

107TH CONGRESS
1ST SESSION

S. 154

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2001

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure uniform treatment by States of Federal overseas absentee ballots, to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office, 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. UNIFORM TREATMENT OF ABSENTEE BALLOTS**
 2 **OF UNIFORMED AND OVERSEAS VOTERS.**

3 (a) POSTMARK REQUIREMENTS; DATE TO ACCEPT
 4 ABSENTEE BALLOTS.—Section 102 of the Uniformed and
 5 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
 6 1) is amended—

7 (1) by striking “Each” and inserting “(a) IN
 8 GENERAL.—Each”;

9 (2) in paragraph (2), by striking “and” at the
 10 end;

11 (3) in paragraph (3), by striking the period and
 12 inserting a semicolon; and

13 (4) by adding at the end the following:

14 “(4) regardless of whether such ballot contains
 15 a postmark, accept and count any otherwise valid
 16 absentee ballot from an overseas voter, with respect
 17 to any general, special, primary, or runoff election
 18 for Federal office, if there is conclusive evidence that
 19 such ballot was mailed or otherwise delivered to the
 20 appropriate State election official on or before the
 21 election date to which the ballot refers; and

22 “(5) accept and count any valid absentee ballot
 23 from an overseas voter, with respect to any general,
 24 special, primary, or runoff election for Federal of-
 25 fice, that is received by the appropriate State elec-

1 tion official not more than 10 days after the date of
2 the election to which the ballot refers.

3 “(b) CONCLUSIVE EVIDENCE OF MAILING.—For pur-
4 poses of subsection (a)(4), conclusive evidence that an ab-
5 sentee ballot was mailed or otherwise delivered on or be-
6 fore an election date exists if the ballot—

7 “(1) has an appropriate postmark;

8 “(2) is received by the appropriate State elec-
9 tion official on or before the date of the election;

10 “(3) bears an attestation on the outside that
11 such ballot was mailed on or before such date; or

12 “(4) meets such other requirements as the
13 Presidential designee may by regulation prescribe.”.

14 (b) ENFORCEMENT.—Section 608 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(c) Whoever knowingly gives false information for
18 the purpose of establishing the date an absentee ballot of
19 an overseas voter under the Uniformed and Overseas Citi-
20 zens Absentee Voting Act is mailed or delivered shall be
21 fined in accordance with this title or imprisoned not more
22 than five years, or both.”.

1 **SEC. 2. USE OF BUILDINGS ON MILITARY INSTALLATIONS**
 2 **AND RESERVE COMPONENT FACILITIES AS**
 3 **POLLING PLACES.**

4 (a) USE OF MILITARY INSTALLATIONS AUTHOR-
 5 IZED.—Section 2670 of title 10, United States Code, is
 6 amended—

7 (1) by striking “Under” and inserting “(a) USE
 8 BY RED CROSS.—Under”;

9 (2) by striking “this section” and inserting
 10 “this subsection”; and

11 (3) by adding at the end the following new sub-
 12 section:

13 “(b) USE AS POLLING PLACES.—(1) Notwith-
 14 standing chapter 29 of title 18 (including sections 592 and
 15 593 of such title), the Secretary of a military department
 16 may make a building located on a military installation
 17 under the jurisdiction of the Secretary available for use
 18 as a polling place in any Federal, State, or local election
 19 for public office.

20 “(2) Once a military installation is made available as
 21 the site of a polling place with respect to a Federal, State,
 22 or local election for public office, the Secretary shall con-
 23 tinue to make the site available for subsequent elections
 24 for public office unless the Secretary provides to Congress
 25 advance notice in a reasonable and timely manner of the

1 reasons why the site will no longer be made available as
2 a polling place.

3 “(3) In this section, the term ‘military installation’
4 has the meaning given the term in section 2687(e).”.

5 (b) USE OF RESERVE COMPONENT FACILITIES.—

6 (1) IN GENERAL.—Section 18235 of title 10,
7 United States Code, is amended by adding at the
8 end the following new subsection:

9 “(c) Pursuant to a lease or other agreement under
10 subsection (a)(2), the Secretary may make a facility cov-
11 ered by subsection (a) available for use as a polling place
12 in any Federal, State, or local election for public office
13 notwithstanding chapter 29 of title 18 (including sections
14 592 and 593 of such title). Once a facility is made avail-
15 able as the site of a polling place with respect to an elec-
16 tion for public office, the Secretary shall continue to make
17 the facility available for subsequent elections for public of-
18 fice unless the Secretary provides to Congress advance no-
19 tice in a reasonable and timely manner of the reasons why
20 the facility will no longer be made available as a polling
21 place.”.

22 (2) STATE FACILITIES.—Section 18236 of such
23 title is amended by adding at the end the following
24 new subsection:

1 “(e) Pursuant to a lease or other agreement under
 2 subsection (c)(1), a State may make a facility covered by
 3 subsection (c) available for use as a polling place in any
 4 Federal, State, or local election for public office notwith-
 5 standing chapter 29 of title 18 (including sections 592 and
 6 593 of such title).”.

7 (c) CONFORMING AMENDMENTS TO TITLE 18.—

8 (1) PROHIBITION OF TROOPS AT POLLS.—Sec-
 9 tion 592 of title 18, United States Code, is amended
 10 by adding at the end the following:

11 “‘This section shall not prohibit the use of buildings
 12 located on military installations, or the use of reserve com-
 13 ponent facilities, as polling places in Federal, State, and
 14 local elections for public office in accordance with section
 15 2670(b), 18235, or 18236 of title 10.’”.

16 (2) PROHIBITION OF INTERFERENCE BY ARMED
 17 FORCES.—Section 593 of such title is amended by
 18 adding at the end the following:

19 “‘This section shall not prohibit the use of buildings
 20 located on military installations, or the use of reserve com-
 21 ponent facilities, as polling places in Federal, State, and
 22 local elections for public office in accordance with section
 23 2670(b), 18235, or 18236 of title 10.’”.

24 (d) CONFORMING AMENDMENT TO VOTING RIGHTS
 25 LAW.—Section 2003 of the Revised Statutes (42 U.S.C.

1 1972) is amended by adding at the end the following:
 2 “Making a military installation or reserve component facil-
 3 ity available as a polling place in a Federal, State, or local
 4 election for public office in accordance with section
 5 2670(b), 18235, or 18236 of title 10, United States Code,
 6 shall be deemed to be consistent with this section.”.

7 (e) AVAILABILITY OF POLLING PLACES FOR 2002
 8 FEDERAL ELECTIONS.—If a military installation or re-
 9 serve component facility was made available as the site
 10 of a polling place with respect to an election for Federal
 11 office held during 2000, the same or a comparable site
 12 shall be made available for use as a polling place with re-
 13 spect to any applicable general election for Federal office
 14 to be held in November 2002.

15 (f) CLERICAL AMENDMENTS.—(1) The heading of
 16 section 2670 of title 10, United States Code, is amended
 17 to read as follows:

18 “§ 2670. **Buildings on military installations: use by**
 19 **American National Red Cross and as poll-**
 20 **ing places in Federal, State, and local**
 21 **elections”.**

22 (2) The item relating to such section in the table of
 23 sections at the beginning of chapter 159 of such title is
 24 amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”.

