

## Calendar No. 114

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1415

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

---

### IN THE SENATE OF THE UNITED STATES

JULY 8, 2009

Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. BENNETT, Mr. UDALL of New Mexico, Mr. INOUE, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CORNYN, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

JULY 16, 2009

Reported by Mr. SCHUMER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

---

## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and

have their absentee ballots cast and counted, 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 and Overseas  
5 Voter Empowerment Act”.

6 **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8           (1) The right to vote is a fundamental right.

9           (2) Due to logistical, geographical, operational  
10 and environmental barriers, military and overseas  
11 voters are burdened by many obstacles that impact  
12 their right to vote and register to vote, the most crit-  
13 ical of which include problems transmitting balloting  
14 materials and not being given enough time to vote.

15           (3) States play an essential role in facilitating  
16 the ability of military and overseas voters to register  
17 to vote and have their ballots cast and counted, es-  
18 pecially with respect to timing and improvement of  
19 absentee voter registration and absentee ballot pro-  
20 cedures.

21           (4) The Department of Defense educates mili-  
22 tary and overseas voters of their rights under the  
23 Uniformed and Overseas Citizens Absentee Voting  
24 Act and plays an indispensable role in facilitating

1 the procedural channels that allow military and over-  
 2 seas voters to have their votes count.

3 (5) The local, State, and Federal Government  
 4 entities involved with getting ballots to military and  
 5 overseas voters must work in conjunction to provide  
 6 voter registration services and balloting materials in  
 7 a secure and expeditious manner.

8 **SEC. 3. CLARIFICATION REGARDING DELEGATION OF**  
 9 **STATE RESPONSIBILITIES.**

10 *A State may delegate its responsibilities in carrying*  
 11 *out the requirements under the Uniformed and Overseas*  
 12 *Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) im-*  
 13 *posed as a result of the provisions of and amendments made*  
 14 *by this Act to jurisdictions of the State.*

15 **SEC. 34. ESTABLISHMENT OF PROCEDURES FOR ABSENT**  
 16 **UNIFORMED SERVICES VOTERS AND OVER-**  
 17 **SEAS VOTERS TO REQUEST AND FOR STATES**  
 18 **TO SEND VOTER REGISTRATION APPLICA-**  
 19 **TIONS AND ABSENTEE BALLOT APPLICA-**  
 20 **TIONS BY MAIL, ELECTRONICALLY, AND BY**  
 21 **FACSIMILE BY MAIL OR ELECTRONICALLY.**

22 (a) IN GENERAL.—Section 102 of the Uniformed and  
 23 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—  
 24 1) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (4), by striking “and” at  
2 the end;

3 (B) in paragraph (5), by striking the pe-  
4 riod at the end and inserting “; and”; and

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

7 “(6) in addition to any other method of reg-  
8 istering to vote or applying for an absentee ballot in  
9 the State, establish procedures—

10 “(A) for absent uniformed services voters  
11 and overseas voters to request ~~by mail, elec-~~  
12 ~~tronically, and by facsimile~~ *by mail or electroni-*  
13 *cally* voter registration applications and absen-  
14 tee ballot applications with respect to general,  
15 special, primary, and runoff elections for Fed-  
16 eral office in accordance with subsection (e);

17 “(B) for States to send ~~by mail, electroni-~~  
18 ~~cally, and by facsimile~~ *by mail or electronically*  
19 (in accordance with the preferred method of  
20 transmission designated by the absent uni-  
21 formed services voter or overseas voter under  
22 subparagraph (C)) voter registration applica-  
23 tions and absentee ballot applications requested  
24 under subparagraph (A) in accordance with  
25 subsection (e); and

1           “(C) by which the absent uniformed serv-  
 2           ices voter or overseas voter can designate  
 3           whether they prefer for such voter registration  
 4           application or absentee ballot application to be  
 5           transmitted by mail, electronically, or by fac-  
 6           simile.~~by mail or electronically.~~”; and

7           (2) by adding at the end the following new sub-  
 8           section:

9           “~~(e) DESIGNATION OF EMAIL ADDRESS AND FAC-~~  
 10          SIMILE NUMBER FOR ABSENT UNIFORMED SERVICES  
 11          VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR  
 12          STATES TO SEND VOTER REGISTRATION APPLICATIONS  
 13          AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER  
 14          PURPOSES RELATED TO VOTING INFORMATION.—

15           “(1) IN GENERAL.—Each State shall, in addi-  
 16          tion to the designation of a single State office under  
 17          subsection (b), designate not less than 1 email ad-  
 18          dress and not less than 1 facsimile number—

19           “(e) *DESIGNATION OF MEANS OF ELECTRONIC COM-*  
 20          *MUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS*  
 21          *AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO*  
 22          *SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE*  
 23          *BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RE-*  
 24          *LATED TO VOTING INFORMATION.—*

1           “(1) *IN GENERAL.*—*Each State shall, in addi-*  
2           *tion to the designation of a single State office under*  
3           *subsection (b), designate not less than 1 means of elec-*  
4           *tronic communication (such as an email address,*  
5           *Internet website, or facsimile)*—

6           “(A) for use by absent uniformed services  
7           voters and overseas voters who wish to register  
8           to vote or vote in any jurisdiction in the State  
9           to request voter registration applications and  
10          absentee ballot applications under subsection  
11          (a)(6);

12          “(B) for use by States to send voter reg-  
13          istration applications and absentee ballot appli-  
14          cations requested under such subsection; and

15          “(C) for the purpose of providing related  
16          voting, balloting, and election information to  
17          absent uniformed services voters and overseas  
18          voters.

19          “(2) *CLARIFICATION REGARDING PROVISION OF*  
20          *MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.*—  
21          *A State may, in addition to the means of electronic*  
22          *communication so designated, provide multiple means*  
23          *of electronic communication to absent uniformed serv-*  
24          *ices voters and overseas voters, including a means of*

1 *electronic communication for the appropriate juris-*  
 2 *isdiction of the State.*

3 ~~“(2) INCLUSION OF DESIGNATED EMAIL AD-~~  
 4 ~~DRESS AND FACSIMILE NUMBER ON BALLOTING MA-~~  
 5 ~~TERIALS AND RELATED COMMUNICATIONS.—Each~~  
 6 ~~State shall include an email address and facsimile~~  
 7 ~~number so designated on all balloting materials and~~  
 8 ~~related communications sent by the State to absent~~  
 9 ~~uniformed services voters and overseas voters.~~

10 *“(3) INCLUSION OF DESIGNATED MEANS OF*  
 11 *ELECTRONIC COMMUNICATION WITH INFORMATIONAL*  
 12 *AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY*  
 13 *BALLOTING MATERIALS.—Each State shall include a*  
 14 *means of electronic communication so designated with*  
 15 *all informational and instructional materials that ac-*  
 16 *company balloting materials sent by the State to ab-*  
 17 *sent uniformed services voters and overseas voters.*

18 ~~“(3)(4) AVAILABILITY AND MAINTENANCE OF~~  
 19 ~~ONLINE REPOSITORY OF STATE CONTACT INFORMA-~~  
 20 ~~TION.—The Federal Voting Assistance Program of~~  
 21 ~~the Department of Defense shall maintain and make~~  
 22 ~~available to the public an online repository of State~~  
 23 ~~contact information with respect to elections for~~  
 24 ~~Federal office, including the single State office des-~~  
 25 ~~ignated under subsection (b) and the email address~~

1 ~~and facsimile number~~ *means of electronic communica-*  
 2 *tion* designated under paragraph (1), to be used by  
 3 absent uniformed services voters and overseas voters  
 4 as a resource to send voter registration applications  
 5 and absentee ballot applications to the appropriate  
 6 jurisdiction in the State.

7 ~~“(4)(5) TRANSMISSION IF NO PREFERENCE IN-~~  
 8 ~~DICATED.—~~In the case where an absent uniformed  
 9 services voter or overseas voter does not designate a  
 10 preference under subsection (a)(6)(C), the State  
 11 shall transmit the voter registration application or  
 12 absentee ballot application by any delivery method  
 13 allowable in accordance with applicable State law, or  
 14 if there is no applicable State law, by mail.

15 ~~“(5) PRIVACY PROTECTIONS.—~~The procedures  
 16 established under subsection (a)(6) shall ensure that  
 17 the privacy of the identity and other personal data  
 18 of an absent uniformed services voter or overseas  
 19 voter who requests or is sent a voter registration ap-  
 20 plication or absentee ballot application under such  
 21 subsection is protected throughout the process of  
 22 making such request or being sent such application.

23 ~~“(6) SECURITY AND PRIVACY PROTECTIONS.—~~

24 ~~“(A) SECURITY PROTECTIONS.—~~*To the ex-*  
 25 *tent practicable, States shall ensure that the pro-*



1           *cedures established under subsection (a)(6) pro-*  
2           *tect the security and integrity of the voter reg-*  
3           *istration and absentee ballot application request*  
4           *processes.*

5           “(B) *PRIVACY PROTECTIONS.—To the extent*  
6           *practicable, the procedures established under sub-*  
7           *section (a)(6) shall ensure that the privacy of the*  
8           *identity and other personal data of an absent*  
9           *uniformed services voter or overseas voter who re-*  
10          *quests or is sent a voter registration application*  
11          *or absentee ballot application under such sub-*  
12          *section is protected throughout the process of*  
13          *making such request or being sent such applica-*  
14          *tion.”.*

15          (b) *EFFECTIVE DATE.—*The amendments made by  
16 this section shall apply with respect to the regularly sched-  
17 uled general election for Federal office held in November  
18 2010 and each succeeding election for Federal office.

1 **SEC. 45. ESTABLISHMENT OF PROCEDURES FOR STATES TO**  
 2 **TRANSMIT BLANK ABSENTEE BALLOTS BY**  
 3 **MAIL, ONLINE, AND BY FACSIMILEMAIL AND**  
 4 **ELECTRONICALLY TO ABSENT UNIFORMED**  
 5 **SERVICES VOTERS AND OVERSEAS VOTERS.**

6 (a) IN GENERAL.—Section 102 of the Uniformed and  
 7 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–  
 8 1), as amended by section 34, is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (5), by striking “and” at  
 11 the end;

12 (B) in paragraph (6), by striking the pe-  
 13 riod at the end and inserting “; and”; and

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

16 “(7) in addition to any other method of trans-  
 17 mitting blank absentee ballots in the State, establish  
 18 procedures for transmitting ~~by mail, electronically,~~  
 19 ~~and by facsimile~~ *by mail and electronically* blank ab-  
 20 sentee ballots to absent uniformed services voters  
 21 and overseas voters with respect to general, special,  
 22 primary, and runoff elections for Federal office in  
 23 accordance with subsection (f).”; and

24 (2) by adding at the end the following new sub-  
 25 section:

1       “(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS  
 2 BY ~~MAIL, ONLINE, AND BY FACSIMILE~~MAIL AND *ELEC-*  
 3 *TRONICALLY*.—

4           “(1) IN GENERAL.—Each State shall establish  
 5 procedures—

6           “(A) to transmit blank absentee ballots by  
 7 ~~mail, electronically, and by facsimile~~*mail and*  
 8 *electronically* (in accordance with the preferred  
 9 method of transmission designated by the ab-  
 10 sent uniformed services voter or overseas voter  
 11 under subparagraph (B)) to absent uniformed  
 12 services voters and overseas voters for an elec-  
 13 tion for Federal office; and

14           “(B) by which the absent uniformed serv-  
 15 ices voter or overseas voter can designate  
 16 whether they prefer for such blank absentee  
 17 ballot to be transmitted ~~by mail, electronically,~~  
 18 ~~or by facsimile~~*by mail and electronically*.

19           “(2) TRANSMISSION IF NO PREFERENCE INDI-  
 20 CATED.—In the case where an absent uniformed  
 21 services voter or overseas voter does not designate a  
 22 preference under paragraph (1)(B), the State shall  
 23 transmit the ballot by any delivery method allowable  
 24 in accordance with applicable State law, or if there  
 25 is no applicable State law, by mail.

1           ~~“(3) PRIVACY PROTECTIONS.—The procedures~~  
 2           ~~established under subsection (a)(7) shall ensure that~~  
 3           ~~the privacy of the identity and other personal data~~  
 4           ~~of an absent uniformed services voter or overseas~~  
 5           ~~voter to whom a blank absentee ballot is transmitted~~  
 6           ~~under such subsection is protected throughout the~~  
 7           ~~process of such transmission.~~

8           “(3) SECURITY AND PRIVACY PROTECTIONS.—

9           “(A) SECURITY PROTECTIONS.—*To the ex-*  
 10           *tent practicable, States shall ensure that the pro-*  
 11           *cedures established under subsection (a)(7) pro-*  
 12           *tect the security and integrity of absentee ballots.*

13           “(B) PRIVACY PROTECTIONS.—*To the extent*  
 14           *practicable, the procedures established under sub-*  
 15           *section (a)(7) shall ensure that the privacy of the*  
 16           *identity and other personal data of an absent*  
 17           *uniformed services voter or overseas voter to*  
 18           *whom a blank absentee ballot is transmitted*  
 19           *under such subsection is protected throughout the*  
 20           *process of such transmission.”.*

21           (b) EFFECTIVE DATE.—The amendments made by  
 22 this section shall apply with respect to the regularly sched-  
 23 uled general election for Federal office held in November  
 24 2010 and each succeeding election for Federal office.

1 **SEC. 56. ENSURING ABSENT UNIFORMED SERVICES VOT-**  
 2 **ERS AND OVERSEAS VOTERS HAVE TIME TO**  
 3 **VOTE.**

4 (a) **IN GENERAL.**—Section 102 of the Uniformed and  
 5 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-  
 6 1), as amended by section 4, is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (6), by striking “and” at  
 9 the end;

10 (B) in paragraph (7), by striking the pe-  
 11 riod at the end and inserting a semicolon; and

12 (C) by adding at the end the following new  
 13 paragraphs:

14 “(8) except as provided in subsection (g), trans-  
 15 mit a validly requested absentee ballot to an absent  
 16 uniformed services voter or overseas voter—

17 “(A) in the case where the request is re-  
 18 ceived at least 45 days before an election for  
 19 Federal office, not later than 45 days before the  
 20 election; and

21 “(B) in the case where the request is re-  
 22 ceived less than 45 days before an election for  
 23 Federal office—

24 “(i) in accordance with State law; and

25 “(ii) if practicable and as determined  
 26 appropriate by the State, in a manner that

1           expedites the transmission of such absent-  
2           tee ballot; and

3           ~~“(9) except as provided in subsection (g), ac-~~  
4           cept and count a marked absentee ballot of an ab-  
5           sent uniformed services voter or overseas voter that  
6           is postmarked or otherwise officially dated on or be-  
7           fore the election for Federal office involved if the  
8           marked absentee ballot is received by the State on  
9           or before the later of—

10           ~~“(A) the date that is 55 days after the~~  
11           date on which a validly requested absentee bal-  
12           lot is required to be transmitted under para-  
13           graph (8)(A); or

14           ~~“(B) the date on which the State certifies~~  
15           the election.”; and

16           (2) by adding at the end the following new sub-  
17           section:

18           ~~“(g) EXEMPTION OF CERTAIN STATES FROM CER-~~  
19           TAIN TIME REQUIREMENTS.—

20           ~~“(1) IN GENERAL.—A State is not required to~~  
21           comply with the requirements of paragraphs (8) and  
22           (9) of subsection (a) if, on and after the date of en-  
23           actment of this subsection, the State has in effect a  
24           law providing that a State absentee ballot is re-  
25           quired to be available to any absent uniformed serv-

1       ices voter or overseas voter not later than 55 days  
2       before the election for Federal office involved (deter-  
3       mined beginning on the date on which the State  
4       transmits a blank absentee ballot to an absent uni-  
5       formed services voter or overseas voter and ending  
6       on the deadline of the State for receipt of such ap-  
7       plication).

8           “(2) HARDSHIP EXEMPTION.—

9           “(A) IN GENERAL.—If the chief State elec-  
10       tion official determines that the State is unable  
11       to meet the requirements under such para-  
12       graphs with respect to an election for Federal  
13       office due to an undue hardship described in  
14       subparagraph (B)(ii), the chief State election  
15       official shall request that the Presidential des-  
16       ignee grant a waiver to the State of the applica-  
17       tion of such paragraphs. Such request shall in-  
18       clude—

19           “(i) a recognition that the purpose of  
20       such paragraphs is to allow absent uni-  
21       formed services voters and overseas voters  
22       enough time to vote in an election for Fed-  
23       eral office;

24           “(ii) an explanation of the hardship  
25       that indicates why the State is unable to

1 transmit absent uniformed services voters  
2 and overseas voters an absentee ballot in  
3 accordance with such paragraphs;

4 “(iii) the number of days prior to the  
5 election for Federal office that the State  
6 requires absentee ballots be transmitted to  
7 absent uniformed services voters and over-  
8 seas voters; and

9 “(iv) a comprehensive plan to ensure  
10 that absent uniformed services voters and  
11 overseas voters are able to receive absentee  
12 ballots which they have requested and sub-  
13 mit marked absentee ballots to the appro-  
14 priate State election official in time to have  
15 that ballot counted in the election for Fed-  
16 eral office, which includes—

17 “(I) the steps the State will un-  
18 dertake to ensure that absent uni-  
19 formed services voters and overseas  
20 voters have time to receive, mark, and  
21 submit their ballots in time to have  
22 those ballots counted in the election;

23 “(II) why the plan provides ab-  
24 sent uniformed services voters and  
25 overseas voters sufficient time to vote



1 as a substitute for the requirements  
2 under such paragraphs; and

3 “(III) the underlying factual in-  
4 formation which explains how the plan  
5 provides such sufficient time to vote  
6 as a substitute for such requirements.

7 “(B) APPROVAL OF WAIVER REQUEST.—

8 The Presidential designee shall approve a waiv-  
9 er request under subparagraph (A) if the Presi-  
10 dential designee determines each of the fol-  
11 lowing requirements are met:

12 “(i) The comprehensive plan under  
13 clause (iv) of such subparagraph provides  
14 absent uniformed services voters and over-  
15 seas voters sufficient time to receive absen-  
16 tee ballots they have requested and submit  
17 marked absentee ballots to the appropriate  
18 State election official in time to have that  
19 ballot counted in the election for Federal  
20 office.

21 “(ii) One or more of the following  
22 issues creates an undue hardship for the  
23 State:

24 “(I) The State’s primary election  
25 date prohibits the State from com-

1           plying with such paragraphs (8) and  
2           (9).

3           “(II) The State has suffered a  
4           delay in generating ballots due to a  
5           legal contest with respect to a primary  
6           election.

7           “(III) The State Constitution  
8           prohibits the State from complying  
9           with such paragraphs.

10          “(C) TIMING OF WAIVER.—

11           “(i) IN GENERAL.—Except as pro-  
12           vided under clause (ii), a State that re-  
13           quests a waiver under subparagraph (A)  
14           shall submit to the Presidential designee  
15           the written waiver request not later than  
16           90 days before the election for Federal of-  
17           fice with respect to which the request is  
18           submitted. The Presidential designee shall  
19           approve or deny the waiver request not  
20           later than 65 days before such election.

21           “(ii) EXCEPTION.—If a State requests  
22           a waiver under subparagraph (A) as the  
23           result of an undue hardship described in  
24           subparagraph (B)(ii)(II), the State shall  
25           submit to the Presidential designee the

1           written waiver request as soon as prac-  
 2           ticable. The Presidential designee shall ap-  
 3           prove or deny the waiver request not later  
 4           than 5 business days after the date on  
 5           which the request is received.

6           “(D) APPLICATION OF WAIVER.—A waiver  
 7           approved under subparagraph (B) shall only  
 8           apply with respect to the election for Federal  
 9           office for which the request was submitted. For  
 10          each subsequent election for Federal office, the  
 11          Presidential designee shall only approve a waiv-  
 12          er if the State has submitted a request under  
 13          subparagraph (A) with respect to such elec-  
 14          tion.”.

15          (b) RUNOFF ELECTIONS.—Section 102(a) of the  
 16          Uniformed and Overseas Citizens Absentee Voting Act (42  
 17          U.S.C. 1973ff-1(a)), as amended by subsection (a), is  
 18          amended—

19               (1) in paragraph (8), by striking “and” at the  
 20               end;

21               (2) in paragraph (9), by striking the period at  
 22               the end and inserting “; and”; and

23               (3) by adding at the end the following new  
 24               paragraph:

1           ~~“(10) if the State declares or otherwise holds a~~  
 2           ~~runoff election for Federal office, establish a written~~  
 3           ~~plan that provides absentee ballots are made avail-~~  
 4           ~~able to absent uniformed services voters and over-~~  
 5           ~~seas voters in manner that gives them sufficient~~  
 6           ~~time to vote in the runoff election.”.~~

7           ~~(e) EFFECTIVE DATE.—The amendments made by~~  
 8           ~~this section shall apply with respect to the regularly sched-~~  
 9           ~~uled general election for Federal office held in November~~  
 10          ~~2010 and each succeeding election for Federal office.~~

11          ~~(a) IN GENERAL.—Section 102 of the Uniformed and~~  
 12          ~~Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-~~  
 13          ~~1(a)(1)), as amended by section 5, is amended—~~

14                 ~~(1) in subsection (a)—~~

15                         ~~(A) in paragraph (1), by inserting “and,~~  
 16                         ~~except as provided in subsection (g), transmit~~  
 17                         ~~validly requested absentee ballots to such voters,~~  
 18                         ~~in the case where the request is received at least~~  
 19                         ~~45 days before an election for Federal office, not~~  
 20                         ~~later than 45 days before the election” before the~~  
 21                         ~~semicolon at the end;~~

22                         ~~(B) in paragraph (6), by striking “and” at~~  
 23                         ~~the end;~~

24                         ~~(C) in paragraph (7), by striking the period~~  
 25                         ~~at the end and inserting a semicolon; and~~

1                   (D) by adding at the end the following new  
2                   paragraph:

3                   “(8) transmit a validly requested absentee ballot  
4                   to an absent uniformed services voter or overseas  
5                   voter, in the case where the request is received less  
6                   than 45 days before an election for Federal office—

7                   “(A) in accordance with State law; and

8                   “(B) if practicable and as determined ap-  
9                   propriate by the State, in a manner that expe-  
10                  dites the transmission of such absentee ballot.”.

11                  (2) by adding at the end the following new sub-  
12                  section:

13                  “(g) *HARDSHIP EXEMPTION.*—

14                  “(1) *IN GENERAL.*—If the chief State election of-  
15                  ficial determines that the State is unable to meet the  
16                  requirement under subsection (a)(1) with respect to  
17                  an election for Federal office due to an undue hard-  
18                  ship described in paragraph (2)(B), the chief State  
19                  election official shall request that the Presidential des-  
20                  ignee grant a waiver to the State of the application  
21                  of such subsection. Such request shall include—

22                  “(A) a recognition that the purpose of such  
23                  subsection is to allow absent uniformed services  
24                  voters and overseas voters enough time to vote in  
25                  an election for Federal office;

1           “(B) an explanation of the hardship that  
2 indicates why the State is unable to transmit ab-  
3 sent uniformed services voters and overseas voters  
4 an absentee ballot in accordance with such sub-  
5 section;

6           “(C) the number of days prior to the elec-  
7 tion for Federal office that the State requires ab-  
8 sentee ballots be transmitted to absent uniformed  
9 services voters and overseas voters; and

10          “(D) a comprehensive plan to ensure that  
11 absent uniformed services voters and overseas  
12 voters are able to receive absentee ballots which  
13 they have requested and submit marked absentee  
14 ballots to the appropriate State election official  
15 in time to have that ballot counted in the elec-  
16 tion for Federal office, which includes—

17           “(i) the steps the State will undertake  
18 to ensure that absent uniformed services vot-  
19 ers and overseas voters have time to receive,  
20 mark, and submit their ballots in time to  
21 have those ballots counted in the election;

22           “(ii) why the plan provides absent uni-  
23 formed services voters and overseas voters  
24 sufficient time to vote as a substitute for the  
25 requirements under such subsection; and

1                   “(iii) the underlying factual informa-  
2                   tion which explains how the plan provides  
3                   such sufficient time to vote as a substitute  
4                   for such requirements.

5                   “(2) APPROVAL OF WAIVER REQUEST.—After  
6                   consulting with the Attorney General, the Presidential  
7                   designee shall approve a waiver request under para-  
8                   graph (1) if the Presidential designee determines each  
9                   of the following requirements are met:

10                   “(A) The comprehensive plan under sub-  
11                   paragraph (D) of such paragraph provides ab-  
12                   sent uniformed services voters and overseas voters  
13                   sufficient time to receive absentee ballots they  
14                   have requested and submit marked absentee bal-  
15                   lots to the appropriate State election official in  
16                   time to have that ballot counted in the election  
17                   for Federal office.

18                   “(B) One or more of the following issues  
19                   creates an undue hardship for the State:

20                   “(i) The State’s primary election date  
21                   prohibits the State from complying with  
22                   subsection (a)(1).

23                   “(ii) The State has suffered a delay in  
24                   generating ballots due to a legal contest.

1                   “(iii) *The State Constitution prohibits*  
2                   *the State from complying with such sub-*  
3                   *section.*

4                   “(3) *TIMING OF WAIVER.—*

5                   “(A) *IN GENERAL.—Except as provided*  
6                   *under subparagraph (B), a State that requests a*  
7                   *waiver under paragraph (1) shall submit to the*  
8                   *Presidential designee the written waiver request*  
9                   *not later than 90 days before the election for*  
10                   *Federal office with respect to which the request*  
11                   *is submitted. The Presidential designee shall ap-*  
12                   *prove or deny the waiver request not later than*  
13                   *65 days before such election.*

14                   “(B) *EXCEPTION.—If a State requests a*  
15                   *waiver under paragraph (1) as the result of an*  
16                   *undue hardship described in paragraph*  
17                   *(2)(B)(ii), the State shall submit to the Presi-*  
18                   *dential designee the written waiver request as*  
19                   *soon as practicable. The Presidential designee*  
20                   *shall approve or deny the waiver request not*  
21                   *later than 5 business days after the date on*  
22                   *which the request is received.*

23                   “(4) *APPLICATION OF WAIVER.—A waiver ap-*  
24                   *proved under paragraph (2) shall only apply with re-*  
25                   *spect to the election for Federal office for which the*



1        *request was submitted. For each subsequent election*  
2        *for Federal office, the Presidential designee shall only*  
3        *approve a waiver if the State has submitted a request*  
4        *under paragraph (1) with respect to such election.”.*

5        *(b) RUNOFF ELECTIONS.—Section 102(a) of the Uni-*  
6        *formed and Overseas Citizens Absentee Voting Act (42*  
7        *U.S.C. 1973ff-1(a)), as amended by subsection (a), is*  
8        *amended—*

9                *(1) in paragraph (7), by striking “and” at the*  
10        *end;*

11                *(2) in paragraph (8), by striking the period at*  
12        *the end and inserting “; and”; and*

13                *(3) by adding at the end the following new para-*  
14        *graph:*

15                *“(9) if the State declares or otherwise holds a*  
16        *runoff election for Federal office, establish a written*  
17        *plan that provides absentee ballots are made available*  
18        *to absent uniformed services voters and overseas voters*  
19        *in manner that gives them sufficient time to vote in*  
20        *the runoff election.”.*

21        *(c) EFFECTIVE DATE.—The amendments made by this*  
22        *section shall apply with respect to the regularly scheduled*  
23        *general election for Federal office held in November 2010*  
24        *and each succeeding election for Federal office.*

1 **SEC. 6. 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 State election offi-  
 18 cials.

19 “(b) UTILIZATION OF EXPRESS MAIL DELIVERY  
 20 SERVICES.—Under the procedures established under this  
 21 section, the Presidential designee, working in conjunction  
 22 with the United States Postal Service, shall implement  
 23 procedures that provide absent uniformed services voters  
 24 access to express mail delivery service for the purpose of  
 25 mailing marked absentee ballots to the appropriate State

1 election official. Such procedures shall ensure that the fol-  
 2 lowing requirements are met:

3           “(1) NO POSTAGE REQUIREMENT.—In accord-  
 4           ance with section 3406 of title 39, United States  
 5           Code, such marked absentee ballots and other bal-  
 6           lotting materials are carried free of postage.

7           “(2) DATE OF MAILING.—Such marked absen-  
 8           tee ballots are postmarked with a record of the date  
 9           on which the ballot is mailed.

10          “(c) ABSENT OVERSEAS UNIFORMED SERVICES  
 11 VOTER DEFINED.—In this section, the term ‘absent over-  
 12 seas uniformed services voter’ means an overseas voter de-  
 13 scribed in section 107(5)(A).”.

14          (b) CONFORMING AMENDMENT.—Section 101(b) of  
 15 such Act (42 U.S.C. 1973ff(b)) is amended—

16           (1) by striking “and” at the end of paragraph  
 17 (6);

18           (2) by striking the period at the end of para-  
 19 graph (7) and inserting “; and”; and

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

22           “(8) carry out section 103A with respect to the  
 23 collection and delivery of marked absentee ballots of  
 24 absent overseas uniformed services voters in elec-  
 25 tions for Federal office.”.

1       (e) TRACKING MARKED BALLOTS.—Section 102 of  
 2 the Uniformed and Overseas Citizens Absentee Voting Act  
 3 (~~42 U.S.C. 1973ff-1(a)~~), as amended by section 5, is  
 4 amended by adding at the end the following new sub-  
 5 section:

6       “(h) TRACKING MARKED BALLOTS.—The chief State  
 7 election official, in coordination with local election jurisdic-  
 8 tions, shall develop a free access system by which an ab-  
 9 sent uniformed services voter or overseas voter may deter-  
 10 mine whether the absentee ballot of the absent uniformed  
 11 services voter or overseas voter has been received by the  
 12 appropriate State election official.”.

13       (d) EFFECTIVE DATE.—The amendments made by  
 14 this section shall apply with respect to the regularly sched-  
 15 uled general election for Federal office held in November  
 16 2010 and each succeeding election for Federal office.

17 **SEC. 7. PROCEDURES FOR COLLECTION AND DELIVERY OF**  
 18 **MARKED ABSENTEE BALLOTS OF ABSENT**  
 19 **OVERSEAS UNIFORMED SERVICES VOTERS.**

20       (a) *IN GENERAL.*—*The Uniformed and Overseas Citi-*  
 21 *zens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is*  
 22 *amended by inserting after section 103 the following new*  
 23 *section:*

1 **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**  
2 **OF MARKED ABSENTEE BALLOTS OF ABSENT**  
3 **OVERSEAS UNIFORMED SERVICES VOTERS.**

4 “(a) *ESTABLISHMENT OF PROCEDURES.*—*The Presi-*  
5 *dential designee shall establish procedures for collecting*  
6 *marked absentee ballots of absent overseas uniformed serv-*  
7 *ices voters in regularly scheduled general elections for Fed-*  
8 *eral office, including absentee ballots prepared by States*  
9 *and the Federal write-in absentee ballot prescribed under*  
10 *section 103, and for delivering such marked absentee ballots*  
11 *to the appropriate State election officials.*

12 “(b) *DELIVERY TO LOCAL ELECTION OFFICIALS.*—

13 “(1) *IN GENERAL.*—*Under the procedures estab-*  
14 *lished under this section, the Presidential designee*  
15 *shall implement procedures that facilitate the delivery*  
16 *of marked absentee ballots of absent uniformed serv-*  
17 *ices voters for regularly scheduled general elections for*  
18 *Federal office to the appropriate State election offi-*  
19 *cial in accordance with this section.*

20 “(2) *COOPERATION AND COORDINATION WITH*  
21 *THE UNITED STATES POSTAL SERVICE.*—*The Presi-*  
22 *dential designee shall carry out this section in co-*  
23 *operation and coordination with the United States*  
24 *Postal Service, and shall provide expedited mail de-*  
25 *livery service for all such marked absentee ballots of*  
26 *absent uniformed services voters that are collected on*

1       or before the deadline described in paragraph (3) and  
2       then transferred to the United States Postal Service.

3           “(3) *DEADLINE DESCRIBED.*—

4               “(A) *IN GENERAL.*—*Except as provided in*  
5       *subparagraph (B), the deadline described in this*  
6       *paragraph is noon (in the location in which the*  
7       *ballot is collected) on the seventh day preceding*  
8       *the date of the regularly scheduled general elec-*  
9       *tion for Federal office.*

10           “(B) *AUTHORITY TO ESTABLISH ALTER-*  
11       *NATIVE DEADLINE FOR CERTAIN LOCATIONS.*—*If*  
12       *the Presidential designee determines that the*  
13       *deadline described in subparagraph (A) is not*  
14       *sufficient to ensure timely delivery of the ballot*  
15       *under paragraph (1) with respect to a particular*  
16       *location because of remoteness or other factors,*  
17       *the Presidential designee may establish as an al-*  
18       *ternative deadline for that location the latest*  
19       *date occurring prior to the deadline described in*  
20       *subparagraph (A) which is sufficient to provide*  
21       *timely delivery of the ballot under paragraph*  
22       *(1).*

23           “(4) *NO POSTAGE REQUIREMENT.*—*In accord-*  
24       *ance with section 3406 of title 39, United States*

1       *Code, such marked absentee ballots and other balloting*  
2       *materials shall be carried free of postage.*

3               “(5) *DATE OF MAILING.*—*Such marked absentee*  
4       *ballots shall be postmarked with a record of the date*  
5       *on which the ballot is mailed.*

6               “(c) *OUTREACH FOR ABSENT OVERSEAS UNIFORMED*  
7       *SERVICES VOTERS ON PROCEDURES.*—*The Presidential*  
8       *designee shall take appropriate actions to inform individ-*  
9       *uals who are anticipated to be absent overseas uniformed*  
10       *services voters in a regularly scheduled general election for*  
11       *Federal office to which this section applies of the procedures*  
12       *for the collection and delivery of marked absentee ballots*  
13       *established pursuant to this section, including the manner*  
14       *in which such voters may utilize such procedures for the*  
15       *submittal of marked absentee ballots pursuant to this sec-*  
16       *tion.*

17               “(d) *REPORTS ON UTILIZATION OF PROCEDURES.*—

18               “(1) *REPORTS REQUIRED.*—*Not later than 180*  
19       *days after each regularly scheduled general election*  
20       *for Federal office to which this section applies, the*  
21       *Presidential designee shall submit to the relevant*  
22       *committees of Congress a report on the utilization of*  
23       *the procedures for the collection and delivery of*  
24       *marked absentee ballots established pursuant to this*  
25       *section during such election.*

1           “(2) *ELEMENTS*.—Each report under paragraph  
2           (1) shall include, for the general election covered by  
3           such report, a description of the utilization of the pro-  
4           cedures described in that paragraph during such gen-  
5           eral election, including the number of marked absen-  
6           tee ballots collected and delivered under such proce-  
7           dures and the number of such ballots which were not  
8           delivered by the time of the closing of the polls on the  
9           date of the election (and the reasons such ballots were  
10          not so delivered).

11           “(3) *RELEVANT COMMITTEES OF CONGRESS DE-*  
12          *FINED*.—In this subsection, the term ‘relevant com-  
13          mittees of Congress’ means—

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

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

20           “(e) *ABSENT OVERSEAS UNIFORMED SERVICES VOTER*  
21          *DEFINED*.—In this section, the term ‘absent overseas uni-  
22          formed services voter’ means an overseas voter described in  
23          section 107(5)(A).



1       “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to the Presidential designee*  
3 *such sums as may be necessary to carry out this section.*”.

4       (b) *CONFORMING AMENDMENT.*—*Section 101(b) of*  
5 *such Act (42 U.S.C. 1973ff(b)) is amended—*

6           (1) *by striking “and” at the end of paragraph*  
7 *(6);*

8           (2) *by striking the period at the end of para-*  
9 *graph (7) and inserting “; and”; and*

10          (3) *by adding at the end the following new para-*  
11 *graph:*

12           “(8) *carry out section 103A with respect to the*  
13 *collection and delivery of marked absentee ballots of*  
14 *absent overseas uniformed services voters in elections*  
15 *for Federal office.*”.

16       (c) *STATE RESPONSIBILITIES.*—*Section 102(a) of such*  
17 *Act (42 U.S.C. 1973ff-1(a)), as amended by section 6, is*  
18 *amended—*

19           (1) *in paragraph (8), by striking “and” at the*  
20 *end;*

21           (2) *in paragraph (9), by striking the period at*  
22 *the end and inserting “; and”; and*

23           (3) *by adding the following new paragraph:*

1           “(10) carry out section 103A(b)(1) with respect  
2           to the processing and acceptance of marked absentee  
3           ballots of absent overseas uniformed services voters.”.

4           (d) *TRACKING MARKED BALLOTS.*—Section 102 of  
5           such Act (42 U.S.C. 1973ff–1(a)), as amended by section  
6           6, is amended by adding at the end the following new sub-  
7           section:

8           “(h) *TRACKING MARKED BALLOTS.*—The chief State  
9           election official, in coordination with local election jurisdic-  
10          tions, shall develop a free access system by which an absent  
11          uniformed services voter or overseas voter may determine  
12          whether the absentee ballot of the absent uniformed services  
13          voter or overseas voter has been received by the appropriate  
14          State election official.”.

15          (e) *REPORT ON STATUS OF IMPLEMENTATION.*—

16               (1) *REPORT REQUIRED.*—Not later than 180  
17          days after the date of the enactment of this Act, the  
18          individual designated under section 101(a) of the  
19          Uniformed and Overseas Citizens Absentee Voting Act  
20          (42 U.S.C. 1973ff(a)) shall submit to the relevant  
21          committees of Congress a report on the status of the  
22          implementation of the procedures established for the  
23          collection and delivery of marked absentee ballots of  
24          absent overseas uniformed services voters under sec-  
25          tion 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 *such procedures and a detailed description of the spe-*  
 4 *cific steps taken towards such implementation for the*  
 5 *regularly scheduled general election for Federal office*  
 6 *held in November 2010.*

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

13           (f) *PROTECTING VOTER PRIVACY AND SECRECY OF AB-*  
 14 *SENTEE BALLOTS.*—*Section 101(b) of the Uniformed and*  
 15 *Overseas Citizens Absentee Voting Act (42 U.S.C.*  
 16 *1973ff(b)), as amended by subsection (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 para-*  
 22 *graph:*

23           “*(9) to the greatest extent practicable, take such*  
 24 *actions as may be necessary—*

1           “(A) to ensure that absent uniformed serv-  
 2           ices voters who cast absentee ballots at locations  
 3           or facilities under the jurisdiction of the Presi-  
 4           dential designee are able to do so in a private  
 5           and independent manner; and

6           “(B) to protect the privacy of the contents  
 7           of absentee ballots cast by absentee uniformed  
 8           services voters and overseas voters while such bal-  
 9           lots are in the possession or control of the Presi-  
 10          dential designee.”.

11          (g) *EFFECTIVE DATE.*—*The amendments made by this*  
 12          *section shall apply with respect to the regularly scheduled*  
 13          *general election for Federal office held in November 2010*  
 14          *and each succeeding election for Federal office.*

15          **SEC. 78. FEDERAL WRITE-IN ABSENTEE BALLOT.**

16          (a) **USE IN GENERAL, SPECIAL, PRIMARY, AND RUN-**  
 17          **OFF ELECTIONS FOR FEDERAL OFFICE.—**

18               (1) **IN GENERAL.**—Section 103 of the Uni-  
 19          formed and Overseas Citizens Absentee Voting Act  
 20          (42 U.S.C. 1973ff-2) is amended—

21                       (A) in subsection (a), by striking “general  
 22                       elections for Federal office” and inserting “gen-  
 23                       eral, special, primary, and runoff elections for  
 24                       Federal office”;

1 (B) in subsection (e), in the matter pre-  
 2 ceding paragraph (1), by striking “a general  
 3 election” and inserting “a general, special, pri-  
 4 mary, or runoff election for Federal office”; and

5 (C) in subsection (f), by striking “the gen-  
 6 eral election” each place it appears and insert-  
 7 ing “the general, special, primary, or runoff  
 8 election for Federal office”.

9 (2) EFFECTIVE DATE.—The amendments made  
 10 by this subsection shall take effect on December 31,  
 11 2010, and apply with respect to elections for Federal  
 12 office held on or after such date.

13 (b) PROMOTION AND EXPANSION OF USE.—Section  
 14 103(a) of the Uniformed and Overseas Citizens Absentee  
 15 Voting Act (42 U.S.C. 1973ff-2) is amended—

16 (1) by striking “GENERAL.—The Presidential”  
 17 and inserting “GENERAL.—

18 “(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—  
 19 The Presidential”; and

20 (2) by adding at the end the following new  
 21 paragraph:

22 “(2) PROMOTION AND EXPANSION OF USE OF  
 23 FEDERAL WRITE-IN ABSENTEE BALLOTS.—

24 “(A) IN GENERAL.—Not later than De-  
 25 cember 31, 2011, the Presidential designee

1 shall adopt procedures to promote and expand  
2 the use of the Federal write-in absentee ballot  
3 as a back-up measure to vote in elections for  
4 Federal office.

5 “(B) USE OF TECHNOLOGY.—Under such  
6 procedures, the Presidential designee shall uti-  
7 lize technology to implement a system under  
8 which the absent uniformed services voter or  
9 overseas voter may—

10 “(i) enter the address of the voter or  
11 other information relevant in the appro-  
12 priate jurisdiction of the State, and the  
13 system will generate a list of all candidates  
14 in the election for Federal office in that ju-  
15 risdiction; and

16 “(ii) submit the marked Federal  
17 write-in absentee ballot by printing the bal-  
18 lot (including complete instructions for  
19 submitting the marked Federal write-in ab-  
20 sentee ballot to the appropriate State elec-  
21 tion official and the mailing address of the  
22 single State office designated under section  
23 102(b)).”.

1 **SEC. 89. PROHIBITING REFUSAL TO ACCEPT VOTER REG-**  
 2 **ISTRATION AND ABSENTEE BALLOT APPLICA-**  
 3 **TIONS, MARKED ABSENTEE BALLOTS, AND**  
 4 **FEDERAL WRITE-IN ABSENTEE BALLOTS FOR**  
 5 **FAILURE TO MEET ~~TECHNICAL~~CERTAIN RE-**  
 6 **QUIREMENTS.**

7 (a) VOTER REGISTRATION AND ABSENTEE BALLOT  
 8 APPLICATIONS.—Section 102 of the Uniformed and Over-  
 9 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1),  
 10 as amended by section 67, is amended by adding at the  
 11 end the following new subsection:

12 “(i) PROHIBITING REFUSAL TO ACCEPT APPLICA-  
 13 TIONS FOR FAILURE TO MEET ~~TECHNICAL~~CERTAIN RE-  
 14 QUIREMENTS.—A State shall not refuse to accept and  
 15 process any otherwise valid voter registration application  
 16 or absentee ballot application (including the official post  
 17 card form prescribed under section 101) or marked absen-  
 18 tee ballot submitted in any manner by an absent uni-  
 19 formed services voter or overseas voter solely on the basis  
 20 of the following:

21 “(1) Notarization requirements.

22 “(2) Restrictions on paper type, including  
 23 weight and size.

24 “(3) Restrictions on envelope type, including  
 25 weight and size.”.

1 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-  
 2 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

3 (1) by redesignating subsection (f) as sub-  
 4 section (g); and

5 (2) by inserting after subsection (e) the fol-  
 6 lowing new subsection:

7 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT  
 8 FOR FAILURE TO MEET ~~TECHNICAL~~CERTAIN REQUIRE-  
 9 MENTS.—A State shall not refuse to accept and process  
 10 any otherwise valid Federal write-in absentee ballot sub-  
 11 mitted in any manner by an absent uniformed services  
 12 voter or overseas voter solely on the basis of the following:

13 “(1) Notarization requirements.

14 “(2) Restrictions on paper type, including  
 15 weight and size.

16 “(3) Restrictions on envelope type, including  
 17 weight and size.”.

18 (c) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply with respect to the regularly sched-  
 20 uled general election for Federal office held in November  
 21 2010 and each succeeding election for Federal office.

22 **SEC. 910. FEDERAL VOTING ASSISTANCE PROGRAM IM-**  
 23 **PROVEMENTS.**

24 (a) FEDERAL VOTING ASSISTANCE PROGRAM IM-  
 25 PROVEMENTS.—



1           (1) IN GENERAL.—The Uniformed and Over-  
 2 seas Citizens Absentee Voting Act (42 U.S.C.  
 3 ~~13971973~~ff et seq.), as amended by section ~~67~~, is  
 4 amended by inserting after section 103A the fol-  
 5 lowing new section:

6 **“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IM-**  
 7 **PROVEMENTS.**

8           “(a) IN GENERAL.—The Presidential designee shall  
 9 develop standards for training, supporting, and empha-  
 10 sizing Voting Assistance Officers under the Federal Vot-  
 11 ing Assistance Program of the Department of Defense—

12                   “(1) for all members of the uniformed services;  
 13 and

14                   “(2) on all installations and facilities of the uni-  
 15 formed services in the United States and overseas.

16           “(b) DUTIES.—The Presidential designee shall carry  
 17 out the following duties:

18                   “(1) Assign Senior Voting Assistance Officers  
 19 as follows:

20                           “(A)(i) Assign 1 Senior Voting Assistance  
 21 Officer on each installation or facility and in  
 22 each organization of the uniformed services, at  
 23 the O-6 level, to coordinate the programs con-  
 24 ducted by subordinate units and tenant com-  
 25 mands.

1           “(ii) To the extent practicable, subject to  
2           clause (iii), an individual assigned under this  
3           subparagraph as the Senior Voting Assistance  
4           Officer on an installation or facility or in an or-  
5           ganization shall be an employee in a position at  
6           GS-12 or higher of the General Schedule, or, if  
7           a member of a uniformed service is so assigned,  
8           the member shall be in a pay grade of O-4 or  
9           higher.

10           “(iii) In the case where the number of indi-  
11           viduals on the installation or facility or in the  
12           organization at the O-6 level is less than 50,  
13           the Senior Voting Assistance Officer shall be  
14           assigned at the next highest level that has at  
15           least 50 individual assigned to it.

16           “(iv) To the extent practicable, each indi-  
17           vidual assigned under this subparagraph shall  
18           notify individuals on the installation or facility  
19           or in the organization of the last date before a  
20           regularly scheduled general election for Federal  
21           office on which absentee ballots mailed from  
22           that installation, facility, or organization may  
23           reasonably be expected to be delivered in time  
24           to be counted in such election.

1           ~~“(B) Assign 1 Senior Voting Assistance~~  
2           ~~Officer to each reserve component at its head-~~  
3           ~~quarters level.~~

4           ~~“(2) Designate and assign in writing 1 Voting~~  
5           ~~Assistance Officer to each unit, installation, or facil-~~  
6           ~~ity of the uniformed services for every 50 members~~  
7           ~~of a uniformed service permanently assigned to the~~  
8           ~~unit, installation, or facility. A member of a uni-~~  
9           ~~formed service assigned under the preceding sen-~~  
10          ~~tence shall hold a pay grade of not less than O-2~~  
11          ~~for officers or E-7 for enlisted personnel. Voting As-~~  
12          ~~sistance Officers assigned under this paragraph shall~~  
13          ~~operate under the guidance of Senior Voting Assist-~~  
14          ~~ance Officers assigned under paragraph (1).~~

15          ~~“(3) Ensure that Voting Assistance Officers are~~  
16          ~~available and equipped to—~~

17                 ~~“(A) personally assist absent uniformed~~  
18                 ~~services voters with respect to each election for~~  
19                 ~~Federal office; and~~

20                 ~~“(B) ensure that any absent uniformed~~  
21                 ~~services voter who appears to need assistance in~~  
22                 ~~reading or understanding the English language~~  
23                 ~~on voter registration or voting materials re-~~  
24                 ~~ceives immediate assistance with balloting mate-~~  
25                 ~~rials in the appropriate language.~~

1           “(4) Provide Voting Assistance Officers with  
2 time and resources needed to perform their voting  
3 assistance duties, especially during even-numbered  
4 years.

5           “(5) Develop online portals of information for  
6 use by Voting Assistance Officers—

7                   “(A) for training purposes; and

8                   “(B) to inform absent uniformed services  
9 voters regarding voter registration procedures  
10 and absentee ballot procedures to be used by  
11 such voters with respect to elections for Federal  
12 office.

13           “(6) Establish a program to notify absent uni-  
14 formed services voters of voter registration informa-  
15 tion and resources, the availability of the Federal  
16 postcard application, and the availability of the Fed-  
17 eral write-in absentee ballot on the military Global  
18 Network, and shall use the military Global Network  
19 to notify absent uniformed services voters of the  
20 foregoing 90, 60, and 30 days prior to each election  
21 for Federal office.

22           “(7) Include, in the standard forms provided to  
23 a new member of the uniformed services during in-  
24 processing upon arrival at installations and bases of  
25 the uniformed services, information on voter reg-

1       istration procedures and absentee ballot procedures  
2       to be used by absent uniformed services voters (in-  
3       cluding the official post card form prescribed under  
4       section 101).

5           “(8) Provide clear written notice and instruc-  
6       tions for the absent uniformed services voter to  
7       change their address by submitting the official post  
8       card form prescribed under section 101 to the ap-  
9       propriate State election official.

10          “(9) Not later than December 31 of each year,  
11       transmit to the President and to Congress a report  
12       on the effectiveness of activities carried out under  
13       this section, including the activities and actions of  
14       the Federal Voting Assistance Program of the De-  
15       partment of Defense, a separate assessment of voter  
16       registration and participation by absent uniformed  
17       overseas voters, a separate assessment of voter reg-  
18       istration and participation by overseas voters who  
19       are not members of the uniformed services, and a  
20       description of the cooperation between the States  
21       and the Federal Government in carrying out this  
22       section.

23          “(a) *DUTIES.*—*The Presidential designee shall carry*  
24       *out the following duties:*

1           “(1) *Develop online portals of information to in-*  
2 *form absent uniformed services voters regarding voter*  
3 *registration procedures and absentee ballot procedures*  
4 *to be used by such voters with respect to elections for*  
5 *Federal office.*

6           “(2) *Establish a program to notify absent uni-*  
7 *formed services voters of voter registration informa-*  
8 *tion and resources, the availability of the Federal*  
9 *postcard application, and the availability of the Fed-*  
10 *eral write-in absentee ballot on the military Global*  
11 *Network, and shall use the military Global Network*  
12 *to notify absent uniformed services voters of the fore-*  
13 *going 90, 60, and 30 days prior to each election for*  
14 *Federal office.*

15           “(3) *Not later than December 31 of each year,*  
16 *transmit to the President and to Congress a report on*  
17 *the effectiveness of activities carried out under this*  
18 *section, including the activities and actions of the*  
19 *Federal Voting Assistance Program of the Department*  
20 *of Defense, a separate assessment of voter registration*  
21 *and participation by absent uniformed overseas vot-*  
22 *ers, a separate assessment of voter registration and*  
23 *participation by overseas voters who are not members*  
24 *of the uniformed services, and a description of the co-*

1        *operation between the States and the Federal Govern-*  
2        *ment in carrying out this section.*

3        “(b) *ASSESSMENT OF EFFECTIVENESS OF VOTING AS-*  
4        *SISTANCE OFFICER PROGRAM.—Not later than 90 days*  
5        *after the date of enactment of this subsection, the Presi-*  
6        *dential designee shall submit to Congress a report con-*  
7        *taining the following:*

8                “(1) *A thorough and complete assessment of*  
9                *whether the Voting Assistance Officer Program of the*  
10              *Department of Defense, as configured and imple-*  
11              *mented as of such date of enactment, is effectively as-*  
12              *sisting members of the Armed Forces in exercising*  
13              *their right to vote.*

14              “(2) *An inventory and explanation of any areas*  
15              *of voter assistance in which such Program has failed*  
16              *to accomplish its stated objectives and effectively as-*  
17              *sist members of the Armed Forces in exercising their*  
18              *right to vote.*

19              “(3) *A detailed plan for the implementation of*  
20              *a new program to replace such Program and supple-*  
21              *ment, as needed, voter assistance activities required to*  
22              *be performed under this section.*

23        “(c) *CLARIFICATION REGARDING OTHER DUTIES*  
24        *AND OBLIGATIONS.—Nothing in this section shall relieve*  
25        *the Presidential designee of their duties and obligations*

1 under any directives or regulations issued by the Depart-  
 2 ment of Defense, including the Department of Defense Di-  
 3 rective 1000.04 (or any successor directive or regulation)  
 4 that is not inconsistent or contradictory to the provisions  
 5 of this section.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
 7 are authorized to be appropriated to the Federal Voting  
 8 Assistance Program of the Department of Defense (*or a*  
 9 *successor program*) such sums as are necessary for pur-  
 10 poses of carrying out this section.”.

11 (2) CONFORMING AMENDMENTS.—Section 101  
 12 of such Act (42 U.S.C. 1973ff), as amended by sec-  
 13 tion 67, is amended—

14 (A) in subparagraph (b)—

15 (i) by striking “and” at the end of  
 16 paragraph ~~(7)~~(8);

17 (ii) by striking the period at the end  
 18 of paragraph ~~(8)~~(9) and inserting “; and”;

19 and

20 (iii) by adding at the end the fol-  
 21 lowing new paragraph:

22 “~~(9)~~(10) carry out section 103B with respect to  
 23 Federal Voting Assistance Program Improvements.”;  
 24 and



1 (B) by adding at the end the following new  
2 subsection:

3 “(d) AUTHORIZATION OF APPROPRIATIONS FOR CAR-  
4 RYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IM-  
5 PROVEMENTS.—There are authorized to be appropriated  
6 to the Presidential designee such sums as are necessary  
7 for purposes of carrying out subsection (b)(9)(10).”.

8 (b) TREATMENT OF MILITARY PAY, PERSONNEL,  
9 AND IDENTIFICATION OFFICES AND CERTAIN OTHER OF-  
10 FICES AS VOTER REGISTRATION AGENCIES.—Section 102  
11 of the Uniformed and Overseas Citizens Absentee Voting  
12 Act (~~42 U.S.C. 1973ff-1~~), as amended by section 8, is  
13 amended by adding at the end the following new sub-  
14 section:

15 “(j) TREATMENT OF MILITARY PAY, PERSONNEL,  
16 AND IDENTIFICATION OFFICES AND CERTAIN OFFICES AS  
17 VOTER REGISTRATION AGENCIES.—

18 “(1) PAY, PERSONNEL, AND IDENTIFICATION  
19 OFFICES OF THE DEPARTMENT OF DEFENSE.—Each  
20 State and the Secretary of Defense shall jointly de-  
21 velop and implement procedures for persons to apply  
22 to register to vote at pay, personnel, and identifica-  
23 tion offices of the Department of Defense. A pay,  
24 personnel, or identification office of the Department  
25 of Defense shall be considered to be a voter registra-

1 tion agency designated under section 7(a)(2) of the  
2 National Voter Registration Act of 1993 for all pur-  
3 poses of such Act.

4 “(2) DESIGNATION OF CERTAIN OFFICES AT  
5 THE INSTALLATION LEVEL.—

6 “(A) IN GENERAL.—A Secretary of a mili-  
7 tary department may designate an office at the  
8 installation level, consistent across every instal-  
9 lation of the department of the Secretary con-  
10 cerned, to serve as a voter registration agency  
11 for that department. An office designated by  
12 the Secretary concerned under the preceding  
13 sentence shall be considered to be a voter reg-  
14 istration agency designated under section  
15 7(a)(2) of such Act for all purposes of such  
16 Act.

17 “(B) DEFINITION OF MILITARY DEPART-  
18 MENT AND SECRETARY CONCERNED.—In this  
19 paragraph, the terms ‘military department’ and  
20 ‘Secretary concerned’ have the meaning given  
21 such terms in paragraphs (8) and (9), respec-  
22 tively, of section 101 of title 10, United States  
23 Code.

1           ~~“(3) AUTHORIZATION OF APPROPRIATIONS.—~~

2           There are authorized to be appropriated such sums  
3           as are necessary to carry out this subsection.”.

4           **(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT**  
5           **UNIFORMED SERVICES VOTERS.**—*Section 102 of the Uni-*  
6           *formed and Overseas Citizens Absentee Voting Act (42*  
7           *U.S.C. 1973ff-1), as amended by section 9, is amended by*  
8           *adding at the end the following new subsection:*

9           ~~“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT~~  
10          **UNIFORMED SERVICES VOTERS.—**

11           ~~“(1) DESIGNATING AN OFFICE AS A VOTER REG-~~  
12          ~~ISTRATION AGENCY ON EACH INSTALLATION OF THE~~  
13          ~~ARMED FORCES.—Not later than 180 days after the~~  
14          ~~date of enactment of this subsection, each Secretary of~~  
15          ~~a military department shall take appropriate actions~~  
16          ~~to designate an office on each installation of the~~  
17          ~~Armed Forces under the jurisdiction of such Secretary~~  
18          ~~(excluding any installation in a theater of combat),~~  
19          ~~consistent across every installation of the department~~  
20          ~~of the Secretary concerned, to provide each individual~~  
21          ~~described in paragraph (3)—~~

22           ~~“(A) written information on voter registra-~~  
23          ~~tion procedures and absentee ballot procedures~~  
24          ~~(including the official post card form prescribed~~  
25          ~~under section 101);~~

1           “(B) the opportunity to register to vote in  
2           an election for Federal office;

3           “(C) the opportunity to update the individ-  
4           ual’s voter registration information, including  
5           clear written notice and instructions for the ab-  
6           sent uniformed services voter to change their ad-  
7           dress by submitting the official post card form  
8           prescribed under section 101 to the appropriate  
9           State election official; and

10           “(D) the opportunity to request an absentee  
11           ballot under this Act.

12           “(2) DEVELOPMENT OF PROCEDURES.—Each  
13           Secretary of a military department shall develop, in  
14           consultation with each State and the Presidential des-  
15           ignee, the procedures necessary to provide the assist-  
16           ance described in paragraph (1).

17           “(3) INDIVIDUALS DESCRIBED.—The following  
18           individuals are described in this paragraph:

19           “(A) An absent uniformed services voter—

20                   “(i) who is undergoing a permanent  
21                   change of duty station;

22                   “(ii) who is deploying overseas for at  
23                   least 6 months;

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

1                   “(iv) who at any time requests assist-  
2                   ance related to voter registration.

3                   “(B) All other absent uniformed services  
4                   voters (as defined in section 107(1)).

5                   “(4) TIMING OF PROVISION OF ASSISTANCE.—  
6                   The assistance described in paragraph (1) shall be  
7                   provided to an absent uniformed services voter—

8                   “(A) described in clause (i) of paragraph  
9                   (3)(A), as part of the administrative in-proc-  
10                  essing of the member upon arrival at the new  
11                  duty station of the absent uniformed services  
12                  voter;

13                  “(B) described in clause (ii) of such para-  
14                  graph, as part of the administrative in-proc-  
15                  essing of the member upon deployment from the  
16                  home duty station of the absent uniformed serv-  
17                  ices voter;

18                  “(C) described in clause (iii) of such para-  
19                  graph, as part of the administrative in-proc-  
20                  essing of the member upon return to the home  
21                  duty station of the absent uniformed services  
22                  voter;

23                  “(D) described in clause (iv) of such para-  
24                  graph, at any time the absent uniformed services  
25                  voter requests such assistance; and

1           “(E) described in paragraph (3)(B), at any  
2           time the absent uniformed services voter requests  
3           such assistance.

4           “(5) *PAY, PERSONNEL, AND IDENTIFICATION OF-*  
5           *FICES OF THE DEPARTMENT OF DEFENSE.*—The Sec-  
6           retary of Defense may designate pay, personnel, and  
7           identification offices of the Department of Defense for  
8           persons to apply to register to vote, update the indi-  
9           vidual’s voter registration information, and request  
10          an absentee ballot under this Act.

11          “(6) *TREATMENT OF OFFICES DESIGNATED AS*  
12          *VOTER REGISTRATION AGENCIES.*—An office des-  
13          ignated under paragraph (1) or (5) shall be consid-  
14          ered to be a voter registration agency designated  
15          under section 7(a)(2) of the National Voter Registra-  
16          tion Act of 1993 for all purposes of such Act.

17          “(7) *OUTREACH TO ABSENT UNIFORMED SERV-*  
18          *ICES VOTERS.*—The Secretary of each military de-  
19          partment or the Presidential designee shall take ap-  
20          propriate actions to inform absent uniformed services  
21          voters of the assistance available under this subsection  
22          including—

23                 “(A) the availability of voter registration  
24                 assistance at offices designated under paragraphs  
25                 (1) and (5); and

1           “(B) *the time, location, and manner in*  
2 *which an absent uniformed voter may utilize*  
3 *such assistance.*

4           “(8) *REPORTS.—*

5           “(A) *REPORT ON STATUS OF IMPLEMENTA-*  
6 *TION.—*

7           “(i) *REPORT REQUIRED.—Not later*  
8 *than 180 days after the date of enactment*  
9 *of this subsection, the Secretary of each*  
10 *military department or the Presidential*  
11 *designee shall submit to the relevant com-*  
12 *mittees of Congress a report on the status of*  
13 *the implementation of this subsection.*

14           “(ii) *ELEMENTS.—The report under*  
15 *clause (i) shall include a detailed descrip-*  
16 *tion of the specific steps taken towards the*  
17 *implementation of this subsection, including*  
18 *the designation of offices under paragraphs*  
19 *(1) and (5).*

20           “(B) *REPORT ON UTILIZATION OF VOTER*  
21 *REGISTRATION ASSISTANCE.—*

22           “(i) *REPORTS REQUIRED.—Not later*  
23 *than 1 year after the date of the enactment*  
24 *of this subsection, the Secretary of each*  
25 *military department or the Presidential*

1           *designee shall submit to the relevant com-*  
2           *mittees of Congress a report on the utiliza-*  
3           *tion of voter registration assistance pro-*  
4           *vided under this subsection.*

5           “(i) *ELEMENTS.*—*The report under*  
6           *clause (i) shall include—*

7                   “(I) *a description of the specific*  
8                   *programs implemented by each mili-*  
9                   *tary department of the Armed Forces*  
10                   *pursuant to this subsection; and*

11                   “(II) *the number of absent uni-*  
12                   *formed services voters who utilized*  
13                   *voter registration assistance provided*  
14                   *under this section.*

15           “(9) *DEFINITIONS.*—*In this subsection:*

16                   “(A) *MILITARY DEPARTMENT AND SEC-*  
17                   *RETARY CONCERNED.*—*The terms ‘military de-*  
18                   *partment’ and ‘Secretary concerned’ have the*  
19                   *meaning given such terms in paragraphs (8) and*  
20                   *(9), respectively, of section 101 of title 10,*  
21                   *United States Code.*

22                   “(B) *RELEVANT COMMITTEES OF CON-*  
23                   *GRESS.*—*The term ‘relevant committees of Con-*  
24                   *gress’ means—*



1                   “(i) the Committees on Appropria-  
2                   tions, Armed Services, and Rules and Ad-  
3                   ministration of the Senate; and

4                   “(ii) the Committees on Appropria-  
5                   tions, Armed Services, and House Adminis-  
6                   tration of the House of Representatives.

7                   “(10) AUTHORIZATION OF APPROPRIATIONS.—  
8                   There are authorized to be appropriated such sums as  
9                   are necessary to carry out this subsection.”.

10           (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply with respect to the regularly sched-  
12 uled general election for Federal office held in November  
13 2010 and each succeeding election for Federal office.

14   **SEC. 1011. DEVELOPMENT OF STANDARDS FOR REPORTING**  
15                   **AND STORING CERTAIN DATA.**

16           (a) IN GENERAL.—Section 101(b) of such Act (42  
17 U.S.C. 1973ff(b)), as amended by section 910, is amend-  
18 ed—

19                   (1) by striking “and” at the end of paragraph  
20                   ~~(8)~~(9);

21                   (2) by striking the period at the end of para-  
22                   graph ~~(9)~~(10) and inserting “; and”; and

23                   (3) by adding at the end the following new  
24                   paragraph:

1           “~~(10)~~(11) working with the Election Assistance  
2 Commission and the chief State election official of  
3 each State, develop standards—

4           “(A) for States to report data on the num-  
5 ber of absentee ballots transmitted and received  
6 under section 102(c) and such other data as the  
7 Presidential designee determines appropriate;  
8 and

9           “(B) for the Presidential designee to store  
10 the data reported.”.

11       (b) CONFORMING AMENDMENT.—Section 102(a) of  
12 such Act (42 U.S.C. 1973ff–1(a)), as amended by section  
13 57, is amended—

14           (1) in paragraph (9), by striking “and” at the  
15 end;

16           (2) in paragraph (10), by striking the period at  
17 the end and inserting “; and”; and

18           (3) by adding at the end the following new  
19 paragraph:

20           “(11) report data on the number of absentee  
21 ballots transmitted and received under section  
22 102(c) and such other data as the Presidential des-  
23 ignee determines appropriate in accordance with the  
24 standards developed by the Presidential designee  
25 under section 101(b)~~(10)~~(11).”.

1 (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply with respect to the regularly sched-  
 3 uled general election for Federal office held in November  
 4 2010 and each succeeding election for Federal office.

5 **SEC. 12. REPEAL OF PROVISIONS RELATING TO USE OF SIN-**  
 6 **GLE APPLICATION FOR ALL SUBSEQUENT**  
 7 **ELECTIONS.**

8 (a) *IN GENERAL.*—Subsections (a) through (d) of sec-  
 9 tion 104 of the Uniformed and Overseas Citizens Absentee  
 10 Voting Act (42 U.S.C. 1973ff–3) are repealed.

11 (b) *CONFORMING AMENDMENTS.*—The Uniformed and  
 12 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et  
 13 seq.) is amended—

14 (1) in section 101(b)—

15 (A) in paragraph (2), by striking “, for use  
 16 by States in accordance with section 104”; and

17 (B) in paragraph (4), by striking “for use  
 18 by States in accordance with section 104”; and

19 (2) in section 104, as amended by subsection  
 20 (a)—

21 (A) in the section heading, by striking  
 22 “**USE OF SINGLE APPLICATION FOR ALL**  
 23 **SUBSEQUENT ELECTIONS**” and inserting  
 24 “**PROHIBITION OF REFUSAL OF APPLICA-**

1           ***TIONS ON GROUNDS OF EARLY SUBMIS-***  
 2           ***SION***"; and

3                   *(B) in subsection (e), by striking “(e) PRO-*  
 4                   *HIBITION OF REFUSAL OF APPLICATIONS ON*  
 5                   *GROUNDS OF EARLY SUBMISSION.—”.*

6 **SEC. ~~1113~~. ANNUAL REPORT ON ENFORCEMENT.**

7           Section 105 of the Uniformed and Overseas Citizens  
 8 Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

9                   (1) by striking “The Attorney” and inserting  
 10                   “(a) IN GENERAL.—The Attorney”; and

11                   (2) by adding at the end the following new sub-  
 12                   section:

13                   “(b) REPORT TO CONGRESS.—Not later than Decem-  
 14 ber 31 of each year, the Attorney General shall submit  
 15 to Congress an annual report on any civil action brought  
 16 under subsection (a) during the preceding year.”.

17 **SEC. ~~1214~~. REQUIREMENTS PAYMENTS.**

18           (a) USE OF FUNDS.—Section 251(b) of the Help  
 19 America Vote Act of 2002 (42 U.S.C. 15401(b)) is amend-  
 20 ed—

21                   (1) in paragraph (1), by striking “paragraph  
 22                   (2)” and inserting “paragraphs (2) and (3)”; and

23                   (2) by adding at the end the following new  
 24                   paragraph:

1           “(3) ACTIVITIES UNDER UNIFORMED AND  
 2 OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A  
 3 State shall use a requirements payment made using  
 4 funds appropriated pursuant to the authorization  
 5 under section 257(4) only to meet the requirements  
 6 under the Uniformed and Overseas *Citizens Absen-*  
 7 *tee Voting Act* imposed as a result of the provisions  
 8 of and amendments made by the Military and Over-  
 9 seas Voter Empowerment Act.”.

10 (b) REQUIREMENTS.—

11           (1) STATE PLAN.—Section 254 of the Help  
 12 America Vote Act of 2002 (42 U.S.C. 15404) is  
 13 amended—

14           (A) in subsection (a), by striking “The  
 15 State” and inserting “Subject to subsection (c),  
 16 the State”;

17           (B) by redesignating subsection (c) as sub-  
 18 section (d); and

19           (C) by inserting after subsection (b) the  
 20 following new subsection:

21           “(c) STATE PLAN FOR CERTAIN REQUIREMENTS  
 22 PAYMENTS.—~~In the case of~~*In the case where a State is*  
 23 *seeking* a requirements payment made using funds appro-  
 24 priated pursuant to the authorization under section  
 25 257(4), the State plan shall contain a description of how

1 the State will use such requirements payment to meet the  
 2 requirements under the Uniformed and Overseas Absentee  
 3 Voting Act imposed as a result of the provisions of and  
 4 amendments made by the Military and Overseas Voter  
 5 Empowerment Act.”.

6 (2) CONFORMING AMENDMENTS.—Section  
 7 253(b) of the Help America Vote Act of 2002 (42  
 8 U.S.C. 15403(b)) is amended—

9 (A) in paragraph (1)(A), by striking “sec-  
 10 tion 254” and inserting “subsection (a) of sec-  
 11 tion 254 (or, ~~in the case of~~ *in the case where a*  
 12 *State is seeking* a requirements payment made  
 13 using funds appropriated pursuant to the au-  
 14 thorization under section 257(4), subsection (c)  
 15 of such section)”; and

16 (B) in paragraph (2)—

17 (i) by striking “(2) The State” and  
 18 inserting “(2)(A) Subject to subparagraph  
 19 (B), the State”; and

20 (ii) by inserting after subparagraph  
 21 (A), as added by clause (i), the following  
 22 new subparagraph:

23 “(B) The requirement under subparagraph (A)  
 24 shall not apply in the case of a requirements pay-

1       ment made using funds appropriated pursuant to  
2       the authorization under section 257(4).”.

3       (c) AUTHORIZATION.—Section 257 of the Help  
4 America Vote Act of 2002 (42 U.S.C. 15407) is amended  
5 by adding at the end the following new paragraph:

6               “(4) For fiscal year 2010 and subsequent fiscal  
7       years, such sums as are necessary for purposes of  
8       making requirements payments to States to carry  
9       out the activities described in section 251(b)(3).”.

10 **SEC. 1315. TECHNOLOGY PILOT PROGRAM.**

11       (a) DEFINITIONS.—In this section:

12               (1) ABSENT UNIFORMED SERVICES VOTER.—  
13       The term “absent uniformed services voter” has the  
14       meaning given such term in section 107(a) of the  
15       Uniformed and Overseas Citizens Absentee Voting  
16       Act (42 U.S.C. 1973ff et seq.).

17               (2) OVERSEAS VOTER.—The term “overseas  
18       voter” has the meaning given such term in section  
19       107(5) of such Act.

20               (3) PRESIDENTIAL DESIGNEE.—The term  
21       “Presidential designee” means the individual des-  
22       ignated under section 101(a) of such Act.

23       (b) ESTABLISHMENT.—

24               (1) IN GENERAL.—The Presidential designee  
25       may establish 1 or more pilot programs under which

1 the feasibility of new election technology is tested for  
2 the benefit of absent uniformed services voters and  
3 overseas voters claiming rights under the Uniformed  
4 and Overseas Citizens Absentee Voting Act (42  
5 U.S.C. 1973ff et seq.).

6 (2) DESIGN AND CONDUCT.—The design and  
7 conduct of a pilot program established under this  
8 subsection—

9 (A) shall be at the discretion of the Presi-  
10 dential designee; and

11 (B) shall not conflict with or substitute for  
12 existing laws, regulations, or procedures with  
13 respect to the participation of absent uniformed  
14 services voters and military voters in elections  
15 for Federal office.

16 (c) CONSIDERATIONS.—In conducting a pilot pro-  
17 gram established under subsection (b), the Presidential  
18 designee may consider the following issues:

19 (1) The transmission of electronic voting mate-  
20 rial across military networks.

21 (2) Virtual private networks, cryptographic vot-  
22 ing systems, centrally controlled voting stations, and  
23 other information security techniques.

24 (3) The transmission of ballot representations  
25 and scanned pictures in a secure manner.



1           (4) Capturing, retaining, and comparing elec-  
2           tronic and physical ballot representations.

3           (5) Utilization of voting stations at military  
4           bases.

5           (6) Document delivery and upload systems.

6           (7) The functional effectiveness of the applica-  
7           tion or adoption of the pilot program to operational  
8           environments, taking into account environmental  
9           and logistical obstacles and State procedures.

10          (d) REPORTS.—The Presidential designee shall sub-  
11          mit to Congress reports on the progress and outcomes of  
12          any pilot program conducted under this subsection, to-  
13          gether with recommendations—

14                 (1) for the conduct of additional pilot programs  
15          under this section; and

16                 (2) for such legislation and administrative ac-  
17          tion as the Presidential designee determines appro-  
18          priate.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20          are authorized to be appropriated such sums as are nec-  
21          essary to carry out this section.

Calendar No. 114

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1415**

---

---

**A BILL**

To amend the Uniformed and Overseas Citizens  
Absentee Voting Act to ensure that absent uni-  
formed services voters and overseas voters are  
aware of their voting rights and have a genuine  
opportunity to register to vote and have their ab-  
sentee ballots cast and counted, and for other  
purposes.

---

---

JULY 16, 2009

Reported with amendments