§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).

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.

Amendments


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 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 1973ff–1(4)) for "overseas voters".

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

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


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".


Effective Date of 2011 Amendment


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."

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**


**Sense of Congress Regarding the Importance of Voting**


"(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**


**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 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.

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.


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

Subsec. (i). Pub. L. 111–84, §582(a), added subsec. (i).
2002—Pub. L. 107–252, §702, designated existing provisions as subsec. (a) and added subsec. (b).
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".

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".
§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.


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.
§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.


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.


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.

TERMINATION OF REPORTING REQUIREMENTS
For termination, effective Dec. 31, 2021, of provisions in subsec. (b) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of Title 10, Armed Forces.
§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.


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.


CODIFICATION

Section was formerly classified to section 1973ff–6 of Title 42, The Public Health and Welfare, prior to
editorial recategorization 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

(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.


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


EFFECTIVE DATE OF 2011 AMENDMENT