERS OF THE ARMED FORCES**
 7 **AND THEIR FAMILY MEMBERS.**

8 (a) IN GENERAL.—The Secretary of each military de-
 9 partment, or the Presidential designee under section
 10 101(a) of the Uniformed and Overseas Citizens Absentee
 11 Voting Act (42 U.S.C. 1973ff et seq.), shall take appro-
 12 priate actions to inform members of the Armed Forces
 13 and the dependents of such members of the assistance
 14 available under section 7(d) of the National Voter Reg-
 15 istration Act of 1993 (42 U.S.C. 1973gg–5), as added by
 16 section 3, including—

17 (1) the availability of voter registration assist-
 18 ance at offices designated under paragraph (1) of
 19 such section 7(d); and

20 (2) the time, location, and manner in which a
 21 member of the Armed Forces and a dependent of
 22 such a member may utilize such assistance.

23 (b) REPORTS.—

24 (1) REPORT ON STATUS OF IMPLEMENTA-
 25 TION.—

1 (A) REPORT REQUIRED.—Not later than
2 180 days after the date of the enactment of this
3 Act, the Secretary of each military department,
4 or the Presidential designee under section
5 101(a) of the Uniformed and Overseas Citizens
6 Absentee Voting Act (42 U.S.C. 1973ff), shall
7 submit to the relevant committees of Congress
8 a report on the status of the implementation of
9 section 7(d) of the National Voter Registration
10 Act of 1993 (42 U.S.C. 1973gg–5), as added by
11 section 3.

12 (B) ELEMENTS.—The report under sub-
13 paragraph (A) shall include a detailed descrip-
14 tion of the specific steps taken towards the im-
15 plementation of such section, including the des-
16 ignation of offices under paragraph (1) of such
17 section 7(d).

18 (2) REPORT ON UTILIZATION OF VOTER REG-
19 ISTRATION ASSISTANCE.—

20 (A) REPORTS REQUIRED.—Not later than
21 1 year after the date of the enactment of this
22 Act, the Secretary of each military department,
23 or the Presidential designee, shall submit to the
24 relevant committees of Congress a report on the

1 utilization of voter registration assistance pro-
2 vided under such section 7(d).

3 (B) ELEMENTS.—The report under sub-
4 paragraph (A) shall include—

5 (i) a description of the specific pro-
6 grams implemented by each military de-
7 partment of the Armed Forces pursuant to
8 such section 7(d); and

9 (ii) the number of military service
10 members and dependents who utilized
11 voter registration assistance provided
12 under such section 7(d).

13 (3) RELEVANT COMMITTEES OF CONGRESS DE-
14 FINED.—In this subsection, the term “relevant com-
15 mittees of Congress” means—

16 (A) the Committees on Appropriations,
17 Armed Services, and Rules and Administration
18 of the Senate; and

19 (B) the Committees on Appropriations,
20 Armed Services, and House Administration of
21 the House of Representatives.

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