

Stat. 1724, 1725; Pub. L. 111-84, div. A, title V, § 585(a), (b)(2), Oct. 28, 2009, 123 Stat. 2331.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1973ff-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Pub. L. 111-84 substituted “Prohibition of refusal of applications on grounds of early submission” for “Use of single application for all subsequent elections” in section catchline, struck out subsecs. (a) to (d) which related, respectively, to provision of absentee ballot in subsequent elections after acceptance and processing of an official post card form, exception for voters changing registration, revision of official post card form, and construction of provisions with voter removal programs, and struck out subsec. (e) designation and heading before “A State”.

2002—Subsec. (a). Pub. L. 107-252, § 704, substituted “through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election” for “during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year”.

Subsec. (e). Pub. L. 107-252, § 706(a), added subsec. (e).

2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to use of single application for all subsequent elections for provisions relating to recommendations to States to maximize access to polls by absent uniformed services voters and overseas voters.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-252, title VII, § 706(b), Oct. 29, 2002, 116 Stat. 1725, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to elections for Federal office that occur after January 1, 2004.”

§ 20307. Enforcement

(a) In general

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this chapter.

(b) Report to Congress

Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

(Pub. L. 99-410, title I, § 105, Aug. 28, 1986, 100 Stat. 927; Pub. L. 111-84, div. A, title V, § 587, Oct. 28, 2009, 123 Stat. 2333.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1973ff-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Pub. L. 111-84 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 20308. Reporting requirements

(a) Report on status of implementation and assessment of programs

Not later than 180 days after October 28, 2009, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 20304 of this title, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

(A) A thorough and complete assessment of whether the Program, as configured and implemented as of October 28, 2009, is effectively assisting absent uniformed services voters in exercising their right to vote.

(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 1566a of title 10.

(b) Biennial report on effectiveness of activities and utilization of certain procedures

Not later than September 30 of each odd-numbered year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information with respect to the Federal elections held during the preceding calendar year:

(1) An assessment of the effectiveness of activities carried out under section 20305 of this title, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

(2) A description of the utilization of voter registration assistance under section 1566a of title 10, which shall include the following:

(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

(3) A description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 20304 of this title, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

(c) Definitions

In this section:

(1) Absent overseas uniformed services voter

The term “absent overseas uniformed services voter” has the meaning given such term in section 20304(d) of this title.

(2) Presidential designee

The term “Presidential designee” means the Presidential designee under section 20301(a) of this title.

(3) Relevant committees of Congress defined

The term “relevant committees of Congress” means—

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

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

(Pub. L. 99-410, title I, §105A, as added Pub. L. 111-84, div. A, title V, §586, Oct. 28, 2009, 123 Stat. 2331; amended Pub. L. 116-283, div. A, title V, §595, Jan. 1, 2021, 134 Stat. 3666.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2)(C), is Pub. L. 99-410, Aug. 28, 1986, 100 Stat. 924, known as the Uniformed and Overseas Citizens Absentee Voting Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973ff-4a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283, §595(a), (b)(1), in heading, substituted “Biennial report” for “Annual report” and, in introductory provisions, substituted “September 30 of each odd-numbered year” for “March 31 of each year” and “the following information with respect to the Federal elections held during the preceding calendar year” for “the following information”.

Subsec. (b)(3). Pub. L. 116-283, §595(b)(2), substituted “A description” for “In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (b) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of Title 10, Armed Forces.

§ 20309. Effect on certain other laws

The exercise of any right under this chapter shall not affect, for purposes of any Federal, State, or local tax, the residence or domicile of a person exercising such right.

(Pub. L. 99-410, title I, §106, Aug. 28, 1986, 100 Stat. 927.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 1973ff-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 20310. Definitions

As used in this chapter, the term—

(1) “absent uniformed services voter” means—

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) “balloting materials” means official post card forms (prescribed under section 20301 of this title), Federal write-in absentee ballots (prescribed under section 20303 of this title), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this chapter;

(3) “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) “member of the merchant marine” means an individual (other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways)—

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

(5) “overseas voter” means—

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or