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(Title 5, Subtitle H) approved by House and Senate 10-22-09

Subtitle H--Military Voting

SEC. 575. SHORT TITLE.

This subtitle may be cited as the `Military and Overseas Voter Empowerment Act'.

SEC. 576. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS.

Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff 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, to jurisdictions in the State.

SEC. 577. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

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

(1) in subsection (a)--

(A) in paragraph (4), by striking `and' at the end;

(B) in paragraph (5), by striking the period at the end and inserting `; and'; and

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

`(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.'; and

(2) by adding at the end the following new subsection:

`(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.'.

(b) Effective Date- The amendments made by 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.

SEC. 578. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) In General- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 577, is amended--

(1) in subsection (a)--

(A) in paragraph (5), by striking `and' at the end;

(B) in paragraph (6), by striking the period at the end and inserting `; and'; and

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

`(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).'; and

(2) by adding at the end the following new subsection:

`(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.'.

(b) Effective Date- The amendments made by 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.

SEC. 579. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) In General- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by sections 577 and 578, is amended--

(1) in subsection (a)--

(A) in paragraph (6), by striking `and' at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

`(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.';

(2) by adding at the end the following new subsection:

`(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 to 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.'.

(b) Runoff Elections- Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a) and sections 577 and 578, is amended--

(1) in paragraph (7), by striking `and' at the end;

(2) in paragraph (8), by striking the period at the end and inserting `; and'; and

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

`(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 that gives them sufficient time to vote in the runoff election.'.

(c) Effective Date- The amendments made by 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.

SEC. 580. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) In General- The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

`SEC. 103A. 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 103, 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, United States Code, 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 107(5)(A).

`(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.'.

(b) Conforming Amendment- Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended--

(1) by striking `and' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting `; and'; and

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

`(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.'.

(c) State Responsibilities- Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by sections 577, 578, and 579, is amended--

(1) in paragraph (8), by striking `and' at the end;

(2) in paragraph (9), by striking the period at the end and inserting `; and'; and

(3) by adding the following new paragraph:

`(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.'.

(d) Tracking Marked Ballots- Section 102 of such Act (42 U.S.C. 1973ff-1(a)) is amended by adding at the end the following new subsection:

`(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.'.

(e) Protecting Voter Privacy and Secrecy of Absentee Ballots- Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended--

(1) by striking `and' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting `; and'; and

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

`(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.'.

(f) Effective Date- The amendments made by 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.

SEC. 581. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) Use in General, Special, Primary, and Runoff Elections for Federal Office-

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

(A) in subsection (a), by striking `general elections for Federal office' and inserting `general, special, primary, and runoff elections for Federal office';

(B) in subsection (e), in the matter preceding paragraph (1), by striking `a general election' and inserting `a general, special, primary, or runoff election for Federal office'; and

(C) in subsection (f), by striking `the general election' each place it appears and inserting `the general, special, primary, or runoff election for Federal office'.

(2) EFFECTIVE DATE- The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) Promotion and Expansion of Use- Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended--

(1) by striking `General- The Presidential' and inserting `General-

`(1) FEDERAL WRITE-IN ABSENTEE BALLOT- The Presidential'; and

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

`(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 102(b)).
`(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.'.

SEC. 582. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) Voter Registration and Absentee Ballot Applications- Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended by adding at the end the following new subsection:
`(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 101) 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.'.
(b) Federal Write-In Absentee Ballot- Section 103 of such Act (42 U.S.C. 1973ff-2) is amended--
(1) by redesignating subsection (f) as subsection (g); and
(2) by inserting after subsection (e) the following new subsection:
`(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.'.

(c) Effective Date- The amendments made by 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.

SEC. 583. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) Federal Voting Assistance Program Improvements-

(1) IN GENERAL- The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 580(a), is amended by inserting after section 103A the following new section:

`SEC. 103B. 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.'.

(2) CONFORMING AMENDMENTS- Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 580, is amended--

(A) in subparagraph (b)--

(i) by striking `and' at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting `; and'; and

(iii) by adding at the end the following new paragraph:

`(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.'; and

(B) by adding at the end the following new subsection:

`(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).'.

(3) EFFECTIVE DATE- The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

(b) Voter Registration Assistance for Absent Uniformed Services Voters-

(1) IN GENERAL- Chapter 80 of title 10, United States Code, is amended by inserting after section 1566 the following new section:

`Sec. 1566a. Voting assistance: voter assistance offices

`(a) Designation of Offices on Military Installations as Voter Assistance Offices- Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 and under regulations prescribed by the Secretary of Defense under subsection (f), the Secretaries of the military departments shall designate offices on installations under their jurisdiction to provide absent uniformed services voters, particularly those individuals described in subsection (b), and their family members with the following:

`(1) Information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

`(2) Information and assistance, if requested, including access to the Internet where practicable, to register to vote in an election for Federal office.

`(3) Information and assistance, if requested, including access to the Internet where practicable, to update the individual's voter registration information, including instructions for absent uniformed services voters to change their address by submitting the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act to the appropriate State election official.

`(4) Information and assistance, if requested, to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

`(b) Covered Individuals- The individuals described in this subsection are absent uniformed services voters who--

`(1) are undergoing a permanent change of duty station;

`(2) are deploying overseas for at least six months;

`(3) are returning from an overseas deployment of at least six months; or

`(4) otherwise request assistance related to voter registration.

`(c) Timing of Provision of Assistance- The regulations prescribed by the Secretary of Defense under subsection (f) shall ensure, to the maximum extent practicable and consistent with military necessity, that the assistance provided under subsection (a) is provided to a covered individual described in subsection (b)--

`(1) if described in subsection (b)(1), as part of the administrative in-processing of the covered individual upon arrival at the new duty station of the covered individual;

`(2) if described in subsection (b)(2), as part of the administrative out-processing of the covered individual in preparation for deployment from the home duty station of the covered individual;

`(3) if described in subsection (b)(3), as part of the administrative in-processing of the covered individual upon return to the home duty station of the covered individual; or

`(4) if described in subsection (b)(4), at the time the covered individual requests such assistance.

`(d) Outreach- The Secretary of each military department, or the Presidential designee, shall take appropriate actions to inform absent uniformed services voters of the assistance available under subsection (a), including--

`(1) the availability of information and voter registration assistance at offices designated under subsection (a); and

`(2) the time, location, and manner in which an absent uniformed services voter may utilize such assistance.

`(e) Authority To Designate Voting Assistance Offices as Voter Registration Agency on Military Installations- The Secretary of Defense may authorize the Secretaries of the military departments to designate offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)(2)) for all purposes of such Act. Any office so designated shall discharge the requirements of this section, under the regulations prescribed by the Secretary of Defense under subsection (f).

`(f) Regulations- The Secretary of Defense shall prescribe regulations relating to the administration of the requirements of this section. The regulations shall be prescribed before the regularly scheduled general election for Federal office held in November 2010, and shall be implemented for such general election for Federal office and for each succeeding election for Federal office.

`(g) Definitions- In this section:

`(1) 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)).

`(2) The term `Federal office' has the meaning given that term in section 107(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(3)).
`(3) The term `Presidential designee' means the official designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).'.
(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566 the following new item:

`1566a. Voting assistance: voter assistance offices.'.

SEC. 584. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) In General- Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by sections 580 and 583, is amended--
(1) by striking `and' at the end of paragraph (9);
(2) by striking the period at the end of paragraph (10) and inserting `; and'; and
(3) by adding at the end the following new paragraph:
`(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 102(c) and such other data as the Presidential designee determines appropriate; and
`(B) for the Presidential designee to store the data reported.'.
(b) Conforming Amendment- Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by sections 577, 578, 579, and 580, is amended--
(1) in paragraph (9), by striking `and' at the end;
(2) in paragraph (10), by striking the period at the end and inserting `; and'; and
(3) by adding at the end the following new paragraph:
`(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).'.
(c) Effective Date- The amendments made by 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.

SEC. 585. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) In General- Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) Conforming Amendments- The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended--

(1) in section 101(b)--

(A) in paragraph (2), by striking `, for use by States in accordance with section 104'; and

(B) in paragraph (4), by striking `for use by States in accordance with section 104'; and

(2) in section 104, as amended by subsection (a)--

*(A) in the section heading, by striking `**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**' and inserting `**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**'; and*

(B) in subsection (e), by striking `(e) Prohibition of Refusal of Applications on Grounds of Early Submission- '.

SEC. 586. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

`SEC. 105A. REPORTING REQUIREMENTS.

`(a) Report on Status of Implementation and Assessment of Programs- Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, 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 103A, 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 such date of enactment, 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, United States Code.

`(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 103B, 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, United States Code, 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 103A, 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 103A(d).

`(2) PRESIDENTIAL DESIGNEE- The term `Presidential designee' means the Presidential designee under section 101(a).

`(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.'.

SEC. 587. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended--
(1) by striking `The Attorney' and inserting `(a) In General- The Attorney'; and
(2) by adding at the end the following new subsection:
`(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.'.

SEC. 588. REQUIREMENTS PAYMENTS.

(a) Use of Funds- Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended--
(1) in paragraph (1), by striking `paragraph (2)' and inserting `paragraphs (2) and (3)'; and
(2) by adding at the end the following new paragraph:
`(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT- A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.'.
(b) Conditions for Receipt of Funds-
(1) INCLUSION OF COMPLIANCE IN STATE PLAN-
(A) IN GENERAL- Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:
`(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.'.
(B) CONFORMING AMENDMENT- Section 253(b)(1)(A) of such Act (42 U.S.C. 15403(b)(1)(A)) is amended by striking `section 254' and inserting `section 254(a) (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4), contains the element described in paragraph (14) of such section)'.

(2) WAIVER OF PLAN FOR APPLICATION OF ADMINISTRATIVE COMPLAINT PROCEDURES- Section 253(b)(2) of such Act (42 U.S.C. 15403(b)(2)) is amended--

(A) by striking `(2) The State' and inserting `(2)(A) Subject to subparagraph (B), the State'; and

(B) by adding at the end the following new subparagraph:

`(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4).'.

(3) SPECIAL RULE FOR PROVISION OF 5 PERCENT MATCH- Section 253(b)(5) of such Act (42 U.S.C. 15403(b)(5)) is amended--

(A) by striking `(5) The State' and inserting `(5)(A) Subject to subparagraph (B), the State'; and

(B) by adding at the end the following new subparagraph:

`(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4) for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.'.

(c) Authorization- Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

`(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).'.

SEC. 589. 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(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER- The term `overseas voter' has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE- The term `Presidential designee' means the individual designated under section 101(a) of such Act.

(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.).

(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. 1977ff 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 enactment of this Act, 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 the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919).

(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.