

112TH CONGRESS
2D SESSION

H. R. 6594

To amend the Uniformed and Overseas Citizens Absentee Voting Act to require States which fail to transmit validly requested absentee ballots in an election for Federal office to absent uniformed services voters within the deadline established under the Act to delay certifying the results of the election, to establish a private right of action to enforce the requirements of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2012

Mr. OLSON introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to require States which fail to transmit validly requested absentee ballots in an election for Federal office to absent uniformed services voters within the deadline established under the Act to delay certifying the results of the election, to establish a private right of action to enforce the requirements of such Act, 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 Ballot Integ-
3 rity Act of 2012”.

4 **SEC. 2. REQUIRING STATES FAILING TO MEET DEADLINE**
5 **FOR TRANSMITTING ABSENTEE BALLOTS TO**
6 **ABSENT UNIFORMED SERVICES VOTERS TO**
7 **DELAY CERTIFICATION OF RESULTS OF**
8 **ELECTION.**

9 (a) DELAY IN CERTIFICATION OF RESULTS OF ELEC-
10 TIONS.—Section 102 of the Uniformed and Overseas Citi-
11 zens Absentee Voting Act (42 U.S.C. 1973ff–1) is amend-
12 ed by adding at the end the following new subsection:

13 “(j) DELAY IN CERTIFICATION OF RESULTS OF
14 ELECTIONS IN STATES FAILING TO MEET DEADLINE
15 FOR TRANSMITTING ABSENTEE BALLOTS TO ABSENT
16 UNIFORMED SERVICES VOTERS.—

17 “(1) IN GENERAL.—If a State does not trans-
18 mit a validly requested absentee ballot with respect
19 to an election to an absent uniformed services voter
20 by the deadline required under subsection (a)(8)(A),
21 the State shall delay the certification of the results
22 of the election by the number of days by which the
23 State missed such deadline with respect to the voter.

24 “(2) EXCEPTION FOR ELECTIONS SUBJECT TO
25 WAIVER.—Paragraph (1) does not apply with respect

1 to any election for which a waiver is approved under
2 subsection (g).”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall apply with respect to elections occur-
5 ring after the date of the enactment of this Act.

6 **SEC. 3. ESTABLISHMENT OF PRIVATE RIGHT OF ACTION.**

7 (a) IN GENERAL.—Section 105 of the Uniformed and
8 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
9 4) is amended by striking subsection (b) and inserting the
10 following:

11 “(b) PRIVATE RIGHT OF ACTION.—A person who is
12 aggrieved by a violation of this Act may bring a civil action
13 in an appropriate district court for such declaratory or in-
14 junctive relief as may be necessary to carry out this Act.

15 “(c) ATTORNEY’S FEES.—In a civil action under this
16 section, the court may allow the prevailing party (other
17 than the United States) reasonable attorney’s fees, includ-
18 ing litigation expenses, and costs.

19 “(d) REPORTS TO CONGRESS.—

20 “(1) ANNUAL REPORT.—Not later than Decem-
21 ber 31 of each year, the Attorney General shall sub-
22 mit to Congress an annual report on any civil action
23 brought by the Attorney General under subsection
24 (a) during the preceding year or any civil action

1 brought by a private party under subsection (b) in
 2 which the Attorney General intervened.

3 “(2) REPORT ON ENFORCEMENT.—Not later
 4 than July 1 of each year in which a regularly sched-
 5 uled general election for Federal office is held, the
 6 Attorney General shall submit to Congress a report
 7 on the number of attorneys and other staff within
 8 the Department of Justice assigned to enforce this
 9 Act, as well as the Attorney General’s plan to detect
 10 noncompliance by State and local election officials
 11 with the requirements of this Act.”.

12 (b) EFFECTIVE DATE.—The amendment made by
 13 this section shall apply with respect to alleged violations
 14 occurring on or after the date of the enactment of this
 15 Act.

16 **SEC. 4. CENTRALIZED FORWARDING DATABASE FOR DELIV-**
 17 **ERING ELECTION MATERIAL TO DEMOBI-**
 18 **LIZED MEMBERS OF RESERVE AND NA-**
 19 **TIONAL GUARD.**

20 (a) ESTABLISHMENT AND OPERATION.—Section
 21 103B(a) of the Uniformed and Overseas Citizens Absentee
 22 Voting Act (42 U.S.C. 1973ff–2b(a)) is amended by add-
 23 ing at the end the following new paragraph:

24 “(3) Establish and operate a centralized mail
 25 forwarding database through which balloting mate-

1 rials for a member of a reserve component who is
2 called or ordered to active duty are forwarded to the
3 member's correct mailing address after the member
4 is released from active duty.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to balloting mate-
7 rials prepared for any election occurring after the date of
8 the enactment of this Act.

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