

104TH CONGRESS
2D SESSION

H. R. 3058

To amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the period for receipt of absentee ballots, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1996

Mr. THOMAS (for himself and Mr. FAZIO of California) introduced the following bill; which was referred to the Committee on House Oversight

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the period for receipt of absentee ballots, 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 “Overseas Citizens Vot-
5 ing Rights Act of 1996”.

6 **SEC. 2. EXTENSION OF PERIOD FOR RECEIPT OF ABSENTEE**
7 **BALLOTS.**

8 Section 102 of the Uniformed and Overseas Citizens
9 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

1 (1) by striking out “and” at the end of para-
2 graph (2);

3 (2) by striking out the period at the end of
4 paragraph (3) and inserting in lieu thereof “; and”;
5 and

6 (3) by adding at the end the following new
7 paragraph:

8 “(4) permit absentee ballots to be received at
9 least until the close of polls on election day.”.

10 **SEC. 3. EXTENSION OF FEDERAL WRITE-IN ABSENTEE BAL-**

11 **LOT PROVISIONS TO SPECIAL, PRIMARY, AND**

12 **RUNOFF ELECTIONS.**

13 (a) IN GENERAL.—Section 103(a) of the Uniformed
14 and Overseas Citizens Absentee Voting Act (42 U.S.C.
15 1973ff–2(a)) is amended—

16 (1) by inserting after “general” the following:

17 “, special, primary, and runoff”; and

18 (2) by striking out “States,” and inserting in
19 lieu thereof “State”.

20 (b) SPECIAL RULES.—Section 103(c) of the Uni-
21 formed and Overseas Citizens Absentee Voting Act (42
22 U.S.C. 1973ff–2(c)) is amended—

23 (1) in paragraph (1), by inserting after “can-
24 didate or” the following: “, with respect to a general
25 or special election,”; and

1 (2) by striking out the period at the end of
2 paragraph (9) and inserting in lieu thereof “; and”;
3 and

4 (3) by adding at the end the following new
5 paragraph:

6 “(10) in consultation with the Presidential des-
7 ignee, consider means for providing for expeditious
8 methods for the return of absentee ballots, including
9 return by electronic transmittal, with maximum re-
10 gard for ballot secrecy, audit procedures, and other
11 considerations relating to the integrity of the elec-
12 tion process.”.

13 (b) **SECRECY AND VERIFICATION OF ELECTRONI-**
14 **CALLY TRANSMITTED BALLOTS.**—Section 104 of the Uni-
15 formed and Overseas Citizens Absentee Voting Act (42
16 U.S.C. 1973ff-3) is amended—

17 (1) by striking out “To afford” and inserting in
18 lieu thereof “(a) **IN GENERAL.**—To afford”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(b) **SECRECY AND VERIFICATION OF ELECTRONI-**
22 **CALLY TRANSMITTED BALLOTS.**—No electronic transmit-
23 tal or related procedure under subsection (a)(10) that is
24 paid for, in whole or in part, with Federal funds may be
25 carried out in any manner that, at the originating location

1 (1) permits any person other than the voter to view a com-
 2 pleted ballot, or (2) otherwise compromises ballot secrecy.
 3 At the earliest possible opportunity, the original of each
 4 completed ballot that is transmitted electronically shall be
 5 submitted in a secrecy envelope to the applicable location
 6 in the State involved.”

7 **SEC. 5. ELECTRONIC TRANSMITTAL OF BALLOTING MATE-**
 8 **RIALS.**

9 (a) IN GENERAL.—The Uniformed and Overseas
 10 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
 11 is amended by adding at the end the following new sec-
 12 tions:

13 **“SEC. 108. ELECTRONIC TRANSMITTAL OF BALLOTING MA-**
 14 **TERIALS.**

15 “(a) IN GENERAL.—Each State, in cooperation with
 16 the Presidential designee, shall establish a system for elec-
 17 tronic transmittal of balloting materials for overseas vot-
 18 ers. The system shall provide for—

19 “(1) electronic transmittal as an alternative
 20 method for transmittal of balloting materials to
 21 overseas voters;

22 “(2) use of the format of the official post card
 23 form prescribed under section 101 (or the format of
 24 any other registration form provided for under State
 25 law) for purposes of absentee voter registration ap-

1 plication and absentee ballot application, with the
2 condition that a State may require receipt of a form
3 with an original signature before the ballot of the
4 voter is counted;

5 “(3) furnishing of absentee ballots by electronic
6 transmittal, from locations within the State, as se-
7 lected by the chief State election official, to overseas
8 voters who request such transmittal; and

9 “(4) special alternative methods of transmittal
10 of balloting materials for use only when required by
11 an emergency declared by the President or the Con-
12 gress.

13 “(b) FUNDING REQUIREMENT.—The requirements of
14 subsection (a) shall apply to a State with respect to an
15 election—

16 “(1) if there is full payment by the Federal
17 Government of any additional cost incurred by the
18 State after the date of the enactment of this Act for
19 the implementation of such subsection (a), with such
20 costs to be determined by the Presidential designee
21 and the chief State election official, acting jointly; or

22 “(2) in any case of less than full payment, as
23 described in paragraph (1), if the State, in the man-
24 ner provided for under the law of the State, agrees
25 to the application of such requirements.

1 **“SEC. 109. NOTIFICATION REQUIREMENT FOR APPROVAL**
2 **OF ELECTRONIC TRANSMITTAL METHOD.**

3 “The Presidential designee may not approve use of
4 any method of electronic transmittal for purposes of this
5 Act, unless, not later than 90 days before the effective
6 date of the approval, the Presidential designee submits to
7 the Congress a detailed report describing the method.”.

8 (b) DEFINITION AMENDMENT.—Section 107 of the
9 Uniformed and Overseas Citizens Absentee Voting Act (42
10 U.S.C. 1973ff–6) is amended—

11 (1) by striking out “and” at the end of para-
12 graph (7);

13 (2) by striking out the period at the end of
14 paragraph (8) and inserting in lieu thereof “; and”;
15 and

16 (3) by adding at the end the following new
17 paragraph:

18 “(9) the term ‘electronic transmittal’ means,
19 with respect to balloting materials, transmittal by
20 facsimile machine or other electronic method ap-
21 proved by the Presidential designee.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to elections taking
24 place after December 31, 1996.

1 **SEC. 6. REPORT PROVISION.**

2 Section 101(b)(6) of the Uniformed and Overseas
3 Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is
4 amended—

5 (1) by striking out “participation and” and in-
6 serting in lieu thereof “participation,”; and

7 (2) by inserting before the period at the end the
8 following: “, and a separate analysis of electronic
9 transmittal of balloting materials”.

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