

52 USC Ch. 203: REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

From Title 52—VOTING AND ELECTIONS

Subtitle II—Voting Assistance and Election Administration

CHAPTER 203—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

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PRIOR PROVISIONS

Provisions similar to this chapter were contained in subchapters I–D and I–E (1973cc et seq. and 1973dd et seq.) of chapter 20 of title 42 prior to repeal by Pub. L. 99–410 and then in subchapter I–G (1973ff et seq.) of chapter 20 of title 42 prior to editorial reclassification and renumbering as this chapter.

§20301. Federal responsibilities

(a) Presidential designee

The President shall designate the head of an executive department to have primary responsibility for Federal functions under this chapter.

(b) Duties of Presidential designee

The Presidential designee shall—

(1) consult State and local election officials in carrying out this chapter, 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, for use by the States as required under section 20302(a)(4) of this title;

(3) carry out section 20303 of this title 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 chapter, including a 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 chapter affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury;

(8) carry out section 20304 of this title 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 the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee;

(10) carry out section 20305 of this title 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 20302(c) of this title 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 chapter.

(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 20303 of this title).

(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).

(Pub. L. 99–410, title I, §101, Aug. 28, 1986, 100 Stat. 924; Pub. L. 105–277, div. G, title XXII, §2219(c), Oct. 21, 1998, 112 Stat. 2681–817; Pub. L. 107–107, div. A, title XVI, §1606(a)(2), Dec. 28, 2001, 115 Stat. 1279; Pub. L. 107–252, title VII, §705(a), (b)(1), (c), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub. L. 108–375, div. A, title V, §566(a), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111–84, div. A, title V, §§580(b), (e), 583(a)(2), 584(a), 585(b)(1), Oct. 28, 2009, 123 Stat. 2325, 2328, 2330, 2331; Pub. L. 111–383, div. A, title X, §1075(d)(4), (5), Jan. 7, 2011, 124 Stat. 4372.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is [Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924](#), known as the Uniformed and Overseas Citizens Absentee Voting Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973ff of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

AMENDMENTS

2011—Subsec. (b)(2), (4), (11). Pub. L. 111–383, §1075(d)(4), (5), amended Pub. L. 111–84, §§584(a), 585(b)(1). See 2009 Amendment notes below.

2009—Subsec. (b)(2). Pub. L. 111–84, §585(b)(1)(A), as added by Pub. L. 111–383, §1075(d)(5), substituted "section 1973ff–1(a)(4)" for "section 1973ff–1(4)".

Subsec. (b)(4). Pub. L. 111–84, §585(b)(1)(B), as added by Pub. L. 111–383, §1075(d)(5), added par. (4) and struck out former par. (4) which read as follows: "prescribe a suggested design for absentee ballot mailing envelopes for use by the States as recommended in section 1973ff–3 of this title;"

Subsec. (b)(8). Pub. L. 111–84, §580(b), added par. (8).

Subsec. (b)(9). Pub. L. 111–84, §580(e), added par. (9).

Subsec. (b)(10). Pub. L. 111–84, §583(a)(2)(A), added par. (10).

Subsec. (b)(11). Pub. L. 111–84, §584(a), as amended by Pub. L. 111–383, §1075(d)(4), added par. (11).

Subsec. (d). Pub. L. 111–84, §583(a)(2)(B), added subsec. (d).

2004—Subsec. (b)(3). Pub. L. 108–375 substituted "absent uniformed services voters and overseas voters" for "overseas voters".

2002—Subsec. (b)(1). Pub. L. 107–252, §705(a), inserted ", and ensure that such officials are aware of the requirements of this Act" before semicolon at end.

Subsec. (b)(6). Pub. L. 107–252, §705(c), substituted "a separate statistical analysis" for "a general assessment".

Subsec. (b)(7). Pub. L. 107–252, §705(b)(1), added par. (7).

2001—Subsec. (b)(2). Pub. L. 107–107 substituted "as required under section 1973ff–1(4) of this title" for "as recommended in section 1973ff–3 of this title".

1998—Subsec. (b)(6). Pub. L. 105–277 substituted "of uniformed services voter participation, a general assessment of overseas nonmilitary participation," for "of voter participation".

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111–383, div. A, title X, §1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(4), (5) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111–84 as enacted.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, §580(f), Oct. 28, 2009, 123 Stat. 2326, provided that: "The amendments made by this section [enacting section 20304 of this title and amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Pub. L. 111–84, div. A, title V, §583(a)(3), Oct. 28, 2009, 123 Stat. 2328, provided that: "The amendments made by this subsection [enacting section 20305 of this title and amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Pub. L. 111–84, div. A, title V, §584(c), Oct. 28, 2009, 123 Stat. 2331, provided that: "The amendments made by this section [amending this section and section 20302 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

EFFECTIVE DATE

Pub. L. 99–410, title II, §204, Aug. 28, 1986, 100 Stat. 930, provided that: "The amendments and repeals made by this Act [see Tables for classification] shall apply with respect to elections taking place after December 31, 1987."

SENSE OF CONGRESS REGARDING THE IMPORTANCE OF VOTING

Pub. L. 107–107, div. A, title XVI, §1601, Dec. 28, 2001, 115 Stat. 1274, provided that: "(a) Sense of Congress.—It is the sense of Congress that each person who is an administrator of a Federal, State, or local election—

"(1) should be aware of the importance of the ability of each uniformed services voter to

exercise the right to vote; and

"(2) should perform that person's duties as an election administrator with the intent to ensure that—

"(A) each uniformed services voter receives the utmost consideration and cooperation when voting;

"(B) each valid ballot cast by such a voter is duly counted; and

"(C) all eligible American voters, regardless of race, ethnicity, disability, the language they speak, or the resources of the community in which they live, should have an equal opportunity to cast a vote and to have that vote counted.

"(b) Uniformed Services Voter Defined.—In this section, the term 'uniformed services voter' means—

"(1) a member of a uniformed service (as defined in section 101(a)(5) of title 10, United States Code) in active service;

"(2) a member of the merchant marine (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) [now 52 U.S.C. 20310]); and

"(3) a spouse or dependent of a member referred to in paragraph (1) or (2) who is qualified to vote."

ELECTRONIC VOTING DEMONSTRATION PROJECT

Pub. L. 107–107, div. A, title XVI, §1604, Dec. 28, 2001, 115 Stat. 1277, as amended by Pub. L. 108–375, div. A, title V, §567, Oct. 28, 2004, 118 Stat. 1919, provided that:

"(a) Establishment of Demonstration Project.—

"(1) In general.—Subject to paragraph (2), the Secretary of Defense shall carry out a demonstration project under which absent uniformed services voters are permitted to cast ballots in the regularly scheduled general election for Federal office for November 2002 through an electronic voting system. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

"(2) Authority to delay implementation.—If the Secretary of Defense determines that the implementation of the demonstration project under paragraph (1) with respect to the regularly scheduled general election for Federal office for November 2002 may adversely affect the national security of the United States, the Secretary may delay the implementation of such demonstration project until the first regularly scheduled general election for Federal office which occurs after the Election Assistance Commission notifies the Secretary that the Commission has established electronic absentee voting guidelines and certifies that it will assist the Secretary in carrying out the project. The Secretary shall notify the Committee on Armed Services and the Committee on Rules and Administration of the Senate and the Committee on Armed Services and the Committee on House Administration of the House of Representatives of any decision to delay implementation of the demonstration project.

"(b) Coordination With State Election Officials.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

"(c) Report to Congress.—Not later than June 1 of the year following the year in which the demonstration project is conducted under this section, the Secretary of Defense shall submit to Congress a report analyzing the demonstration project. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis for absent uniformed services voters during the next regularly scheduled general election for Federal office.

"(d) Definitions.—In this section:

"(1) Absent uniformed services voter.—The term 'absent uniformed services voter' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1) [now 52 U.S.C. 20310(1)]).

"(2) State.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa."

GOVERNORS' REPORTS ON IMPLEMENTATION OF RECOMMENDATIONS FOR

CHANGES IN STATE LAW MADE UNDER FEDERAL VOTING ASSISTANCE PROGRAM

Pub. L. 107–107, div. A, title XVI, §1605, Dec. 28, 2001, 115 Stat. 1277, required the chief executive authority of a State to provide an implementation status report to the Secretary of Defense, acting as the Presidential designee, within 90 days of receiving a uniformed services voting assistance legislative recommendation from the Secretary of Defense and was applicable to any uniformed services voting assistance legislative recommendation transmitted to a state during the three-year period beginning on Dec. 28, 2001.

EX. ORD. NO. 12642. DESIGNATION OF SECRETARY OF DEFENSE AS PRESIDENTIAL DESIGNEE

Ex. Ord. No. 12642, June 8, 1988, 53 F.R. 21975, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (Public Law 99–410) ("the Act") [52 U.S.C. 20301(a)], it is hereby ordered as follows:

Section 1. The Secretary of Defense is hereby designated as the "Presidential designee" under Title I of the Act [52 U.S.C. 20301 et seq.].

Sec. 2. In order to effectuate the purposes of the Act, the Secretary of Defense is hereby authorized to delegate any or all of the functions, responsibilities, powers, authority, or discretion devolving upon him in consequence of this Order to any person or persons within the Department of Defense.

RONALD REAGAN.

§20302. 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 20303 of this title) in general elections for Federal office;

(4) use the official post card form (prescribed under section 20301 of this title) for simultaneous voter registration application and absentee ballot application;

(5) if the State requires an oath or affirmation to accompany any document under this chapter, use the standard oath prescribed by the Presidential designee under section 20301(b)(7) of this title;

(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 the voter prefers that such voter registration application or absentee ballot application 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 in which 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 in which 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 ballots are made available to absent uniformed services voters and overseas voters in manner ¹ that gives them sufficient time to vote in the runoff election;

(10) carry out section 20304(b)(1) of this title 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 subsection (c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 20301(b)(11) of this title.

(b) Designation of single State office to provide information on registration and absentee ballot procedures for all voters in 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 [52 U.S.C. 20901 et seq.]) 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 such 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) and the 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 an absent uniformed services voter or overseas voter 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 processes.

(B) Privacy protections

To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other 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 request 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 or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by 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 no applicable State law, by mail.

(3) 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 blank 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 requirement 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 such subsection. Such request 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 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 such 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 paragraph (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 as practicable. The Presidential designee 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 accept applications for failure to meet certain 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 20301 of this title) 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.

(Pub. L. 99–410, title I, §102, Aug. 28, 1986, 100 Stat. 925; Pub. L. 107–107, div. A, title XVI, §1606(a)(1), Dec. 28, 2001, 115 Stat. 1278; Pub. L. 107–252, title VII, §§702, 703(a), 705(b)(2), 707, Oct. 29, 2002, 116 Stat. 1723–1725; Pub. L. 108–375, div. A, title V, §566(b), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111–84, div. A, title V, §§577(a), 578(a), 579(a), (b), 580(c), (d), 582(a), 584(b), Oct. 28, 2009, 123 Stat. 2319, 2321–2323, 2325, 2327, 2330.)

REFERENCES IN TEXT

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

The Help America Vote Act of 2002, referred to in subsec. (c), is Pub. L. 107–252, Oct. 29, 2002, 116 Stat. 1666, which is classified principally to chapter 209 (§20901 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973ff–1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Pub. L. 111–84, §§577(a)(1), 578(a)(1), 579(a)(1), (b), 580(c), and 584(b), added pars. (6) to (11), respectively, to subsec. (a) of this section. In making the addition of par. (9) to subsec. (a), section 579(b)(1) of Pub. L. 111–84 directed the striking out of "and" at the end of par. (7), which could not be executed because the word "and" did not appear at the end.

AMENDMENTS

2009—Subsec. (a)(6). Pub. L. 111–84, §577(a)(1), added par. (6).

Subsec. (a)(7). Pub. L. 111–84, §578(a)(1), added par. (7).

Subsec. (a)(8). Pub. L. 111–84, §579(a)(1), added par. (8).

Subsec. (a)(9). Pub. L. 111–84, §579(b), added par. (9). See Codification note above.

Subsec. (a)(10). Pub. L. 111–84, §580(c), added par. (10).

Subsec. (a)(11). Pub. L. 111–84, §584(b), added par. (11).

Subsec. (e). Pub. L. 111–84, §577(a)(2), added subsec. (e).

Subsec. (f). Pub. L. 111–84, §578(a)(2), added subsec. (f).

Subsec. (g). Pub. L. 111–84, §579(a)(2), added subsec. (g).

Subsec. (h). Pub. L. 111–84, §580(d), added subsec. (h).

Subsec. (i). Pub. L. 111–84, §582(a), added subsec. (i).

2004—Subsec. (a)(3). Pub. L. 108–375 substituted "absent uniformed services voters and overseas voters" for "overseas voters".

2002—Pub. L. 107–252, §702, designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a)(5). Pub. L. 107–252, §705(b)(2), added par. (5).

Subsec. (c). Pub. L. 107–252, §703(a), added subsec. (c).

Subsec. (d). Pub. L. 107–252, §707, added subsec. (d).

2001—Par. (2). Pub. L. 107–107, §1606(a)(1)(A), struck out "general, special, primary, or runoff" before "election for Federal office" and "and" after semicolon at end and inserted "and absentee ballot application" after "voter registration application".

Par. (4). Pub. L. 107–107, §1606(a)(1)(B), (C), added par. (4).

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, §577(b), Oct. 28, 2009, 123 Stat. 2320, provided that: "The amendments made by this section [amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Pub. L. 111–84, div. A, title V, §578(b), Oct. 28, 2009, 123 Stat. 2321, provided that: "The amendments made by this section [amending this section] shall apply with respect to the

regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Pub. L. 111–84, div. A, title V, §579(c), Oct. 28, 2009, 123 Stat. 2324, provided that: "The amendments made by this section [amending this section] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Amendment by section 580(c), (d) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 580(f) of Pub. L. 111–84, set out as a note under section 20301 of this title.

Pub. L. 111–84, div. A, title V, §582(c), Oct. 28, 2009, 123 Stat. 2327, provided that: "The amendments made by this section [amending this section and section 20303 of this title] shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office."

Amendment by section 584(b) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 584(c) of Pub. L. 111–84, set out as a note under section 20301 of this title.

CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS

Pub. L. 111–84, div. A, title V, §576, Oct. 28, 2009, 123 Stat. 2319, provided that: "Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act [probably means subtitle H (§§575–589) of title V of div. A of Pub. L. 111–84, see Tables for classification], to jurisdictions in the State."

DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS

Pub. L. 107–252, title VII, §703(b), Oct. 29, 2002, 116 Stat. 1724, provided that: "The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act [52 U.S.C. 20302 (c)] (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports."

¹ *So in original. Probably should be "in a manner".*

§20303. 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,¹ absentee ballots.

(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 designee 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 20302(b) of this title).

(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 chapter, 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 voter or overseas voter for a State absentee ballot is received by the appropriate State election official after the later 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 the absent uniformed services voter 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 voter or overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a 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 voter 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) Restrictions on paper type, including weight and size.
- (3) Restrictions 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 August 28, 1986, 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 20310(5)(A) of this title 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 20310(5)(B) or (C) of this title, as soon as the official list of candidates in the general, special, primary, or runoff election for Federal office is complete.

(Pub. L. 99–410, title I, §103, Aug. 28, 1986, 100 Stat. 925; Pub. L. 108–375, div. A, title V, §566(c), (d), Oct. 28, 2004, 118 Stat. 1919; Pub. L. 111–84, div. A, title V, §§581(a)(1), (b), 582(b), Oct. 28, 2009, 123 Stat. 2326, 2327; Pub. L. 111–383, div. A, title X, §1075(d)(3), Jan. 7, 2011, 124 Stat. 4372.)

CODIFICATION

Section was formerly classified to section 1973ff–2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2011—Subsec. (g). Pub. L. 111–383 amended Pub. L. 111–84, §581(a)(1)(C). See 2009 Amendment note below.

2009—Subsec. (a). Pub. L. 111–84, §581(b), substituted "In general" for "In General" in subsec. (a) heading, designated existing provisions as par. (1), inserted par. (1) heading, and added par. (2).

Pub. L. 111–84, §581(a)(1)(A), substituted "general, special, primary, and runoff elections for Federal office" for "general elections for Federal office".

Subsec. (e). Pub. L. 111–84, §581(a)(1)(B), substituted "a general, special, primary, or runoff election for Federal office" for "a general election" in introductory provisions.

Subsec. (f). Pub. L. 111–84, §582(b)(2), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 111–84, §582(b)(1), redesignated subsec. (f) as (g).

Pub. L. 111–84, §581(a)(1)(C), as amended by Pub. L. 111–383, substituted "the general, special, primary, or runoff election for Federal office" for "the general election" in pars. (1) and (2).

2004—Pub. L. 108–375, §566(d)(1), substituted "Federal write-in absentee ballot in general elections for Federal office for absent uniformed services voters and overseas voters" for "Federal write-in absentee ballot for overseas voters in general elections for Federal office" in section catchline.

Subsec. (a). Pub. L. 108–375, §566(c)(1), substituted "absent uniformed services voters and overseas voters" for "overseas voters".

Subsec. (b). Pub. L. 108–375, §566(c)(2), inserted second sentence and struck out former second sentence which read as follows: "A Federal write-in absentee ballot of an overseas voter shall not be counted—

"(1) if the ballot is submitted from any location in the United States;

"(2) if the application of the overseas voter for a State absentee ballot is received by the appropriate State election official less than 30 days before the general election; or

"(3) if a State absentee ballot of the 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."

Subsec. (c)(1). Pub. L. 108–375, §566(c)(3), substituted "absent uniformed services voter or overseas voter" for "overseas voter".

Subsec. (d). Pub. L. 108–375, §566(c)(4), (d)(2), substituted "absent uniformed services voter or overseas voter" for "overseas voter" in heading and two places in text.

Subsec. (e)(2). Pub. L. 108–375, §566(c)(5), substituted "absent uniformed services voters and overseas voters" for "overseas voters".

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111–383, div. A, title X, §1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(3) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111–84 as enacted.

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111–84, div. A, title V, §581(a)(2), Oct. 28, 2009, 123 Stat. 2326, provided that: "The amendments made by this subsection [amending this section] shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date."

Amendment by section 582(b) of Pub. L. 111–84 applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 582(c) of Pub. L. 111–84, set out as a note under section 20302 of this title.

¹ So in original. Probably should be "States'".

§20304. 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 20303 of this title, and for delivering such marked absentee ballots to the appropriate election officials.

(b) Delivery to appropriate 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 overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

(2) Cooperation and coordination with the 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 location in which the ballot is collected) on the seventh day preceding 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, such marked absentee ballots and other balloting materials shall be carried free of postage.

(5) Date of mailing

Such marked absentee ballots shall be 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 a regularly scheduled general election 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 20310(5)(A) of this title.

(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.

(Pub. L. 99–410, title I, §103A, as added Pub. L. 111–84, div. A, title V, §580(a), Oct. 28, 2009, 123 Stat. 2324.)

CODIFICATION

Section was formerly classified to section 1973ff–2a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Section applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 580(f) of Pub. L. 111–84, set out as an Effective Date of 2009 Amendment note under section 20301 of this title.

§20305. 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 postcard 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 the 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 purposes of carrying out this section.

(Pub. L. 99–410, title I, §103B, as added Pub. L. 111–84, div. A, title V, §583(a)(1), Oct. 28, 2009, 123 Stat. 2327.)

CODIFICATION

Section was formerly classified to section 1973ff–2b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Section applicable with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office, see section 583(a)(3) of Pub. L. 111–84, set out as an Effective Date of 2009 Amendment note under section 20301 of this title.

§20306. 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 20301 of this title) 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.

(Pub. L. 99–410, title I, §104, Aug. 28, 1986, 100 Stat. 926; Pub. L. 107–107, div. A, title XVI, §1606(b), Dec. 28, 2001, 115 Stat. 1279; Pub. L. 107–252, title VII, §§704, 706(a), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub. L. 111–84, div. A, title V, §585(a), (b)(2), Oct. 28, 2009, 123 Stat. 2331.)

CODIFICATION

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

AMENDMENTS

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

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

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

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

EFFECTIVE DATE OF 2002 AMENDMENT

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

§20307. Enforcement

(a) In general

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

(b) Report to Congress

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

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

CODIFICATION

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

AMENDMENTS

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

§20308. Reporting requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Definitions

In this section:

(1) Absent overseas uniformed services voter

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

(2) Presidential designee

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

(3) Relevant committees of Congress defined

The term "relevant committees of Congress" means—

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

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

(Pub. L. 99–410, title I, §105A, as added Pub. L. 111–84, div. A, title V, §586, Oct. 28, 2009, 123 Stat. 2331.)

REFERENCES IN TEXT

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

CODIFICATION

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

§20309. Effect on certain other laws

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

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

CODIFICATION

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

§20310. Definitions

As used in this chapter, the term—

(1) "absent uniformed services voter" means—

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

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

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

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

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

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

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

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

(5) "overseas voter" means—

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

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

(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.

(Pub. L. 99-410, title I, §107, Aug. 28, 1986, 100 Stat. 927.)

CODIFICATION

Section was formerly classified to section 1973ff-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468 (b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§20311. Technology pilot program

(a) Definitions

In this section:

(1) Absent uniformed services voter

The term "absent uniformed services voter" has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1)) [now 52 U.S.C. 20310 (1)].

(2) Overseas voter

The term "overseas voter" has the meaning given such term in section 107(5) of such Act [52 U.S.C. 20310(5)].

(3) Presidential designee

The term "Presidential designee" means the individual designated under section 101(a) of such Act [52 U.S.C. 20301(a)].

(b) Establishment

(1) In general

The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) [now 52 U.S.C. 20301 et seq.].

(2) Design and conduct

The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

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

(c) Considerations

In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

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

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) Reports

The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

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

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) Technical assistance

(1) In general

The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1973ff note [now 52 U.S.C. 20301 note]), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919) to support the pilot program or programs.

(2) Report

In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after October 28, 2009, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since October 28, 2004.

(3) Relevant committees of Congress defined

In this subsection, 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.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 111–84, div. A, title V, §589, Oct. 28, 2009, 123 Stat. 2334; Pub. L. 111–383, div. A, title X, §1075 (d)(6), Jan. 7, 2011, 124 Stat. 4373.)

REFERENCES IN TEXT

The Uniformed and Overseas Citizens Absentee Voting Act, referred to in subsec. (b)(1), is Pub. L. 99–410, Aug. 28, 1986, 100 Stat. 924, which is classified principally to this chapter. Sections 101 and 107 of the Act are classified to sections 20301 and 20310, respectively, of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1973ff–7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers referenced in amendment notes below reflect the classification of such sections prior to their editorial reclassification to this title.

Section was enacted as part of the Military and Overseas Voter Empowerment Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Uniformed and Overseas Citizens Absentee Voting Act, which comprises this chapter.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111–383, §1075(d)(6)(A), substituted "section 107(1)" for "section 107(a)" and "1973ff–6(1)" for "1973ff et seq."

Subsec. (e)(1). Pub. L. 111–383, §1075(d)(6)(B), substituted "1973ff note" for "1977ff note".

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111–383, div. A, title X, §1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(6) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111–84 as enacted.