UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT (UOCAVA)

(As modified by the *National Defense Authorization Act for FY 2010*)

TITLE I — REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICE VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

SEC. 101. FEDERAL RESPONSIBILITIES.

(a) **PRESIDENTIAL DESIGNEE**. — The President shall designate the head of an executive department to have primary responsibility for Federal functions under this title.

(b) **DUTIES OF PRESIDENTIAL DESIGNEE**. — The Presidential designee shall—

(1) consult State and local election officials in carrying out this title, and ensure that such officials are aware of the requirements of this Act;

(2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application;

(3) carry out section 103 with respect to the Federal write-in absentee ballot for absent uniformed services voters and overseas voters in general elections for Federal office;

(4) prescribe a suggested design for absentee ballot mailing envelopes;

(5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions;

(6) not later than the end of each year after a Presidential election year, transmit to the President and the Congress a report on the effectiveness of assistance under this title, including a separate statistical analysis of uniformed services voter participation, a separate statistical analysis of overseas nonmilitary participation, and a description of State-Federal cooperation;

(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for conviction of perjury;

(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office;

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

(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

(B) to protect the privacy of contents of absentee ballots cast by absentee uniformed services and overseas voters while such ballots are in the possession or control of the Presidential designee.

(10) carry out section 103B with respect to Federal Voting Assistance Program improvements; and

(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards –

(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

(B) for the Presidential designee to store the data reported.

(c) **DUTIES OF OTHER FEDERAL OFFICIALS**. —

(1) **IN GENERAL**. — The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this title.

(2) **ADMINISTRATOR OF GENERAL SERVICES**. — As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b)) and Federal write-in absentee ballots (prescribed under section 103).

(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS — There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).

SEC. 102. STATE RESPONSIBILITIES.

(a) **IN GENERAL**.—Each State shall —

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office

(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;

(3) permit absent uniformed services voters and overseas voters to use Federal write-in absentee ballots (in accordance with section 103) in general elections for Federal office;

(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7);

(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures –

(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically;

(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f);

(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

(A) except as provided in subsection (g),in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

(B) in the case where the request is received less than 45 days before an election for Federal office –

(i) in accordance with State law; and

(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot;

(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee uniformed services voters and overseas voters in a manner that gives them sufficient time to vote in the runoff election;

(10) carry out section 103(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters; and

(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11)

(b) **DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE**.—

(1) **IN GENERAL**.--Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

(2) **RECOMMENDATION** Regarding Use of Office to Accept and Process Materials.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

(c) **REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED**. —Not later than 90 days after the date of each regularly scheduled general

election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.

(d) **REGISTRATION NOTIFICATION**.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.

(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION. –

(1) IN GENERAL – Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

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

(B) for use by States to send voter registration applications and absentee ballot applications requested under subsection; and

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

(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION. – A state may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.– Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION – the Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

(5) TRANSMISSION IF NO PREFERENCE INDICATED – In the case where and absent uniformed services voter or overseas voters does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

(6) SECURITY AND PRIVACY PROTECTIONS—

(A) SECURITY PROTECTIONS—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request process.

(B) PRIVACY PROTECTIONS—To the extent practicable, the procedures established under (a)(6) shall ensure that the privacy of the identity and personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such requests or being sent such application.

(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY –

(1) IN GENERAL – Each State shall establish procedures –

(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph(B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

(B) by which the absent uniformed services voter of overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted mail or electronically.

(2) TRANSMISSION IF NO PREFERENCE INDICATED –In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is not applicable State law, by mail.

(2) SECURITY AND PRIVACY PROTECTIONS –

(A) SECURITY PROTECTIONS—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

(B) PRIVACY PROTECTIONS—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a ballot absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.

(g) HARDSHIP EXEMPTION

(1) IN GENERAL- If the chief State election official determines that the State is unable to meet the requirements under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of subsection. Such requests shall include—

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

(B) An explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

(C) The number of days prior to the election for Federal office that the State requires absentee ballots to be transmitted to absent uniformed services voters and overseas voters; and

(D) A comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes –

(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark and submit their ballots in time to have those ballots counted in the election;

(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under subsection; and

(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

(2) APPROVAL OF WAIVER REQUEST – After consulting with the Attorney General, The Presidential designee shall approve a waiver request under subparagraph (1) if the Presidential designee determines each of the following requirements are met:

(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

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

(i**)** The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

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

(iii) The State Constitution prohibits the State from complying with such subsection.

(3) TIMING OF WAIVER --

(A) IN GENERAL -- Except as provided under subparagraph (B) a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

(B**)** EXCEPTION – If a state requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the state shall submit to the Presidential designee the written waiver request as soon a practicable . The Presidential designed shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

(4) APPLICATION OF WAIVER – A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election;

(h) TRACKING MARKED BALLOTS – the chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.

(i) PROHIBITING REFUSAL TO ACCEPTING APPLICATIONS FOR FAILURE TO MEET TECHNICAL REQUIREMENTS --- A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101 or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

(1) Notarization requirements.

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

(3) Restrictions on envelope type, including weight and size.

SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GENERAL ELECTIONS FOR FEDERAL OFFICE FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) **IN GENERAL**. —

(1) FEDERAL WRITE-IN ABSENTEE BALLOT -- The Presidential designee shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States, absentee ballots; and

(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS –

(A) IN GENERAL - not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

(B) USE OF TECHNOLOGY – Under such procedures, the Presidential designed shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may –

(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

(C) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.

(b) **SUBMISSION AND PROCESSING.** — Except as otherwise provided in this title, a Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot of an absent uniformed services voter or overseas voter shall not be counted. —

(1) in the case of a ballot submitted by an overseas voter who is not an absent uniformed services voter, if the ballot is submitted from any location in the United States;

(2) if the application of the absent uniformed services voters or overseas voter for a State absentee ballot is received by the appropriate State election official after the latter of—

(A) the deadline of the State for receipt of such application; or

(B) the date that is 30 days before the general election; or

(3) if a State absentee ballot of an absent uniformed services voters or overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

(c) **SPECIAL RULES**. — The following rules shall apply with respect to Federal write-in absentee ballots:

(1) In completing the ballot, the absent uniformed services voters or overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of political party (in which case the ballot shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

(d) **SECOND BALLOT SUBMISSION; INSTRUCTION TO ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER. —**

An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an absent uniformed services voters or overseas voter who submits a Federal write-in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.

(e) **USE OF APPROVED STATE ABSENTEE BALLOT IN PLACE OF FEDERAL WRITE-IN ABSENTEE BALLOT**.

The Federal write-in absentee ballot shall not be valid for use in a general, special, primary or runoff election for Federal office if the State involved provides a State absentee ballot that —

(1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot; and

(2) is made available to absent uniformed services voters and overseas voters at least 60 days before the deadline for receipt of the State ballot under State law.

(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS – A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

(1) Notarization requirements.

(2) Restriction on paper type, including weight and size.

(3) Restriction on envelope type, including weight and size.

(g) **CERTAIN STATES EXEMPTED**. — A State is not required to permit use of the Federal write-in absentee ballot, if, on and after the date of the enactment of the title, the State has in effect a law providing that —

(1) a State absentee ballot is required to be available to any voter described in section 107(5)(A) at least 90 days before the general, special, primary or runoff election for Federal office involved; and

(2) a State absentee ballot is required to be available to any voter described in section 107(5)(B) or (C), as soon as the official list of candidates in the general, special, primary or runoff election for Federal office is complete.

SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) ESTABLISHMENT OF PROCEDURES– The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering the ballots to the appropriate State election officials.

(b) DELIVERY TO LOCAL ELECTION OFFICIALS–

(1) IN GENERAL- under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent uniformed services voters for regularly scheduled general elections for Federal office to the appropriate State election Officials in accordance with this selection.

(2)COOPERATION AND COORDINATION WITH UNITED STATES POSTAL SERVICE—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

(3) DEADLINE DESCRIBED—

(A) IN GENERAL—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the local in which the ballot is collected) on the seventh day proceeding the date of the regularly scheduled general election for Federal office.

(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph 1.

(4) NO POSTAGE REQUIREMENT – In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials are carried free of postage.

(5) DATE OF MAILING -- Such marked absentee ballots are postmarked with a record of the date on which the ballot is mailed.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES – The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in regularly scheduled general elections for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

(e) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

SECTION 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) DUTIES – The Presidential designee shall carry out the following duties:

(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal

post-card application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS – Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

(c) AUTHORIZATION OF APPROPRIATIONS – There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for the purposes of carrying out this section.

SEC. 104. PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

SEC. 105. 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 title.

(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.

SEC. 105A. REPORTING REQUIREMENTS.

(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the

Military and Overseas Voter Empowerment Act, 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 103(A) 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 such date of enactment, 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, United States Code.

(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

(1) An assessment of the effectiveness of activities carried out under section 103B, 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 corroboration between States and the Federal Government in carrying out such section.

(2) A description of the utilization of the voter registration assistance under 1566a of title 10, United States Code, 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) 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 of the utilization of the procedures for the collection and delivery of marked absentee ballot established pursuant to section 103A, 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 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 103A(d). '

(2) PRESIDENTIAL DESIGNEE —the term "Presidential Designee" means the Presidential Designee under section 101(a).

(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.

SEC. 106. EFFECT ON CERTAIN OTHER LAWS.

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

SEC. 107. DEFINITIONS.

(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 101), Federal write-in absentee ballots (prescribed under section 103), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this title;

(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

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States;

(6) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) "uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and

(8) "United States", where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

TITLE II — POSTAL, CRIMINAL, AND GENERAL PROVISIONS

SEC. 201. AMENDMENTS TO TITLE 39, UNITED STATES CODE.

(a) **IN GENERAL.** — Chapter 34 of title 39, United States Code, is amended by adding at the end of the following new section:

"§ 3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act

"(a) Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act (individually or in bulk) —

"(1) shall be carried expeditiously and free of postage; and

"(2) may be mailed at a post office established outside the United States under section 406 of this title, unless such mailing is prohibited by treaty or other international agreement of the United States.

"(b) As used in this section, the term `balloting materials' has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act.".

(b) **TECHNICAL AMENDMENTS. —**

(1) The table of sections for chapter 34 of title 39, United States Code, is amended by adding at the end the following new item:

"3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended —

(A) by striking out "3405" and inserting in lieu thereof "3406"; and

(B) by striking out "the Overseas Citizens Voting Rights Act of 1975, and the Federal Voting Assistance Act of 1955".

(3) Section 3627 of title 39, United States Code, is amended —

(A) by striking out "3405" and inserting in lieu thereof "3406"; and

(B) by striking out "under the Federal Voting Assistance Act of 1955 or under the Overseas Citizens Voting Rights Act of 1975".

(4) Section 3684 of title 39, United States Code, is amended by striking out, "or of the Federal Voting Assistance Act of 1955".

SEC. 202. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) **IN GENERAL**. — Chapter 29 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 608. Absent uniformed services voters and overseas voters

"(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

"(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Voting Act, or pays or offers to pay, or accepts payment for registering voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

"§ 609. Use of military authority to influence vote of member of Armed Forces

"Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office.".

(b) **TECHNICAL AMENDMENT.** — The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"608. Absent uniformed services voters and overseas voters.

"609. Use of military authority to influence vote of member of Armed Forces."

SEC. 203. REPEALS.

The Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.) and the Overseas Citizens Voting Rights Act of 1975 (42 U.S.C. 1973dd et seq.) are repealed.

SEC. 204. EFFECTIVE DATE.

~~The amendments and repeals made by this Act shall apply with respect to elections for Federal office that occur after January 1, 2004.~~