

106TH CONGRESS
2D SESSION

H. R. 5642

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2000

Mr. SALMON (for himself, Mr. WELDON of Pennsylvania, Mr. KOLBE, Mr. GILMAN, Mr. BACHUS, Mr. LATOURETTE, Mr. CRANE, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. FRELINGHUYSEN, Mr. ROYCE, Mr. SMITH of New Jersey, Mr. WATTS of Oklahoma, Mr. SHIMKUS, Mrs. FOWLER, Mr. REYNOLDS, Mr. HEFLEY, Mr. WAMP, Mr. TANCREDO, Mr. HANSEN, Mr. FOLEY, Mr. RYUN of Kansas, Mr. SCHAFFER, Mr. SKEEN, Mr. BALLENGER, Mr. COOK, Mr. HAYWORTH, Ms. HOOLEY of Oregon, Mr. KING, Mr. HILLEARY, Mr. PITTS, Mr. TIAHRT, Mr. NETHERCUTT, Mr. SOUDER, Mr. NEY, Mr. LOBIONDO, Mr. DOOLITTLE, Mr. GREENWOOD, Mrs. ROUKEMA, Mr. COMBEST, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Armed Services Vote
3 Rescue Act”.

4 **SEC. 2. STANDARD FOR INVALIDATION OF BALLOTS CAST**
5 **BY ABSENT UNIFORMED SERVICES VOTERS**
6 **IN FEDERAL ELECTIONS.**

7 (a) **IN GENERAL.**—A State may not refuse to count
8 a ballot submitted in an election for Federal office by an
9 absent uniformed services voter on the grounds that the
10 ballot was improperly or fraudulently cast unless the State
11 finds clear and convincing evidence of fraud in the prepa-
12 ration or casting of the ballot by the voter. For purposes
13 of the previous sentence, the lack of a witness signature,
14 address, postmark, or other identifying information may
15 not be considered clear and convincing evidence of fraud
16 (absent any other information or evidence).

17 (b) **NO EFFECT ON FILING DEADLINES UNDER**
18 **STATE LAW.**—Nothing in this section may be construed
19 to affect the application to ballots submitted by absent
20 uniformed services voters of any ballot submission dead-
21 line applicable under State law.

22 (c) **ABSENT UNIFORMED SERVICES VOTER DE-**
23 **FINED.**—In this Act, the term “absent uniformed services
24 voter” has the meaning given such term in section 107(1)
25 of the Uniformed and Overseas Citizens Absentee Voting
26 Act (42 U.S.C. 1973ff–6(1)).

1 **SEC. 3. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this Act shall apply with respect to ballots submitted
4 for elections for Federal office occurring after the date of
5 the enactment of this Act.

6 (b) SPECIAL RULE.—In the case of any State for
7 which the number of ballots submitted by absent uni-
8 formed services voters exceeded the margin of votes be-
9 tween the two candidates receiving the greatest number
10 of votes cast for President in the State (as determined
11 without regard to ballots submitted by absent uniformed
12 services voters), this Act shall apply with respect to ballots
13 submitted for the election held for the appointment of elec-
14 tors for President and Vice President during 2000 and
15 for each election for Federal office held during any suc-
16 ceeding year.

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