

113TH CONGRESS
1ST SESSION

S. 1728

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2013

Mr. CORNYN (for himself, Mr. SCHUMER, Mr. BLUNT, Mr. WARNER, Mr. WICKER, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to improve ballot accessibility to uniformed services voters and overseas voters, 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 “Safeguarding Elections
5 for our Nation’s Troops through Reforms and Improve-
6 ments (SENTRI) Act”.

1 **TITLE I—AMENDMENTS RE-**
 2 **LATED TO THE UNIFORMED**
 3 **AND OVERSEAS CITIZENS AB-**
 4 **SENTEE VOTING ACT**

5 **SEC. 101. PRE-ELECTION REPORTING REQUIREMENT ON**
 6 **TRANSMISSION OF ABSENTEE BALLOTS.**

7 (a) IN GENERAL.—Subsection (c) of section 102 of
 8 the Uniformed and Overseas Citizens Absentee Voting Act
 9 (42 U.S.C. 1973ff–1(c)) is amended by striking “Not later
 10 than 90 days” and inserting the following:

11 “(1) PRE-ELECTION REPORT ON ABSENTEE
 12 BALLOTS TRANSMITTED.—

13 “(A) IN GENERAL.—Not later than 43
 14 days before any election for Federal office held
 15 in a State, the chief State election official of
 16 such State shall submit a report to the Attor-
 17 ney General and the Presidential designee, and
 18 make that report publicly available that same
 19 day, confirming—

20 “(i) the number of absentee ballots
 21 validly requested by absent uniformed serv-
 22 ices voters and overseas voters whose re-
 23 quests were received by the 46th day be-
 24 fore the election, and

1 “(ii) whether those ballots were timely
2 transmitted.

3 “(B) MATTERS TO BE INCLUDED.—The
4 report under subparagraph (A) shall include the
5 following information:

6 “(i) Specific information about ballot
7 transmission, including the total numbers
8 of ballot requests received from such voters
9 and ballots transmitted to such voters by
10 the 46th day before the election from each
11 unit of local government that will admin-
12 ister the election.

13 “(ii) If the chief State election official
14 has incomplete information on any items
15 required to be included in the report, an
16 explanation of what information is incom-
17 plete information and efforts made to ac-
18 quire such information.

19 “(C) REQUIREMENT TO SUPPLEMENT IN-
20 COMPLETE INFORMATION.—If the report under
21 subparagraph (A) has incomplete information
22 on any items required to be included in the re-
23 port, the chief State election official shall make
24 all reasonable efforts to expeditiously supple-
25 ment the report with complete information.

1 tion 102 of such Act (42 U.S.C. 1973ff-1(g)) is amended
2 to read as follows:

3 “(g) BALLOT TRANSMISSION REQUIREMENTS.—

4 “(1) IN GENERAL.—For purposes of subsection
5 (a)(8), in the case in which a valid request for an
6 absentee ballot is received at least 46 days before an
7 election for Federal office, the following rules shall
8 apply:

9 “(A) TRANSMISSION DEADLINE.—The
10 State shall transmit the absentee ballot not
11 later than 46 days before the election.

12 “(B) SPECIAL RULES IN CASE OF FAILURE
13 TO TRANSMIT ON TIME.—

14 “(i) IN GENERAL.—If the State fails
15 to transmit any absentee ballot by the 46th
16 day before the election as required by sub-
17 paragraph (A) and the absent uniformed
18 services voter or overseas voter did not re-
19 quest electronic ballot transmission pursu-
20 ant to subsection (f), the State shall trans-
21 mit such ballot by express delivery.

22 “(ii) EXTENDED FAILURE.—If the
23 State fails to transmit any absentee ballot
24 by the 41st day before the election, in ad-

1 dition to transmitting the ballot as pro-
2 vided in clause (i), the State shall—

3 “(I) in the case of absentee bal-
4 lots requested by absent uniformed
5 services voters with respect to regu-
6 larly scheduled general elections, no-
7 tify such voters of the procedures es-
8 tablished under section 103A for the
9 collection and delivery of marked ab-
10 sentee ballots; and

11 “(II) in any other case, provide
12 for the return of such ballot by ex-
13 press delivery.

14 “(iii) COST OF EXPRESS DELIVERY.—
15 In any case in which express delivery is re-
16 quired under this subparagraph, the cost
17 of such express delivery—

18 “(I) shall not be paid by the
19 voter, and

20 “(II) may be required by the
21 State to be paid by a local jurisdiction
22 if the State determines that election
23 officials in such jurisdiction are re-
24 sponsible for the failure to transmit

1 the ballot by any date required under
2 this paragraph.

3 “(iv) ENFORCEMENT.—A State’s com-
4 pliance with this subparagraph does not
5 bar the Attorney General from seeking ad-
6 ditional remedies necessary to effectuate
7 the purposes of this Act.

8 “(2) REQUESTS RECEIVED AFTER 46TH DAY
9 BEFORE ELECTION.—For purposes of subsection
10 (a)(8), in the case in which a valid request for an
11 absentee ballot is received less than 46 days but not
12 less than 30 days before an election for Federal of-
13 fice, the State shall transmit the absentee ballot not
14 later than 3 business days after such request is re-
15 ceived.”.

16 **SEC. 103. TECHNICAL CLARIFICATIONS TO CONFORM TO**
17 **2009 MOVE ACT AMENDMENTS RELATED TO**
18 **THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

19 (a) IN GENERAL.—Section 102(a)(3) of the Uni-
20 formed and Overseas Citizens Absentee Voting Act (42
21 U.S.C. 1973ff-1(a)(3)) is amended by striking “general
22 elections” and inserting “general, special, primary, and
23 runoff elections”.

24 (b) CONFORMING AMENDMENT.—Section 103 of
25 such Act (42 U.S.C. 1973ff-2) is amended—

1 (1) in subsection (b)(2)(B), by striking “gen-
2 eral”, and

3 (2) in the heading thereof, by striking “**GEN-
4 ERAL**”.

5 **SEC. 104. TREATMENT OF BALLOT REQUESTS.**

6 (a) APPLICATION OF PROHIBITION OF REFUSAL OF
7 APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO
8 OVERSEAS VOTERS.—Section 104 of the Uniformed and
9 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
10 3) is amended—

11 (1) by inserting “or overseas voter” after “sub-
12 mitted by an absent uniformed services voter”; and

13 (2) by striking “members of the uniformed
14 services” and inserting “absent uniformed services
15 voters or overseas voters”.

16 (b) USE OF SINGLE APPLICATION FOR SUBSEQUENT
17 ELECTIONS.—

18 (1) IN GENERAL.—Section 104 of the Uni-
19 formed and Overseas Citizens Absentee Voting Act
20 (42 U.S.C. 1973ff–3) is amended—

21 (A) by striking “A State” and inserting
22 the following:

23 “(a) PROHIBITION OF REFUSAL OF APPLICATIONS
24 ON GROUNDS OF EARLY SUBMISSION.—A State”, and

1 (B) by adding at the end the following new
2 subsections:

3 “(b) APPLICATION TREATED AS VALID FOR SUBSE-
4 QUENT ELECTIONS.—

5 “(1) IN GENERAL.—If a State accepts and
6 processes a request for an absentee ballot by an ab-
7 sent uniformed services voter or overseas voter and
8 the voter requests that the application be considered
9 an application for an absentee ballot for each subse-
10 quent election for Federal office held in the State
11 through the next regularly scheduled general election
12 for Federal office (including any runoff elections
13 which may occur as a result of the outcome of such
14 general election) and any special elections for Fed-
15 eral office held in the State through the calendar
16 year following such general election, the State shall
17 provide an absentee ballot to the voter for each such
18 subsequent election.

19 “(2) EXCEPTIONS.—Paragraph (1) shall not
20 apply with respect to either of the following:

21 “(A) VOTERS CHANGING REGISTRATION.—
22 A voter removed from the list of official eligible
23 voters in accordance with subparagraph (A),
24 (B), or (C) of section 8(a)(3) of the National

1 Voter Registration Act of 1993 (42 U.S.C.
2 1973gg-6(a)).

3 “(B) UNDELIVERABLE BALLOTS.—A voter
4 whose ballot is returned by mail to the State or
5 local election officials as undeliverable or, in the
6 case of a ballot delivered electronically, if the
7 email sent to the voter was undeliverable or re-
8 jected due to an invalid email address.”.

9 (2) CONFORMING AMENDMENT.—The heading
10 of section 104 of such Act is amended by striking
11 “**PROHIBITION OF REFUSAL OF APPLICATIONS**
12 **ON GROUNDS OF EARLY SUBMISSION**” and in-
13 serting “**TREATMENT OF BALLOT REQUESTS**”.

14 (3) REVISION TO POSTCARD FORM.—

15 (A) IN GENERAL.—The Presidential des-
16 ignee shall ensure that the official postcard
17 form prescribed under section 101(b)(2) of the
18 Uniformed and Overseas Citizens Absentee Vot-
19 ing Act (42 U.S.C. 1973ff(b)(2)) enables a
20 voter using the form to—

21 (i) request an absentee ballot for each
22 election for Federal office held in a State
23 through the next regularly scheduled gen-
24 eral election for Federal office (including
25 any runoff elections which may occur as a

1 result of the outcome of such general elec-
2 tion) and any special elections for Federal
3 office held in the State through the cal-
4 endar year following such general election;
5 or

6 (ii) request an absentee ballot for a
7 specific election or elections for Federal of-
8 fice held in a State during the period de-
9 scribed in paragraph (1).

10 (B) PRESIDENTIAL DESIGNEE.—For pur-
11 poses of this paragraph, the term “Presidential
12 designee” means the individual designated
13 under section 101(a) of the Uniformed and
14 Overseas Citizens Absentee Voting Act (42
15 U.S.C. 1973ff(a)).

16 **SEC. 105. APPLICABILITY TO COMMONWEALTH OF THE**
17 **NORTHERN MARIANA ISLANDS.**

18 Paragraphs (6) and (8) of section 107 of the Uni-
19 formed and Overseas Citizens Absentee Voting Act (42
20 U.S.C. 1973ff–6(6)) are each amended by striking “and
21 American Samoa” and inserting “American Samoa, and
22 the Commonwealth of the Northern Mariana Islands”.

1 **SEC. 106. BIENNIAL REPORT ON THE EFFECTIVENESS OF**
2 **ACTIVITIES OF THE FEDERAL VOTING AS-**
3 **SISTANCE PROGRAM AND COMPTROLLER**
4 **GENERAL REVIEW.**

5 (a) IN GENERAL.—Section 105A(b) of the Uniformed
6 and Overseas Citizens Absentee Voting Act (42 U.S.C.
7 1973ff–4a(b)) is amended—

8 (1) in the matter preceding paragraph (1)—

9 (A) by striking “March 31 of each year”
10 and inserting “June 30 of each odd-numbered
11 year”; and

12 (B) by striking “the following information”
13 and inserting “the following information with
14 respect to the Federal elections held during the
15 2 preceding calendar years”;

16 (2) in paragraph (1), by striking “separate as-
17 sessment” each place it appears and inserting “sepa-
18 rate assessment and statistical analysis”; and

19 (3) in paragraph (2)—

20 (A) by striking “section 1566a” in the
21 matter preceding subparagraph (A) and insert-
22 ing “sections 1566a and 1566b”;

23 (B) by striking “such section” each place
24 it appears in subparagraphs (A) and (B) and
25 inserting “such sections”; and

1 (C) by adding at the end the following new
2 subparagraphs:

3 “(C) The number of completed official
4 postcard forms prescribed under section
5 101(b)(2) that were completed by absent uni-
6 formed services members and accepted and
7 transmitted.

8 “(D) The number of absent uniformed
9 services members who declined to register to
10 vote under such sections.”.

11 (b) COMPTROLLER GENERAL REVIEWS.—Section
12 105A of the Uniformed and Overseas Citizens Absentee
13 Voting Act (42 U.S.C. 1973ff–4a) is amended by redesignig-
14 nating subsection (c) as subsection (d) and by inserting
15 after subsection (b) the following new subsection:

16 “(c) COMPTROLLER GENERAL REVIEWS.—

17 “(1) IN GENERAL.—

18 “(A) REVIEW.—The Comptroller General
19 shall conduct a review of any reports submitted
20 by the Presidential designee under subsection
21 (b) with respect to elections occurring in cal-
22 endar years 2014 through 2020.

23 “(B) REPORT.—Not later than 180 days
24 after a report is submitted by the Presidential
25 designee under subsection (b), the Comptroller

1 General shall submit to the relevant committees
2 of Congress a report containing the results of
3 the review conducted under subparagraph (A).

4 “(2) MATTERS REVIEWED.—A review conducted
5 under paragraph (1) shall assess—

6 “(A) the methodology used by the Presi-
7 dential designee to prepare the report and to
8 develop the data presented in the report, includ-
9 ing the approach for designing, implementing,
10 and analyzing the results of any surveys,

11 “(B) the effectiveness of any voting assist-
12 ance covered in the report provided under sub-
13 section (b) and provided by the Presidential
14 designee to absent overseas uniformed services
15 voters and overseas voters who are not members
16 of the uniformed services, including an assess-
17 ment of—

18 “(i) any steps taken toward improving
19 the implementation of such voting assist-
20 ance; and

21 “(ii) the extent of collaboration be-
22 tween the Presidential designee and the
23 States in providing such voting assistance;
24 and

1 “(C) any other information the Comp-
2 troller General considers relevant to the re-
3 view.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 101(b) of such Act (42 U.S.C.
6 1973ff(b)) is amended—

7 (A) by striking paragraph (6); and

8 (B) by redesignating paragraphs (7)
9 through (11) as paragraphs (6) through (10),
10 respectively.

11 (2) Section 102(a) of such Act (42 U.S.C.
12 1973ff-1(a)) is amended—

13 (A) in paragraph (5), by striking
14 “101(b)(7)” and inserting “101(b)(6)”; and

15 (B) in paragraph (11), by striking
16 “101(b)(11)” and inserting “101(b)(10)”.

17 (3) Section 105A(b) of such Act (42 U.S.C.
18 1973ff-4a(b)) is amended—

19 (A) by striking “ANNUAL REPORT” in the
20 subsection heading and inserting “BIENNIAL
21 REPORT”; and

22 (B) by striking “In the case of” in para-
23 graph (3) and all that follows through “a de-
24 scription” and inserting “A description”.

1 **SEC. 107. EFFECTIVE DATE.**

2 The amendments made by this title shall apply with
3 respect to the regularly scheduled general election for Fed-
4 eral office held in November 2014 and each succeeding
5 election for Federal office.

6 **TITLE II—PROVISION OF VOTER**
7 **ASSISTANCE TO MEMBERS OF**
8 **THE ARMED FORCES**

9 **SEC. 201. PROVISION OF ANNUAL VOTER ASSISTANCE.**

10 (a) ANNUAL VOTER ASSISTANCE.—

11 (1) IN GENERAL.—Chapter 80 of title 10,
12 United States Code, is amended by inserting after
13 section 1566a the following new section:

14 **“§ 1566b. Annual voter assistance**

15 “(a) IN GENERAL.—The Secretary of Defense shall
16 carry out the following activities:

17 “(1) In coordination with the Secretary of each
18 military department—

19 “(A) affirmatively offer, on an annual
20 basis, each member of the armed forces on ac-
21 tive duty (other than active duty for training)
22 the opportunity, through the online system de-
23 veloped under paragraph (2), to—

24 “(i) register to vote in an election for
25 Federal office;

1 “(ii) update the member’s voter reg-
2 istration information; or

3 “(iii) request an absentee ballot;

4 “(B) provide services to such members for
5 the purpose of carrying out the activities in
6 clauses (i), (ii), and (iii) of subparagraph (A);
7 and

8 “(C) require any such member who de-
9 clines the offer for voter assistance under sub-
10 paragraph (A) to indicate and record that deci-
11 sion.

12 “(2) Implement an online system that, to the
13 extent practicable, is integrated with the existing
14 systems of each of the military departments and
15 that—

16 “(A) provides an electronic means for car-
17 rying out the requirements of paragraph (1);

18 “(B) in the case of an individual reg-
19 istering to vote in a State that accepts elec-
20 tronic voter registration and operates its own
21 electronic voter registration system using a
22 form that meets the requirements for mail voter
23 registration forms under section 9(b) of the Na-
24 tional Voter Registration Act of 1993 (42

1 U.S.C. 1973gg-7(b)), directs such individual to
2 that system; and

3 “(C) in the case of an individual using the
4 official postcard form prescribed under section
5 101(b)(2) of the Uniformed and Overseas Citi-
6 zens Absentee Voting Act (42 U.S.C.
7 1973ff(b)(2)) to register to vote and request an
8 absentee ballot—

9 “(i) pre-populates such official post-
10 card form with the personal information of
11 such individual, and

12 “(ii)(I) produces the pre-populated
13 form and a pre-addressed envelope for use
14 in transmitting such official postcard form;
15 or

16 “(II) transmits the completed official
17 postcard form electronically to the appro-
18 priate State or local election officials.

19 “(3) Implement a system (either independently
20 or in conjunction with the online system under para-
21 graph (2)) by which any change of address by a
22 member of the armed forces on active duty who is
23 undergoing a permanent change of station, deploying
24 overseas for at least six months, or returning from
25 an overseas deployment of at least six months auto-

1 matically triggers, through the Defense Enrollment
2 and Eligibility Registration System or related sys-
3 tems, a notification via electronic means to such
4 member that—

5 “(A) indicates that such member’s voter
6 registration or absentee mailing address should
7 be updated with the appropriate State or local
8 election officials; and

9 “(B) includes instructions on how to up-
10 date such voter registration using the online
11 system developed under paragraph (2).

12 “(b) DATA COLLECTION.—The online system devel-
13 oped under subsection (a)(2) shall collect and store all
14 data required to meet the reporting requirements of sec-
15 tion 201(b) of the Safeguarding Elections for our Nation’s
16 Troops through Reforms and Improvements (SENTRI)
17 Act and section 105A(b)(2) of the Uniformed and Over-
18 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
19 4a(b)(2)) in a manner that complies with section 552a of
20 title 5, United States Code, (commonly known as the Pri-
21 vacy Act of 1974) and imposes no new record management
22 burden on any military unit or military installation.

23 “(c) TIMING OF VOTER ASSISTANCE.—To the extent
24 practicable, the voter assistance under subsection (a)(1)

1 shall be offered as a part of each servicemember’s annual
2 training.

3 “(d) REGULATIONS.—Not later than 1 year after the
4 date of the enactment of this section, the Secretary of De-
5 fense shall prescribe regulations implementing the require-
6 ments of subsection (a). Such regulations shall include
7 procedures to inform those members of the armed forces
8 on active duty (other than active duty for training) experi-
9 encing a change of address about the benefits of this sec-
10 tion and the timeframe for requesting an absentee ballot
11 to ensure sufficient time for State delivery of the ballot.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 80 of such title is
14 amended by inserting after the item relating to sec-
15 tion 1566a the following new item:

“1566b. Annual voter assistance.”.

16 (b) REPORT ON STATUS OF IMPLEMENTATION.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the relevant com-
20 mittees of Congress a report on the status of the im-
21 plementation of the requirements of section 1566b of
22 title 10, United States Code, as added by subsection
23 (a)(1).

24 (2) ELEMENTS.—The report under paragraph
25 (1) shall include—

1 (A) a detailed description of any specific
2 steps already taken towards the implementation
3 of the requirements of such section 1566b;

4 (B) a detailed plan for the implementation
5 of such requirements, including milestones and
6 deadlines for the completion of such implemen-
7 tation;

8 (C) the costs expected to be incurred in the
9 implementation of such requirements;

10 (D) a description of how the annual voting
11 assistance and system under subsection (a)(3)
12 of such section will be integrated with the De-
13 fense Enrollment and Eligibility Registration
14 System or other Department of Defense per-
15 sonnel databases that track military
16 servicemembers' address changes;

17 (E) an estimate of how long it will take an
18 average member to complete the voter assist-
19 ance process required under subsection (a)(1)
20 of such section;

21 (F) an explanation of how the Secretary of
22 Defense will collect reliable data on the utiliza-
23 tion of the online system under subsection
24 (a)(2) of such section; and

1 (G) a summary of any objections, con-
2 cerns, or comments made by State or local elec-
3 tion officials regarding the implementation of
4 such section.

5 (3) RELEVANT COMMITTEES OF CONGRESS DE-
6 FINED.—In this subsection, the term “relevant com-
7 mittees of Congress” means—

8 (A) the Committees on Appropriations,
9 Armed Services, and Rules and Administration
10 of the Senate; and

11 (B) the Committees on Appropriations,
12 Armed Services, and House Administration of
13 the House of Representatives.

14 **TITLE III—ELECTRONIC VOTING**
15 **SYSTEMS**

16 **SEC. 301. REPEAL OF ELECTRONIC VOTING DEMONSTRATION PROJECT.**
17

18 Section 1604 of the National Defense Authorization
19 Act for Fiscal Year 2002 (42 U.S.C. 1973ff note) is re-
20 pealed.

1 **TITLE IV—RESIDENCY OF**
2 **MILITARY FAMILY MEMBERS**

3 **SEC. 401. EXTENDING GUARANTEE OF RESIDENCY FOR**
4 **VOTING PURPOSES TO FAMILY MEMBERS OF**
5 **ABSENT MILITARY PERSONNEL.**

6 (a) IN GENERAL.—Subsection (b) of section 705 of
7 the Servicemembers Civil Relief Act (50 U.S.C. App. 595)
8 is amended—

9 (1) by striking “a person who is absent from a
10 State because the person is accompanying the
11 persons’s spouse who is absent from that same State
12 in compliance with military or naval orders shall not,
13 solely by reason of that absence” and inserting “a
14 dependent of a person who is absent from a State
15 in compliance with military orders shall not, solely
16 by reason of absence, whether or not accompanying
17 that person”; and

18 (2) in the heading by striking “SPOUSES” and
19 inserting “DEPENDENTS”.

20 (b) CONFORMING AMENDMENT.—The heading of sec-
21 tion 705 of such Act (50 U.S.C. App. 595) is amended
22 by striking “**SPOUSES**” and inserting “**DEPENDENTS**”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply with respect to absences from
25 States described in section 705(b) of the Servicemembers

1 Civil Relief Act (50 U.S.C. App. 595(b)), as amended by
2 subsection (a), after the date of the enactment of this Act,
3 regardless of the date of the military orders concerned.

○