

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3058

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IN THE SENATE OF THE UNITED STATES

MAY 15, 1996

Received; read twice and referred to the Committee on Rules and  
Administration

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Overseas Citizens Vot-  
3 ing Rights Act of 1996”.

4 **SEC. 2. EXTENSION OF PERIOD FOR RECEIPT OF ABSENTEE**  
5 **BALLOTS.**

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

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

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

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

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

17 **SEC. 3. EXTENSION OF FEDERAL WRITE-IN ABSENTEE BAL-**  
18 **LOT PROVISIONS TO SPECIAL, PRIMARY, AND**  
19 **RUNOFF ELECTIONS.**

20 (a) IN GENERAL.—Section 103(a) of the Uniformed  
21 and Overseas Citizens Absentee Voting Act (42 U.S.C.  
22 1973ff-2(a)) is amended—

23 (1) by inserting after “general” the following:  
24 “, special, primary, and runoff”; and

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

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

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

7 (2) in paragraph (2), by inserting after “can-  
8 didate or” the following: “with respect to a general  
9 election”.

10 (c) USE OF APPROVED STATE ABSENTEE BALLOT IN  
11 PLACE OF FEDERAL WRITE-IN ABSENTEE BALLOT.—  
12 Section 103(e) of the Uniformed and Overseas Citizens  
13 Absentee Voting Act (42 U.S.C. 1973ff–2(e)) is amended  
14 by striking out “a general” and inserting in lieu thereof  
15 “an”.

16 (d) CERTAIN STATES EXEMPTED.—Section 103(f) of  
17 the Uniformed and Overseas Citizens Absentee Voting Act  
18 (42 U.S.C. 1973ff–2(f)) is amended by striking out “gen-  
19 eral” each place it appears.

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

1 **SEC. 4. USE OF ELECTRONIC RETURN OF ABSENTEE BAL-**  
2 **LOTS.**

3 (a) IN GENERAL.—Section 104 of the Uniformed and  
4 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–  
5 3) is amended—

6 (1) by striking out “and” at the end of para-  
7 graph (8);

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

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

13 “(10) in consultation with the Presidential des-  
14 ignee, consider means for providing for expeditious  
15 methods for the return of absentee ballots, including  
16 return by electronic transmittal, with maximum re-  
17 gard for ballot secrecy, audit procedures, and other  
18 considerations relating to the integrity of the elec-  
19 tion process.”.

20 (b) SECRECY AND VERIFICATION OF ELECTRONI-  
21 CALLY TRANSMITTED BALLOTS.—Section 104 of the Uni-  
22 formed and Overseas Citizens Absentee Voting Act (42  
23 U.S.C. 1973ff–3) is amended—

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

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

3           “(b) **SECURITY AND VERIFICATION OF ELECTRONI-**  
4 **CALLY TRANSMITTED BALLOTS.**—No electronic transmit-  
5 tal or related procedure under subsection (a)(10) that is  
6 paid for, in whole or in part, with Federal funds may be  
7 carried out in any manner that (1) permits any person  
8 other than the voter to view a completed ballot, or (2) oth-  
9 erwise compromises ballot secrecy. At the earliest possible  
10 opportunity, the original of each completed ballot that is  
11 transmitted electronically shall be submitted in a secrecy  
12 envelope to the applicable location in the State involved.”

13 **SEC. 5. ELECTRONIC TRANSMITTAL OF BALLOTING MATE-**  
14 **RIALS.**

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

19 **“SEC. 108. ELECTRONIC TRANSMITTAL OF BALLOTING MA-**  
20 **TERIALS.**

21           “(a) **IN GENERAL.**—Each State, in cooperation with  
22 the Presidential designee, shall establish a system for elec-  
23 tronic transmittal of balloting materials for overseas vot-  
24 ers. The system shall provide for—

1           “(1) electronic transmittal as an alternative  
2 method for transmittal of balloting materials to  
3 overseas voters;

4           “(2) use of the format of the official post card  
5 form prescribed under section 101 (or the format of  
6 any other registration form provided for under State  
7 law) for purposes of absentee voter registration ap-  
8 plication and absentee ballot application, with the  
9 condition that a State may require receipt of a form  
10 with an original signature before the ballot of the  
11 voter is counted;

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

16           “(4) special alternative methods of transmittal  
17 of balloting materials for use only when required by  
18 an emergency declared by the President or the Con-  
19 gress.

20           “(b) FUNDING REQUIREMENT.—The requirements of  
21 subsection (a) shall apply to a State with respect to an  
22 election—

23           “(1) if there is full payment by the Federal  
24 Government of any additional cost incurred by the  
25 State after the date of the enactment of this Act for

1 the implementation of such subsection (a), with such  
2 costs to be determined by the Presidential designee  
3 and the chief State election official, acting jointly; or  
4 “(2) in any case of less than full payment, as  
5 described in paragraph (1), if the State, in the man-  
6 ner provided for under the law of the State, agrees  
7 to the application of such requirements.

8 **“SEC. 109. NOTIFICATION REQUIREMENT FOR APPROVAL**  
9 **OF ELECTRONIC TRANSMITTAL METHOD.**

10 “The Presidential designee may not approve use of  
11 any method of electronic transmittal for purposes of this  
12 Act, unless, not later than 90 days before the effective  
13 date of the approval, the Presidential designee submits to  
14 the Congress a detailed report describing the method.”.

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

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

20 (2) by striking out the period at the end of  
21 paragraph (8) and inserting in lieu thereof “; and”;  
22 and

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

1           “(9) the term ‘electronic transmittal’ means,  
2           with respect to balloting materials, transmittal by  
3           facsimile machine or other electronic method ap-  
4           proved by the Presidential designee.”.

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

8           **SEC. 6. REPORT PROVISION.**

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

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

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

Passed the House of Representatives May 14, 1996.

Attest:

ROBIN H. CARLE,

*Clerk.*