

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.

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## 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

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## 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 redesi-  
14 gnating 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 DEMONSTRA-**  
17 **TION PROJECT.**

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.

○