



Interpretation of the

Help America Vote Act of 2002

Public Law 107-252 — October 29, 2002

Based on the Requirements for U.S. Citizens Covered by the

Uniformed and Overseas Citizens Absentee Voting Act

42 USC 1973ff

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Federal Voting Assistance Program
Washington Headquarters Services
Department of Defense

Public Law 107-252—October 29, 2002
Help America Vote Act of 2002

TITLE II—COMMISSION

Subtitle C—Studies and Other Activities To Promote Effective Administration of Federal Elections

SEC. 242. STUDY, REPORT, AND RECOMMENDATIONS ON BEST PRACTICES FOR FACILITATING MILITARY AND OVERSEAS VOTING.

(a) STUDY.—

(1) IN GENERAL.—The Commission, in consultation with the Secretary of Defense, shall conduct a study on the best practices for facilitating voting by absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act).

(2) ISSUES CONSIDERED.—In conducting the study under paragraph (1) the Commission shall consider the following issues:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots, including the right of such voters to cast a secret ballot.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate preelection deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(b) REPORT AND RECOMMENDATIONS.—Not later than the date that is 18 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a report on the study conducted under subsection (a)(1) together with recommendations identifying the best practices used with respect to the issues considered under subsection (a)(2).

FVAP Interpretation: Once the Election Assistance Commission is appointed, FVAP will work with the Commission in their study of the issues outlined above. The report is due to the President and Congress by April 29, 2004. FVAP is gathering data from a variety of program sources and soliciting information on the above topics from State and local election officials.

SEC. 245. STUDY AND REPORT ON ELECTRONIC VOTING AND THE ELECTORAL PROCESS.

(a) STUDY.—

(1) **IN GENERAL.**—The Commission shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) **ISSUES TO BE STUDIED.**—The Commission may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) **SUBMISSION.**—Not later than 20 months after the date of the enactment of this Act, the Commission shall transmit to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the study conducted under subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Commission.

(2) **INTERNET POSTING.**—In addition to the dissemination requirements under chapter 19 of title 44, United States Code, the Election Administration Commission shall post the report transmitted under paragraph (1) on an Internet website.

FVAP Interpretation: Title XVI, Section 1604 of *The National Defense Authorization Act for Fiscal Year 2002* requires the Secretary of Defense to conduct an electronic voting demonstration project. The project, called the Secure Electronic Registration and Voting Experiment (SERVE), will allow *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* citizens in participating States to register and vote via the Internet in the 2004 elections. Sec. 1604 mandates a report to Congress on the effectiveness of SERVE by June 1, 2005. The SERVE evaluation methodology is being structured to capture data on many of the issues identified in Sec. 245.(a)(2) of the HAVA.

The EAC report to the House and Senate Committees is due June 29, 2004. The Director, FVAP, (on behalf of the Secretary of Defense) will work with the EAC in formulating their report.

**TITLE III—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY
AND ADMINISTRATION REQUIREMENTS**

Subtitle A—Requirements

**SEC. 303. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR
VOTERS WHO REGISTER BY MAIL.**

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) **IN GENERAL.**—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg– 4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B) (i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.—

(A) **IN GENERAL.**—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(B) **FAIL-SAFE VOTING.—**

(i) **IN PERSON.**—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).

(ii) **BY MAIL.**—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

(3) **INAPPLICABILITY.**—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter;

(B) (i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) and submits with such registration either—

(I) a driver’s license number; or

(II) at least the last 4 digits of the individual’s social security number;

and

(ii) with respect to whom a State or local election official matches the information submitted under clause (i) with an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

(C) who is—(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

(c) PERMITTED USE OF LAST 4 DIGITS OF SOCIAL SECURITY NUMBERS.—The last 4 digits of a social security number described in subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II) shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974 (5 U.S.C. 552a note).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State and jurisdiction shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(B) WAIVER.—If a State or jurisdiction certifies to the Commission not later than January 1, 2004, that the State or jurisdiction will not meet the deadline described in subparagraph (A) for good cause and includes in the certification the reasons for the failure to meet such deadline, subparagraph (A) shall apply to the State or jurisdiction as if the reference in such subparagraph to “January 1, 2004” were a reference to “January 1, 2006”.

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and jurisdiction shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of subsection (b) shall apply to any individual who registers to vote on or after January 1, 2003.

FVAP Interpretation: When registering by mail, citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* are exempt under SEC.303.(b)(3)(C) from the requirement to provide a copy of a valid photo identification or other documentation that shows the name and address of the voter as defined in paragraph (1) of SEC.303. *UOCAVA* citizens include members of the Uniformed Services, members of the merchant marine, and overseas citizens. Uniformed Services are defined as the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard); the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration; and family members of the above. Overseas citizens are defined as U.S. citizens who reside outside the United States.

TITLE VII—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 701. VOTING ASSISTANCE PROGRAMS.

(a) VOTING ASSISTANCE OFFICERS.—Subsection (f) of section 1566 of title 10, United States Code, as added by section 1602(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(1) by striking “Voting assistance” in the first sentence and inserting “(1) Voting assistance”; and

(2) by adding at the end the following new paragraph:

“(2) Under regulations and procedures (including directives) prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member’s duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.”.

FVAP Interpretation: This section requires the Service Secretaries to ensure that Voting Assistance Officers (VAOs) are provided time and other support needed to accomplish their duties. Assignment as a VAO is a collateral assignment that is subordinate to the individual’s primary responsibilities. This direction emphasizes the importance of the VAO duties, especially leading up to a general election. The Department of Defense Directive 1000.4 and the Secretary of Defense’s Voting Action Plan includes these requirements.

(b) POSTMARKING OF OVERSEAS VOTING MATERIALS.—Subsection (g)(2) of such section is amended by adding at the end the following: “The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held. Not later than the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002, the Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.”.

FVAP Interpretation: The postmarking measures addressed in this section were implemented starting with the 2002 General Election and the report to Congress was submitted in April 2003. These measures will guarantee postmarking of all absentee ballots to the maximum extent practicable and ensure that a postmark is placed on absentee ballot envelopes. In instances where a postmark is not evident, FVAP encourages election officials to accept the date the ballot envelope was signed and dated as evidence of when the voter cast the ballot.

(c) PROVIDING NOTICE OF DEADLINES AND REQUIREMENTS.— Such section is amended by adding at the end the following new subsection:

“(h) NOTICE OF DEADLINES AND REQUIREMENTS.—The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the Armed Forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.”.

FVAP Interpretation: This section requires the commanders of military installations to publicize a recommended date for absentee ballots to be mailed from their location prior to a general election for Federal Office. This procedure parallels the general procedure of recommending mailing dates from overseas for holiday letters and packages. FVAP will continue to recommend that *Uniformed and Overseas Citizens Absentee Voting Act (UCAVA)* citizens mail their voted ballots to their local election official by October 15, or as soon as they are received anytime up until election day, as many States have late-counting procedures in place.

(d) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—Such section is further amended by adding at the end the following new subsection:

“(i) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the Armed Forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

“(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists shall receive such form at the time of the enlistment, or as soon thereafter as practicable.

“(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the Armed Forces and their dependents of election timing, registration requirements, and voting procedures.”.

FVAP Interpretation: This section requires the Services to publicly promote and advertise their voting programs including information on the availability of Voting Assistance Officers. This information is to be available to both Service members and voting age dependents. The FVAP continues to work with the Uniformed Services to ensure that each new enlistee receives an FPCA and instructions and assistance to complete the FPCA as part of basic training. This is a requirement of the Services through Department of Defense Directive 1000.4.

In even-numbered years, FVAP will continue to promote its Overseas Citizens Voters Week and Armed Forces Voters Week held around Independence Day and Labor Day, respectively. These events help to increase voter awareness of upcoming elections and provide an opportunity for citizens to receive assistance in completing the Federal Post Card Application form, which is used to apply for voter registration and to request an absentee ballot from the local election official in their jurisdiction of legal voting residence. FVAP encourages U.S. citizens, Uniformed Services and overseas Federal employee Voting Assistance Officers to hold voter registration and election awareness events year-round. FVAP distributes a biennial Voting Action Plan to the services that serves as a roadmap to carrying out voting assistance programs.

SEC. 702. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

- (1) by inserting “(a) IN GENERAL.—” before “Each State”; and
- (2) by adding at the end the following new subsection:

“(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.

FVAP Interpretation: FVAP recommends that this central office provide specific information online regarding the absentee balloting process for *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* voters. The website should clearly differentiate between regular State absentee voters and *UOCAVA* absentee voters and include ways for voters to determine if they qualify to vote under *UOCAVA* status. FVAP suggests including information that allows the voter to:

- Determine if they meet State residency requirements;
- Obtain a Federal Post Card Application (FPCA);
- Access the Online Federal Post Card Application (OFPCA) via link to the FVAP site;
- Access the State specific pages in Chapter 3 of the *Voting Assistance Guide* via link to the FVAP site, which includes the proper mailing address (County, Parish, City, etc.) for the submission of FPCAs.
- Get information concerning a State write-in absentee ballot (where applicable);
- Understand qualifications for receiving a ballot for primary and special elections;
- Read requirements concerning electronic transmission of election materials and information.

FVAP suggests the following sample language for the definition of *UOCAVA* voters on your website:

Citizens who are members of the Uniformed Services, merchant marine, commissioned corps of the Public Health Service, the National Oceanic and Atmospheric Administration and the family members of the above and overseas citizens. Uniformed Services are defined as the U.S. Armed Forces (Navy, Army, Air Force, Marine Corps and Coast Guard), merchant marine, commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration and family members of all of the above. Overseas citizens are defined as citizens who reside outside the United States.

The Texas Secretary of State’s website {<http://www.sos.state.tx.us/elections>} is a good example to refer to when differentiating between *UOCAVA* absentee voters and other State absentee voters.

Local websites offering information for *UOCAVA* citizens should follow the guidelines above.

“(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.”.

FVAP Interpretation: The goal of the FVAP in working with the States is to assure the quickest delivery of ballots to *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* citizens and the quickest return of ballots from *UOCAVA* citizens. FVAP recommends that States continue or adopt methods that achieve this end. We discourage any procedures that add a step or time delay into the process (i.e. a central State office address for receipt of registration forms which are then distributed to local election offices to be processed without a corresponding extension of mail transit time or registration and ballot due dates). The FVAP will work with any State considering a change to their current procedures to ensure the timely transmission and return of ballots to and from *UOCAVA* citizens.

SEC. 703. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) **IN GENERAL.**—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 702, is amended by adding at the end the following new subsection:

“(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) 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.”

(b) **DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.**— 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 (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

FVAP Interpretation: States are required to report the number of *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* ballots that are sent, returned and counted after a general election for Federal office to the Election Assistance Commission (EAC). The Director, FVAP, will work with the EAC and the States to improve the percentage of ballots returned and counted. The FVAP 2004 post-election survey of local election officials will collect related data which, coupled with the EAC data will discern the reason why ballots were not counted and lead to further improvement of the absentee voting process for *UOCAVA* citizens.

SEC. 704. EXTENSION OF PERIOD COVERED BY SINGLE ABSENTEE BALLOT APPLICATION.

Section 104(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by striking “during that year,” and all that follows and inserting the following: “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.”.

FVAP Interpretation: Upon receipt and approval of an FPCA from a *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* citizen, the State shall provide the citizen with ballots for each subsequent election for Federal office in the State through the next two general elections for Federal office. This becomes effective January 1, 2004.

Example 1: Johnson County receives an FPCA from a *UOCAVA* citizen qualified to vote in the jurisdiction on January 1, 2004. The State will provide the citizen with ballots for each election that includes Federal offices through the 2006 election cycle.

Example 2: Johnson County receives an FPCA from a *UOCAVA* citizen qualified to vote in the jurisdiction on November 30, 2004. The State will provide the citizen with ballots for each election that includes Federal offices through the 2008 election cycle.

In order to notify local election officials of their current mailing address, the FVAP will continue to recommend that *UOCAVA* citizens submit an FPCA annually in the month of January and whenever they move or change their mailing address.

SEC. 705. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: “, and ensure that such officials are aware of the requirements of this Act;”.

FVAP Interpretation: Part of the FVAP’s mission in carrying out the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* is working with and ensuring the education of State and local election officials regarding the enfranchisement of *UOCAVA* citizens through presence at national election organizational conferences and meetings (e.g., The National Association of Secretaries of State, the National Association of State Election Directors, the International Association of Clerks, Recorders, Election Officials and Treasurers, the Election Center, the National Association of Counties) as well as regional or State and local election officials conferences.

The Director of the Federal Voting Assistance Program, as a member of the Election Assistance Commission’s Board of Advisors, along with representatives from the above organizations, will work with the EAC to improve the absentee voting process for *UOCAVA* citizens. The FVAP will also continue to utilize its website, newsletter and other publications, professional publications such as *Election Administration Reports*, and maintain daily contact with State and local election officials through the FVAP’s ombudsman service to ensure understanding of the *UOCAVA* requirements and processes by all election officials and *UOCAVA* citizens.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

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

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.”.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(b)), as amended by section 702, is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).”.

FVAP Interpretation: Effective January 1, 2004, the standard oath should be used by local election officials in States where an oath is currently required on the ballot return envelope used by *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* citizens. State absentee registration forms are not required to include the standard oath. States or localities with an excess of previously printed absentee ballot return envelopes for *UOCAVA* citizens may use a sticker or stamp with the oath until such time that new envelopes are printed.

States may append the oath as required by State law or administrative procedure.

The Standard Oath is prescribed as follows:

“I swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or,
A U.S. citizen temporarily residing outside the U.S.; or,
Other U.S. citizen residing outside the U.S.; and
2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and
3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date: _____
Month/Day/Year

=====

Append the following section to the above oath when State law requires that the oath be witnessed or notarized:

Witness(es) or Notary signature and date:

Signed: _____ Date: _____
Month/Day/Year”

(c) PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking “a general assessment” and inserting “a separate statistical analysis”.

FVAP Interpretation: The Director, Federal Voting Assistance Program (FVAP), acts for the Presidential designee for the administration of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986*. The FVAP has and will continue to provide a report to the President and Congress on the effectiveness of assistance under the Act, including a statistical analysis of voter participation and a description of State-Federal cooperation.

SEC. 706. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) **IN GENERAL.**—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

“(e) **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 101) 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.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after January 1, 2004.

FVAP Interpretation: The provisions of this section apply exclusively to members of the Uniformed Services that are defined as the U.S. Armed Forces (Navy, Army, Air Force, Marine Corps and Coast Guard), merchant marine, commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration and family members of all of the above.

Example 1: Lt. Col. John Smith, stationed in Germany, submits an FPCA in January 2004 for the November 2004 election. State law says absentee ballot requests are not processed until 90 days before the election. The State must accept and process Lt. Col Smith’s application. It cannot be rejected on the grounds of early submission.

Example 2: Jane Smith, the spouse of Lt. Col. John Smith, resides in Germany where her husband is stationed. She submits an FPCA in January 2004 for the November 2004 election. State law says absentee ballot requests are not processed until 90 days before the election. The State must accept and process Mrs. Smith’s application. It cannot be rejected on the grounds of early submission.

Example 3: John Doe is a U.S. citizen working overseas with no official U.S. government affiliation. He submits an FPCA in January 2004 for the November 2004 election. State law says absentee ballot requests are not processed until 90 days before the election. FVAP recommends the State accept and process Mr. Doe’s application as soon as it arrives to avoid possible delays due to an incomplete form, no signature on the form, etc.

SEC. 707. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

“(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.”.

FVAP Interpretation: States process voter registration applications and absentee ballot requests from Uniformed Services and overseas voters upon receipt. If the State rejects the application or ballot request, the State should use the most expedient means available to notify the voter of the reasons for rejection. Such means may include postal mail (including the small postage paid return post card portion of the Federal Post Card Application), telephone, electronic mail, or facsimile. FVAP provides an electronic transmission service that state and local election officials may use to fax (toll free at 1-800-368-8683) absentee uniformed services and overseas voters. See www.fvap.gov.