

115TH CONGRESS  
1ST SESSION

# H. R. 3300

To amend the Uniformed and Overseas Citizens Absentee Voting Act to require States to submit pre-election reports on the extent to which absentee ballots for elections for Federal office are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 45 days before the election, to repeal the authority of States to waive the requirement of such Act that States transmit absentee ballots for such elections to such voters by not later than 45 days before the election, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2017

Mr. SCHNEIDER (for himself and Mr. BRADY of Pennsylvania) 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 require States to submit pre-election reports on the extent to which absentee ballots for elections for Federal office are or will be available for transmission to absent uniformed services voters and overseas voters by not later than 45 days before the election, to repeal the authority of States to waive the requirement of such Act that States transmit absentee ballots for such elections to such voters by not later than 45 days before 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Help Our Service  
5       Members and Citizens Abroad Vote Act”.

6       **SEC. 2. PRE-ELECTION REPORTS ON AVAILABILITY AND**  
7               **TRANSMISSION OF ABSENTEE BALLOTS.**

8       Section 102(c) of the Uniformed and Overseas Citi-  
9       zens Absentee Voting Act (52 U.S.C. 20302(c)) is amend-  
10      ed to read as follows:

11      “(c) REPORTS ON AVAILABILITY, TRANSMISSION,  
12      AND RECEIPT OF ABSENTEE BALLOTS.—

13              “(1) PRE-ELECTION REPORT ON ABSENTEE  
14      BALLOT AVAILABILITY.—Not later than 55 days be-  
15      fore any regularly scheduled general election for  
16      Federal office, each State shall submit a report to  
17      the Attorney General, the Election Assistance Com-  
18      mission (hereafter in this subsection referred to as  
19      the ‘Commission’), and the Presidential Designee,  
20      and make that report publicly available that same  
21      day, certifying that absentee ballots for the election  
22      are or will be available for transmission to absent  
23      uniformed services voters and overseas voters by not  
24      later than 45 days before the election. The report  
25      shall be in a form prescribed jointly by the Attorney

1 General and the Commission and shall require the  
2 State to certify specific information about ballot  
3 availability from each unit of local government which  
4 will administer the election.

5 “(2) PRE-ELECTION REPORT ON ABSENTEE  
6 BALLOT TRANSMISSION.—Not later than 43 days be-  
7 fore any regularly scheduled general election for  
8 Federal office, each State shall submit a report to  
9 the Attorney General, the Commission, and the  
10 Presidential Designee, and make that report publicly  
11 available that same day, certifying whether all ab-  
12 sentee ballots have been transmitted by not later  
13 than 45 days before the election to all qualified ab-  
14 sent uniformed services and overseas voters whose  
15 requests were received at least 45 days before the  
16 election. The report shall be in a form prescribed  
17 jointly by the Attorney General and the Commission,  
18 and shall require the State to certify specific infor-  
19 mation about ballot transmission, including the total  
20 numbers of ballot requests received and ballots  
21 transmitted, from each unit of local government  
22 which will administer the election.

23 “(3) POST-ELECTION REPORT ON NUMBER OF  
24 ABSENTEE BALLOTS TRANSMITTED AND RE-  
25 CEIVED.—Not later than 90 days after the date of

1 each regularly scheduled general election for Federal  
 2 office, each State and unit of local government  
 3 which administered the election shall (through the  
 4 State, in the case of a unit of local government) sub-  
 5 mit a report to the Attorney General, the Commis-  
 6 sion, and the Presidential Designee on the combined  
 7 number of absentee ballots transmitted to absent  
 8 uniformed services voters and overseas voters for the  
 9 election and the combined number of such ballots  
 10 which were returned by such voters and cast in the  
 11 election, and shall make such report available to the  
 12 general public that same day.”.

13 **SEC. 3. REVISIONS TO 45-DAY ABSENTEE BALLOT TRANS-**  
 14 **MISSION RULE.**

15 (a) REPEAL OF WAIVER AUTHORITY.—

16 (1) IN GENERAL.—Section 102 of the Uni-  
 17 formed and Overseas Citizens Absentee Voting Act  
 18 (52 U.S.C. 20302) is amended by striking sub-  
 19 section (g).

20 (2) CONFORMING AMENDMENT.—Section  
 21 102(a)(8)(A) of such Act (52 U.S.C.  
 22 20302(a)(8)(A)) is amended by striking “except as  
 23 provided in subsection (g),”.

24 (b) REQUIRING USE OF EXPRESS DELIVERY IN CASE  
 25 OF FAILURE TO MEET REQUIREMENT.—Section 102 of

1 such Act (52 U.S.C. 20302), as amended by subsection  
2 (a), is amended by inserting after subsection (f) the fol-  
3 lowing new subsection:

4 “(g) REQUIRING USE OF EXPRESS DELIVERY IN  
5 CASE OF FAILURE TO TRANSMIT BALLOTS WITHIN  
6 DEADLINES.—

7 “(1) TRANSMISSION OF BALLOT BY EXPRESS  
8 DELIVERY.—If a State fails to meet the requirement  
9 of subsection (a)(8)(A) to transmit a validly re-  
10 quested absentee ballot to an absent uniformed serv-  
11 ices voter or overseas voter not later than 45 days  
12 before the election (in the case in which the request  
13 is received at least 45 days before the election)—

14 “(A) the State shall transmit the ballot to  
15 the voter by express delivery; or

16 “(B) in the case of a voter who has des-  
17 ignated that absentee ballots be transmitted  
18 electronically in accordance with subsection  
19 (f)(1), the State shall transmit the ballot to the  
20 voter electronically.

21 “(2) SPECIAL RULE FOR TRANSMISSION FEWER  
22 THAN 40 DAYS BEFORE THE ELECTION.—If, in car-  
23 rying out paragraph (1), a State transmits an ab-  
24 sentee ballot to an absent uniformed services voter  
25 or overseas voter fewer than 40 days before the elec-

1       tion, the State shall enable the ballot to be returned  
2       by the voter by express delivery, except that in the  
3       case of an absentee ballot of an absent uniformed  
4       services voter for a regularly scheduled general elec-  
5       tion for Federal office, the State may satisfy the re-  
6       quirement of this paragraph by notifying the voter  
7       of the procedures for the collection and delivery of  
8       such ballots under section 103A.”.

9       (c) CLARIFICATION OF TREATMENT OF WEEK-  
10      ENDS.—Section 102(a)(8)(A) of such Act (52 U.S.C.  
11      20302(a)(8)(A)) is amended by striking “the election;”  
12      and inserting the following: “the election (or, if the 45th  
13      day preceding the election is a weekend or legal public hol-  
14      iday, not later than the most recent weekday which pre-  
15      cedes such 45th day and which is not a legal public holi-  
16      day, but only if the request is received by at least such  
17      most recent weekday);”.

18      **SEC. 4. EFFECTIVE DATE.**

19       The amendments made by this Act shall apply with  
20      respect to elections occurring on or after January 1, 2018.

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