

107TH CONGRESS
1ST SESSION

S. 470

To amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such a voter is duly counted, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2001

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

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940 to ensure that each vote cast by such a voter is duly counted, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Support to Absentee
5 Uniformed and Overseas Citizens Voters Act of 2001".

1 **SEC. 2. STANDARD FOR INVALIDATION OF BALLOTS CAST**
 2 **BY ABSENTEE UNIFORMED AND OVERSEAS**
 3 **CITIZENS VOTERS IN FEDERAL ELECTIONS.**

4 (a) IN GENERAL.—Section 102 of the Uniformed and
 5 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
 6 1) is amended—

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

9 (2) by adding at the end the following:

10 “(b) STANDARDS FOR INVALIDATION OF CERTAIN
 11 BALLOTS.—

12 “(1) IN GENERAL.—A State may not refuse to
 13 count a ballot submitted in an election for Federal
 14 office by an absentee uniformed services member or
 15 overseas citizen voter on the grounds that the ballot
 16 was improperly or fraudulently cast unless the State
 17 finds clear and convincing evidence of fraud in the
 18 preparation or casting of the ballot by the voter.

19 “(2) CLEAR AND CONVINCING EVIDENCE.—For
 20 purposes of this subsection, the lack of a witness sig-
 21 nature, address, postmark, or other identifying in-
 22 formation may not be considered clear and con-
 23 vincing evidence of fraud (absent any other informa-
 24 tion or evidence).

25 “(3) NO EFFECT ON FILING DEADLINES UNDER
 26 STATE LAW.—Nothing in this subsection may be

1 construed to affect the application to ballots sub-
2 mitted by absent uniformed services voters of any
3 ballot submission deadline applicable under State
4 law.”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 subsection (a) shall apply with respect to ballots described
7 in section 102(b) of the Uniformed and Overseas Citizens
8 Absentee Voting Act (as added by such subsection) that
9 are submitted with respect to elections that occur after
10 the date enactment of this Act.

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