

110TH CONGRESS  
2D SESSION

# H. R. 7265

To amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Presidential designee responsible for carrying out Federal functions under the Act to have experience in election administration and be approved by the Senate, to establish the Overseas Voting Advisory Board to oversee the administration of the Act so that American citizens who live overseas or serve in the military can participate in elections for public office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2008

Mrs. MALONEY of New York (for herself and Mr. HONDA) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Presidential designee responsible for carrying out Federal functions under the Act to have experience in election administration and be approved by the Senate, to establish the Overseas Voting Advisory Board to oversee the administration of the Act so that American citizens who live overseas or serve in the military can participate in elections for public office, 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 “Fixing the Federal  
5 Voting Assistance Program Act of 2008”.

6 **SEC. 2. APPOINTMENT AND QUALIFICATIONS OF PRESI-**  
7 **DENTIAL DESIGNEE.**

8 (a) IN GENERAL.—Section 101(a) of the Uniformed  
9 and Overseas Citizens Absentee Voting Act (42 U.S.C.  
10 1973ff(a)) is amended to read as follows:

11 “(a) PRESIDENTIAL DESIGNEE.—

12 “(1) APPOINTMENT.—The Federal functions  
13 under this title shall be carried out by an individual  
14 appointed by the President by and with the advice  
15 and consent of the Senate, who shall be known for  
16 purposes of this title as the ‘Presidential designee’.

17 “(2) QUALIFICATIONS.—The President may not  
18 appoint any individual to serve as the Presidential  
19 designee unless the individual has prior experience in  
20 election administration that includes oversight of  
21 voter registration and absentee ballot distribution.”.

22 (b) TRANSITION FOR CURRENT PRESIDENTIAL DES-  
23 IGNEE.—Notwithstanding section 101(a) of the Uni-  
24 formed and Overseas Citizens Absentee Voting Act, as  
25 amended by subsection (a), the individual serving as the

1 Presidential designee under such Act as of the date of the  
2 enactment of this Act may continue to serve as the Presi-  
3 dential designee without meeting the appointment and  
4 qualifications requirements of section 101(a) of such Act,  
5 but only until the expiration of the 6-month period which  
6 begins on the date of the enactment of this Act.

7 **SEC. 3. OVERSEAS VOTING ADVISORY BOARD.**

8 (a) ESTABLISHMENT; DUTIES.—There is hereby es-  
9 tablished the Overseas Voting Advisory Board (hereafter  
10 in this Act referred to as the “Board”).

11 (b) DUTIES.—

12 (1) IN GENERAL.—The Board shall conduct  
13 studies and issue reports with respect to the fol-  
14 lowing issues:

15 (A) The ability of citizens of the United  
16 States who reside outside of the United States  
17 to register to vote and vote in elections for pub-  
18 lic office.

19 (B) Methods to promote voter registration  
20 and voting among such citizens.

21 (C) The effectiveness of the Presidential  
22 designee under the Uniformed and Overseas  
23 Citizens Absentee Voting Act in assisting such  
24 citizens in registering to vote and casting votes  
25 in elections.

1           (D) The effectiveness of the administration  
2           and enforcement of the requirements of the  
3           Uniformed and Overseas Citizens Absentee Vot-  
4           ing Act.

5           (E) The need for the enactment of legisla-  
6           tion or the adoption of administrative actions to  
7           ensure that all Americans who are away from  
8           the jurisdiction in which they are eligible to  
9           vote because they live overseas or serve in the  
10          military (or are a spouse or dependent of some-  
11          one who serves in the military) are able to reg-  
12          ister to vote and vote in elections for public of-  
13          fice.

14          (2) REPORTS.—In addition to issuing such re-  
15          ports as it considers appropriate, the Board shall  
16          transmit to Congress a report not later than March  
17          31 of each year describing its activities during the  
18          previous year, and shall include in that report such  
19          recommendations as the Board considers appropriate  
20          for legislative or administrative action, including the  
21          provision of funding, to address the issues described  
22          in paragraph (1).

23          (3) COMMITTEE HEARINGS ON ANNUAL RE-  
24          PORT.—

1 (A) IN GENERAL.—During each year, the  
2 Committees on Armed Services of the House of  
3 Representatives and Senate, the Committee on  
4 House Administration of the House of Rep-  
5 resentatives, and the Committee on Rules and  
6 Administration of the Senate shall each hold a  
7 hearing on the annual report submitted by the  
8 Board under paragraph (2).

9 (B) EXERCISE OF RULEMAKING AUTHOR-  
10 ITY.—The provisions of subparagraph (A) are  
11 enacted—

12 (i) as an exercise of the rulemaking  
13 power of the House of Representatives and  
14 Senate, and, as such, they shall be consid-  
15 ered as part of the rules of the House or  
16 Senate (as the case may be), and such  
17 rules shall supersede any other rule of the  
18 House or Senate only to the extent that  
19 rule is inconsistent therewith; and

20 (ii) with full recognition of the con-  
21 stitutional right of either House to change  
22 such rules (so far as relating to the proce-  
23 dure in such House) at any time, in the  
24 same manner, and to the same extent as in

1           the case of any other rule of the House or  
2           Senate.

3       (c) MEMBERSHIP.—

4           (1) APPOINTMENT.—The Board shall be com-  
5       posed of 5 members appointed by the President not  
6       later than 6 months after the date of the enactment  
7       of this Act, of whom—

8           (A) 1 shall be appointed from among a list  
9       of nominees submitted by the Speaker of the  
10      House of Representatives;

11          (B) 1 shall be appointed from among a list  
12      of nominees submitted by the Minority Leader  
13      of the House of Representatives;

14          (C) 1 shall be appointed from among a list  
15      of nominees submitted by the Majority Leader  
16      of the Senate; and

17          (D) 1 shall be appointed from among a list  
18      of nominees submitted by the Minority Leader  
19      of the Senate.

20          (2) QUALIFICATIONS.—An individual may serve  
21      as a member of the Board only if the individual has  
22      experience in election administration and resides or  
23      has resided for an extended period of time overseas  
24      (as a member of the uniformed services or other-  
25      wise), except that the President shall ensure that at

1 least one member of the Board is a citizen who re-  
2 sides overseas while serving on the Board.

3 (3) TERMS OF SERVICE.—

4 (A) IN GENERAL.—Except as provided in  
5 subparagraph (B), each member shall be ap-  
6 pointed for a term of 4 years. A member may  
7 be reappointed for additional terms.

8 (B) VACANCIES.—A vacancy in the Board  
9 shall be filled in the manner in which the origi-  
10 nal appointment was made. Any member ap-  
11 pointed to fill a vacancy occurring before the  
12 expiration of the term for which the member's  
13 predecessor was appointed shall be appointed  
14 only for the remainder of that term. A member  
15 may serve after the expiration of that member's  
16 term until a successor has taken office.

17 (4) PAY.—

18 (A) NO PAY FOR SERVICE.—A member  
19 shall serve without pay, except that a member  
20 shall receive travel expenses, including per diem  
21 in lieu of subsistence, in accordance with appli-  
22 cable provisions under subchapter I of chapter  
23 57 of title 5, United States Code.

24 (B) REIMBURSEMENT OF TRAVEL EX-  
25 PENSES BY PRESIDENTIAL DESIGNEE.—Upon

1 request of the Chairperson of the Board, the  
2 Presidential designee under the Uniformed and  
3 Overseas Citizens Absentee Voting Act shall,  
4 from amounts made available for the salaries  
5 and expenses of the Presidential designee, reim-  
6 burse the Board for any travel expenses paid on  
7 behalf of a member under subparagraph (A).

8 (5) QUORUM.—3 members of the Board shall  
9 constitute a quorum but a lesser number may hold  
10 hearings.

11 (6) CHAIRPERSON.—The members of the Board  
12 shall designate one member to serve as Chairperson.

13 (d) STAFF.—

14 (1) AUTHORITY TO APPOINT.—Subject to rules  
15 prescribed the Board, the chairperson may appoint  
16 and fix the pay of such staff as the chairperson con-  
17 siders necessary.

18 (2) APPLICATION OF CIVIL SERVICE LAWS.—  
19 The staff of the Board shall be appointed subject to  
20 the provisions of title 5, United States Code, gov-  
21 erning appointments in the competitive service, and  
22 shall be paid in accordance with the provisions of  
23 chapter 51 and subchapter III of chapter 53 of that  
24 title relating to classification and General Schedule  
25 pay rates.

1           (3) EXPERTS AND CONSULTANTS.—Subject to  
2 rules prescribed by the Board, the Chairperson may  
3 procure temporary and intermittent services under  
4 section 3109(b) of title 5, United States Code.

5           (4) STAFF OF FEDERAL AGENCIES.—Upon re-  
6 quest of the Chairperson, the head of any Federal  
7 department or agency may detail, on a reimbursable  
8 basis, any of the personnel of that department or  
9 agency to the Board to assist it in carrying out its  
10 duties under this Act.

11 (e) POWERS.—

12           (1) HEARINGS AND SESSIONS.—The Board  
13 may, for the purpose of carrying out this Act, hold  
14 hearings, sit and act at times and places, take testi-  
15 mony, and receive evidence as the Board considers  
16 appropriate. The Board may administer oaths or af-  
17 firmations to witnesses appearing before it.

18           (2) OBTAINING OFFICIAL DATA.—The Board  
19 may secure directly from any department or agency  
20 of the United States information necessary to enable  
21 it to carry out this Act. Upon request of the Chair-  
22 person, the head of that department or agency shall  
23 furnish that information to the Board.

24           (3) MAILS.—The Board may use the United  
25 States mails in the same manner and under the

1 same conditions as other departments and agencies  
2 of the United States.

3 (4) ADMINISTRATIVE SUPPORT SERVICES.—

4 Upon the request of the Board, the Administrator of  
5 General Services shall provide to the Board, on a re-  
6 imburseable basis, the administrative support services  
7 necessary for the Board to carry out its responsibil-  
8 ities under this Act.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Board such sums  
11 as may be necessary to carry out this section for fiscal  
12 year 2009 and each succeeding fiscal year.

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