

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-84, div. A, title V, § 581(a)(2), Oct. 28, 2009, 123 Stat. 2326, provided that: “The amendments made by this subsection [amending this section] shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.”

Amendment by section 582(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 582(c) of Pub. L. 111-84, set out as a note under section 20302 of this title.

§ 20304. 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 20303 of this title, 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, 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 20310(5)(A) of this title.

(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.

(Pub. L. 99-410, title I, § 103A, as added Pub. L. 111-84, div. A, title V, § 580(a), Oct. 28, 2009, 123 Stat. 2324.)

CODIFICATION

Section was formerly classified to section 1973ff-2a 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 580(f) of Pub. L. 111-84, set out as an Effective Date of 2009 Amendment note under section 20301 of this title.

§ 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.

(Pub. L. 99-410, title I, §103B, as added Pub. L. 111-84, div. A, title V, §583(a)(1), Oct. 28, 2009, 123 Stat. 2327.)

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.

§ 20306. Prohibition of refusal of applications on grounds of early submission

A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 20301 of this title) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.

(Pub. L. 99-410, title I, §104, Aug. 28, 1986, 100 Stat. 926; Pub. L. 107-107, div. A, title XVI, §1606(b), Dec. 28, 2001, 115 Stat. 1279; Pub. L. 107-252, title VII, §§704, 706(a), Oct. 29, 2002, 116 Stat. 1724, 1725; Pub. L. 111-84, div. A, title V, §585(a), (b)(2), Oct. 28, 2009, 123 Stat. 2331.)

CODIFICATION

Section was formerly classified to section 1973ff-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2009—Pub. L. 111-84 substituted “Prohibition of refusal of applications on grounds of early submission” for “Use of single application for all subsequent elections” in section catchline, struck out subsecs. (a) to (d) which related, respectively, to provision of absentee ballot in subsequent elections after acceptance and

processing of an official post card form, exception for voters changing registration, revision of official post card form, and construction of provisions with voter removal programs, and struck out subsec. (e) designation and heading before “A State”.

2002—Subsec. (a), Pub. L. 107-252, §704, substituted “through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot to the voter for each such subsequent election” for “during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year”.

Subsec. (e), Pub. L. 107-252, §706(a), added subsec. (e). 2001—Pub. L. 107-107 amended section catchline and text generally, substituting provisions relating to use of single application for all subsequent elections for provisions relating to recommendations to States to maximize access to polls by absent uniformed services voters and overseas voters.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-252, title VII, §706(b), Oct. 29, 2002, 116 Stat. 1725, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to elections for Federal office that occur after January 1, 2004.”

§ 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.

(Pub. L. 99-410, title I, §105, Aug. 28, 1986, 100 Stat. 927; Pub. L. 111-84, div. A, title V, §587, Oct. 28, 2009, 123 Stat. 2333.)

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: