

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

# S. 1026

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 12, 2009

Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters, 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 Voting Protec-  
5       tion Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) In the defense of freedom, members of the  
2           United States Armed Forces are routinely deployed  
3           to overseas theaters of combat, assigned to overseas  
4           locations, and assigned to ocean-going vessels far  
5           from home.

6           (2) As the United States continues to fight the  
7           Global War on Terror, the substantial need for over-  
8           seas service by members of the Armed Forces will  
9           continue, as we live in what senior Army leaders  
10          have referred to as an “era of persistent conflict”.

11          (3) The right to vote is one of the most basic  
12          and fundamental rights enjoyed by Americans, and  
13          one which the members of the Armed Forces bravely  
14          defend both at home in the United States and over-  
15          seas.

16          (4) The decisions of elected officials of the  
17          United States Government directly impact the mem-  
18          bers of the Armed Forces who are often called to de-  
19          ploy or otherwise serve overseas as a result of deci-  
20          sions made by such elected officials.

21          (5) The ability of the members of the Armed  
22          Forces to vote while serving overseas has been ham-  
23          pered by numerous factors, including inadequate  
24          processes for ensuring their timely receipt of absen-  
25          tee ballots, delivery methods that are typically slow

1 and antiquated, and a myriad of absentee voting  
2 procedures that are often confusing and vary among  
3 the several States.

4 (6) The Uniformed and Overseas Citizens Ab-  
5 sentee Voting Act, which requires the States to allow  
6 absentee voting for members of the Armed Forces  
7 and other specified groups of United States citizens,  
8 was intended to protect the voting rights of members  
9 of the Armed Forces.

10 (7) The current system of absentee voting for  
11 overseas members of the Armed Forces could be  
12 greatly improved by decreasing delays in the process,  
13 and certain steps by the Department of Defense, in-  
14 cluding utilization of express mail services for the  
15 delivery of completed absentee ballots, would address  
16 the major sources of delay.

17 **SEC. 3. 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  
21 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)  
22 is amended by inserting after section 103 the following  
23 new section:

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

4 “(a) COLLECTION.—The Presidential designee shall  
5 establish procedures for collecting marked absentee ballots  
6 of absent overseas uniformed services voters in regularly  
7 scheduled general elections for Federal office, including  
8 absentee ballots prepared by States and the Federal write-  
9 in absentee ballot prescribed under section 103, and for  
10 delivering the ballots to the appropriate election officials.

11 “(b) ENSURING DELIVERY PRIOR TO CLOSING OF  
12 POLLS.—

13 “(1) IN GENERAL.—Under the procedures es-  
14 tablished under this section, the Presidential des-  
15 ignee shall ensure that any marked absentee ballot  
16 for a regularly scheduled general election for Federal  
17 office which is collected prior to the deadline de-  
18 scribed in paragraph (3) is delivered to the appro-  
19 priate election official in a State prior to the time  
20 established by the State for the closing of the polls  
21 on the date of the election.

22 “(2) UTILIZATION OF EXPRESS MAIL DELIVERY  
23 SERVICES.—The Presidential designee shall carry  
24 out this section by utilizing the express mail delivery  
25 services of the United States Postal Service.

26 “(3) DEADLINE DESCRIBED.—

1           “(A) IN GENERAL.—Except as provided in  
2           subparagraph (B), the deadline described in  
3           this paragraph is noon (in the location in which  
4           the ballot is collected) on the fourth day pre-  
5           ceding the date of the election.

6           “(B) AUTHORITY TO ESTABLISH ALTER-  
7           NATIVE DEADLINE FOR CERTAIN LOCATIONS.—  
8           If the Presidential designee determines that the  
9           deadline described in subparagraph (A) is not  
10          sufficient to ensure timely delivery of the ballot  
11          under paragraph (1) with respect to a par-  
12          ticular location because of remoteness or other  
13          factors, the Presidential designee may establish  
14          as an alternative deadline for that location the  
15          latest date occurring prior to the deadline de-  
16          scribed in subparagraph (A) which is sufficient  
17          to ensure timely delivery of the ballot under  
18          paragraph (1).

19          “(c) TRACKING MECHANISM.—Under the procedures  
20          established under this section, the Presidential designee,  
21          working in conjunction with the United States Postal  
22          Service, shall implement procedures to enable any indi-  
23          vidual whose marked absentee ballot for a regularly sched-  
24          uled general election for Federal office is collected by the  
25          Presidential designee to determine whether the ballot has

1 been delivered to the appropriate election official, using  
2 the Internet, an automated telephone system, or such  
3 other methods as the Presidential designee may provide.

4       “(d) OUTREACH FOR ABSENT OVERSEAS UNI-  
5 FORMED SERVICES VOTERS ON PROCEDURES.—The Pres-  
6 idential designee shall take appropriate actions to inform  
7 individuals who are anticipated to be absent overseas uni-  
8 formed services voters in a regularly scheduled general  
9 election for Federal office to which this section applies of  
10 the procedures for the collection and delivery of marked  
11 absentee ballots established pursuant to this section, in-  
12 cluding the manner in which such voters may utilize such  
13 procedures for the submittal of marked absentee ballots  
14 in the election.

15       “(e) REPORTS ON UTILIZATION OF PROCEDURES.—

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

24               “(2) ELEMENTS.—Each report under para-  
25 graph (1) shall include, for the general election cov-

1       ered by such report, a description of the utilization  
2       of the procedures described in that paragraph during  
3       such general election, including the number of  
4       marked absentee ballots collected and delivered  
5       under such procedures and the number of such bal-  
6       lots which were not delivered by the time of the clos-  
7       ing of the polls on the date of the election (and the  
8       reasons therefor).

9               “(3) RELEVANT COMMITTEES OF CONGRESS  
10       DEFINED.—In this subsection, the term ‘relevant  
11       committees of Congress’ means—

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

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

18       “(f) ABSENT OVERSEAS UNIFORMED SERVICES  
19       VOTER DEFINED.—In this section, the term ‘absent over-  
20       seas uniformed services voter’ means an overseas voter de-  
21       scribed in section 107(5)(A).

22       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
23       are authorized to be appropriated to the Presidential des-  
24       ignee such sums as may be necessary to carry out this  
25       section.

1       “(h) EFFECTIVE DATE.—This section shall apply  
2 with respect to the regularly scheduled general election for  
3 Federal office held in November 2010 and each succeeding  
4 election for Federal office.”.

5       (b) CONFORMING AMENDMENTS.—

6           (1) FEDERAL RESPONSIBILITIES.—Section  
7 101(b) of such Act (42 U.S.C. 1973ff(b)) is amend-  
8 ed—

9           (A) by striking “and” at the end of para-  
10 graph (6);

11           (B) by striking the period at the end of  
12 paragraph (7) and inserting “; and”; and

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

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

19           (2) STATE RESPONSIBILITIES.—Section 102(a)  
20 of such Act (42 U.S.C. 1973ff–1(a)) is amended—

21           (A) by striking “and” at the end of para-  
22 graph (4);

23           (B) by striking the period at the end of  
24 paragraph (5) and inserting “; and”; and



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

3 “(6) carry out section 103A(b)(2) with respect  
4 to the processing and acceptance of marked absentee  
5 ballots of absent overseas uniformed services vot-  
6 ers.”.

7 (c) REPORT ON STATUS OF IMPLEMENTATION.—

8 (1) REPORT REQUIRED.—Not later than 180  
9 days after the date of the enactment of this Act, the  
10 Presidential designee under section 101(a) of the  
11 Uniformed and Overseas Citizens Absentee Voting  
12 Act shall submit to the relevant committees of Con-  
13 gress a report on the status of the implementation  
14 of the program for the collection and delivery of  
15 marked absentee ballots established pursuant to sec-  
16 tion 103A of such Act, as added by subsection (a).

17 (2) ELEMENTS.—The report under paragraph  
18 (1) shall include a status of the implementation of  
19 the program and a detailed description of the spe-  
20 cific steps taken towards its implementation for No-  
21 vember 2010.

22 (3) RELEVANT COMMITTEES OF CONGRESS DE-  
23 FINED.—In this subsection, the term “relevant com-  
24 mittees of Congress” has the meaning given such  
25 term in section 103A(e)(3) of the Uniformed and

1 Overseas Citizens Absentee Voting Act, as added by  
2 subsection (a).

3 **SEC. 4. PROTECTING VOTER PRIVACY AND SECRECY OF AB-**  
4 **SENTEE BALLOTS.**

5 Section 101(b) of the Uniformed and Overseas Citi-  
6 zens Absentee Voting Act (42 U.S.C. 1973ff(b)), as  
7 amended by section 3(b), is amended—

8 (1) by striking “and” at the end of paragraph  
9 (7);

10 (2) by striking the period at the end of para-  
11 graph (8) and inserting “; and”; and

12 (3) by adding at the end the following new  
13 paragraph:

14 “(9) to the greatest extent practicable, take  
15 such actions as may be required to ensure that ab-  
16 sent uniformed services voters who cast absentee  
17 ballots at locations or facilities under the Presi-  
18 dential designee’s jurisdiction are able to do so in a  
19 private and independent manner, and take such ac-  
20 tions as may be required to protect the privacy of  
21 the contents of absentee ballots cast by absent uni-  
22 formed services voters and overseas voters while  
23 such ballots are in the Presidential designee’s pos-  
24 session or control.”.

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