

## AMENDMENT OF SERVICEMEN'S VOTING ACT

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MARCH 20, 1946.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BONNER, from the Committee on Election of President, Vice President, and Representatives in Congress, submitted the following

### REPORT

[To accompany H. R. 5644]

The Committee on Election of President, Vice President, and Representatives in Congress, to whom was referred the bill (H. R. 5644) to facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 4, line 14, before "Postage" insert "U. S."

Page 7, line 25, strike out "sixty" and inset "forty-five".

Page 9, line 11, after "military" insert "or merchant marine".

Page 9, line 24, after "military" insert "or merchant marine".

Page 10, in paragraph (5) of the matter appearing after line 5, after the word "service" insert "(or merchant marine)".

Page 10, in the matter appearing below paragraph (5) of the matter following line 5, strike out "(Must include military unit or naval unit or vessel; and, if overseas, APO number and Postmaster or FPO and Postmaster)" and insert "(Must include complete military, naval, or merchant marine mail address; include military or naval unit and APO or FPO and Postmaster; for merchant marine include vessel, foreign agent, and port)"

Page 10, in the box appearing below line 7, after the words "Free of" insert "U. S."

Page 11, line 9, after "military" insert "or merchant marine".

Page 11, line 25, after "military" insert "or merchant marine".

Page 12, line 8, before "operations" insert "or merchant marine".

Page 12, line 10, after "military" insert "or merchant marine".

Page 13, line 9, after the comma insert "an officer or employee of the War Shipping Administration, or a member of the merchant marine of the United States,".

Page 13, line 11, after "military" insert "or merchant marine".

Page 15, strike out lines 18 to 21, inclusive, and in line 23 strike out "403" and insert "402", and on page 16, line 7, strike out "404" and insert "403", and in line 23 strike out "405" and insert "404", and on page 17, line 4, strike out "406" and insert "405".

The bill would provide for absentee voting solely by State ballots by members of the armed forces, members of the merchant marine, and civilians outside the United States attached to and serving with the armed forces both in war and in peace. It continues the use of the Federal post-card application for State ballots and continues the free air-mail privilege for official post cards and ballot material. It does away with the Federal ballot and with the United States War Ballot Commission. Numerous recommendations similar to those in the existing law are made to the States as a guide to providing a more effective opportunity for the persons specified to vote by State ballot. The bill also provides the steps to be taken by appropriate Federal agencies to cooperate with the States in facilitating voting by State absentee ballot. Safeguards to the secrecy of the ballot and freedom from coercion are provided, and polls of members of the armed forces as to their choice of any candidate are prohibited.

#### GENERAL STATEMENT

The present Federal servicemen's voting law (Public Law 712, 77th Cong., as amended), which was in effect during the 1944 and 1945 elections, is applicable only in time of war and provides for voting by State absentee ballot and by supplementary Federal ballot. Prompt action to amend existing legislation is desirable because of the uncertainty as to the date on which the present law will be suspended. In the event that the law is suspended at a time when compliance with various mandatory provisions of the present law has been partially completed, grave doubts will arise as to the legality of continuing this program for future elections. In addition, statutory authority for the free transmission of ballot material by air mail will expire with suspension of the law, adding further to the confusion that will result unless prompt action is taken to amend the law.

The National Association of Secretaries of State, in their annual convention on October 13, 1945, adopted a resolution which recommended in part that any Federal legislation on servicemen's voting be enacted, if at all, not later than March 1, 1946, and that such legislation retain the use of the free air-mail service in transmitting ballot material to and from the serviceman and the local State election officials, and that such legislation eliminate the use of the Federal ballot. The resolution of that association is printed in full as follows:

#### RESOLUTION 2

Whereas the National Association of Secretaries of State convened in session in the city of New Orleans October 11, 12, and 13, 1945, and therein gave full and complete consideration and discussion to the subject of soldier and sailor voting; and

Whereas the several secretaries of state charged with the responsibility of conducting elections in their respective States summarized their experiences in the 1944 elections; and

Whereas the States have amply provided voting facilities for the complete State ballot, which includes Federal as well as State and local offices: Now, therefore, be it

*Resolved by the National Association of Secretaries of State*, That this association wishes to express its sincere appreciation to the War Ballot Commission, and the Army, Navy, and Shipping Administration, through its personnel; be it further

*Resolved*, That the Congress of the United States be informed that by motion duly made, seconded, and carried, the National Association of Secretaries of State recommends that any Federal legislation on servicemen voting be enacted, if at all, not later than March 1, 1946, and that such legislation retain the use of the free air-mail service in transmitting the ballot material to and from the serviceman and the local State election officials, and that such legislation eliminate the use of the Federal ballot.

I hereby certify that I am secretary of the National Association of Secretaries of State, and that the above resolution is a true and correct copy of resolution adopted by the association on October 13, 1945.

WADE O. MARTIN, Jr., *Secretary*.

At the time the present law was passed in 1944, there was very grave doubt that it would be possible to afford to absentee members of the armed forces and certain others an ample opportunity to vote solely under State procedures. That doubt was occasioned by the fact that some States had no provision for absentee voting and that others had laws which were very limited in their scope. In addition, the critical nature of military operations, together with the limited air-mail facilities, gave reason to believe that State procedures alone would be ineffective. For that reason, Congress made available to members of the armed forces and certain others a supplementary Federal ballot for use in case they were unable to vote by State absentee ballot either because the State law made no provision for voting by absentee ballot or the State absentee ballot was not received.

The use of the supplementary Federal ballot in the general election of November 7, 1944, was relatively insignificant. For example, the Bureau of the Census estimated that of a total of 2,691,160 effective military ballots received in that election, only 84,535 were Federal supplementary ballots as compared with 2,606,325 State ballots voted under State election laws.

There were several reasons for this insignificant use of the Federal ballot, as indicated by the following excerpts from the report of the Secretary of War to the United States War Ballot Commission (S. Doc. No. 6, 79th Cong., 1st sess., pp. 52-53):

a. Most servicemen who desired to vote were able to obtain, vote, and return their State absentee ballots, leaving relatively few who needed to (or legally could) use the supplementary Federal procedure. At the time when Congress was debating the measures which led to Public Law 277, such a result would not have been possible under then-existing State laws. But during and after January 1944 those State laws were radically changed in 38 State legislative sessions so as to make them in the main capable of being effectively used by servicemen. (See annex 2.) \* \* \*

[Annex 2 referred to above is as follows:]

#### ANNEX 2

*Certain changes made in State laws (or procedures) in early 1944, so as to make them in the main capable of being effectively used by servicemen in the general election, November 7, 1944*

1. Changes in critical time interval (number of days between earliest date ballot will be sent out by State and last date the executed ballot must be received back in State to be eligible to be counted):

Critical time interval	State laws in effect at Jan. 7, 1944	State laws in effect at date of voting in general election
1 to 19 days.....	7	1
20 to 24 days.....	7	1
25 to 29 days.....	5	-----
30 to 34 days.....	8	1
35 to 39 days.....	2	3
40 to 44 days.....	3	1
Under 45 days.....	32	7
45 days and over.....	9	41
Total.....	41	48
No provision for absentee voting.....	4	-----
Uncertain.....	3	-----
Total.....	48	48

2. Changes in method of application for State absentee ballot (to permit use of Army-supplied Federal form, with consequent reduction in number of steps necessary for soldier to obtain and vote by State absentee ballot):

	State laws in effect at Jan. 7, 1944	State laws in effect at date of general election
Execution of special State-supplied application form required by State.....	18	1
Army-supplied Federal application form acceptable to State.....	24	47
No provision for voting.....	4	-----
Uncertain.....	2	-----
Total.....	48	48

b. The Federal balloting procedure provided in title III is excessively complex. The use of the Federal ballot is restricted to certain persons from certain States, and the Army is specifically prohibited from furnishing the Federal ballot to any other persons. To appreciate the complexity of these restrictions, it is only necessary to read section 302 of the statute. The mere statement of the restrictions requires 32 printed lines. Yet even as thus fully stated, the restrictions must be implemented by certifications of the governors of 48 States. It is not possible, with accuracy, to make a simple statement to soldiers of the applicability of title III. Accordingly, despite detailed instructions \* \* \* confusion resulted in 1944 in the minds of soldiers and soldier-voting officers. Furthermore, many soldiers were not sufficiently interested in voting, particularly in far distant or in static theaters, to make any particular effort to vote.

c. The Federal ballot was not available for any use within the United States (45 percent of Army strength). Outside the United States, it was available only to soldiers of voting age from 20 States, who represented 37 percent (1,300,000) of the soldiers of voting age overseas.

After careful consideration of the operation of the law your committee arrived at the conclusion that because of its complexity, the provisions of the law providing for a Federal supplementary ballot imposed upon the services, particularly when engaged in military and naval operations, administrative burdens which appear disproportionate to any resulting utility. In the light of reports and other information coming to its attention the committee is of the opinion that the Federal ballot is not of sufficient utility to justify its continuance as a voting procedure. Accordingly, in the bill as reported, the Federal ballot has been eliminated from the law and the procedure for making State ballots available to the persons covered has been strengthened by recommendations to the States and provision for effective cooperation by Federal agencies with the States in facilitating voting by State absentee ballots.

Since the United States War Ballot Commission was established principally to administer provisions of the law relating to the Federal ballot there seems to be insufficient justification for its existence and it has likewise been abolished.

At the hearing on this bill representatives of all the Federal agencies concerned appeared and testified in its favor.

At the hearing it was pointed out by the representatives of the services that there might be a few instances of personnel who would not have an opportunity to vote by State absentee ballot because of their inaccessible location or for other reasons. Your committee felt that these cases did not justify the administrative burden the Federal ballot would place upon the Federal agencies and the States. Of course, in some cases even a Federal ballot could not be made available.

The amendments made by your committee are minor in character and designed to take care of administrative problems, principally relating to merchant marine operations. The committee was advised that as a result of the cessation of active military operations merchant-marine operations are only to a minor degree carried on in conjunction with the armed forces and it might be necessary for the War Shipping Administration to make an independent determination whether particular activities were compatible with merchant-marine operations.

Section 401 of the existing law and section 402 of the bill as introduced authorized such appropriations as may be necessary. The direct expenses under the act, as amended, will be minor, principally for printing post cards, and the remainder relates to the carrying of ballot mail, administering oaths, etc., all closely intermingled with regular operations and involving the part-time use of existing personnel and transportation facilities. Accordingly, your committee felt that it would be more practicable to permit this expense to continue to be charged against the pertinent appropriations otherwise provided for the agencies concerned. A memorandum was obtained from the General Accounting Office (which appears in the printed hearings) which makes it clear that this can be done, and in accordance with the suggestions therein made the provision for separate appropriations appearing as section 402 of the bill as introduced is proposed to be stricken out by one of the committee amendments.

The bill amends Public Law 712, Seventy-seventh Congress, as amended, by striking out titles II, III, and IV which deal with voting procedure and inserting new titles II, III, and IV in line with the recommendations referred to above. A section-by-section analysis of the amended titles follows, together with brief comment as to the origin of each section and changes in the existing law.

## ANALYSIS

### TITLE II

#### CONGRESSIONAL RECOMMENDATION TO THE STATES

##### *Section 201*

Recommends to the several States enactment of appropriate legislation to enable absentee voting in any primary, special, or general election by each eligible person absent from his place of residence and serving in the armed forces of the United States, or in the merchant

marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States.

(Sec. 201 of existing law amended by striking out "serving in the American Red Cross, Society of Friends, Women's Auxiliary Service Pilots, and United Service Organizations" and by substituting "who is a civilian outside the United States officially attached to and serving with the armed forces of the United States," and striking out "in time of war.")

#### *Section 202*

(a) Recommends that States accept the form of post-card application (when duly executed by a person to whom the title is applicable) provided under section 209 as an application for an absentee ballot, as an application for registration, and as a source of information to implement State laws.

(Sec. 202 of existing law amended by striking out the recommendation that the States waive application for a ballot, and by adding "as sources of information to implement State laws" in sec. 204 of the existing law and with "Act" changed to "title.")

(b) Recommends that States waive registration by persons to whom the title is applicable who, by reason of their service, have been deprived of an opportunity to register.

(From sec. 207 (d) (second recommendation) of existing law, with "men and women in the military service" stricken out and "persons to whom this title is applicable" inserted in lieu thereof.)

(c) Recommends that the States make provision for voting by persons honorably discharged from the armed forces too late to register at proper registration times.

(New matter to cover veterans as to registration.)

#### *Section 203*

(a) Recommends that the secretaries of state, upon receipt of a post-card application, forward it as expeditiously as possible to the proper county, city, or other election official or officials.

(Sec. 207 (a) of existing law.)

(b) Recommends that the States authorize and instruct the appropriate election officials, upon receipt of an application, to mail promptly to the voter, if legally permissible, a suitable absentee ballot, including a self-addressed envelope and voting instructions.

(Sec. 207 (b) of existing law.)

#### *Section 204*

(a) Recommends that the envelope in which the ballot is sent to the persons to whom this title is applicable and the envelope supplied for the return of the ballot be distinctively marked with bars across the face of the envelope, free postage (including air mail) indicia, and return-address blanks, all printed in red, in order that they may be readily identified by the postal authorities.

(Based on sec. 207 (c) (first sentence) of existing law, with "the voter" changed to "a person to whom this title is applicable" and with new matter added to cover details of the distinctive marking based on suggestion No. III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., pp. 68-69. A committee amendment makes clear that the free postage privilege is extended only to material in the United States mail.)

(b) Recommends that in order to minimize the possibility of adhesion of State balloting material, the gummed flap of the State envelope supplied for the return of the ballot be separated from other balloting material by an appropriate protective insert and that additional provision be made for an explanation by the voter of such adhesion where the protective insert does not prove completely effective.

(New matter based on suggestion No. III of the Secretary of War's report to the United States War Ballot Commission, S. Doc. 6, 79th Cong., p. 69.)

(c) Recommends that each envelope supplied for the return of a State absentee ballot be preaddressed by State or local election officials insofar as possible.

(New matter based on suggestion No. III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 69.)

(d) Recommends that, for purposes of air transport, the States reduce the weight and bulk of absentee envelopes, ballots, and instructions so that one State balloting unit will not exceed 1 ounce in weight and  $4\frac{1}{4}$  by  $9\frac{1}{4}$  inches in dimension.

(Sec. 207 (e) of existing law, with "Act" changed to "title" and new matter added governing the specific weight and size limitations of State balloting units based on suggestion No. VIII of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 72.)

#### *Section 205*

(a) Recommends that in the case of States in which no provision is made, either on the envelope or separately, for the voter to establish his legal right to vote, that a form similar to that in the bill be printed and enclosed with the absentee ballot.

(Sec. 207 (c) (second sentence) of existing law, with improvements in the text of the suggested oath of elector form, based on suggestions No. II and III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 66-69.)

(b) Recommends that with respect to oaths required by State law in connection with applying for and voting by State absentee ballot by persons to whom this title is applicable, the States authorize such oaths to be administered and attested by any commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or by any member of the merchant marine designated by the Administrator of the War Shipping Administration.

(Based on sec. 304 (b) of existing law, made as a recommendation to the States and with new matter (warrant officer) based on suggestion No. III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 69.)

#### *Section 206*

(a) Recommends that State voting instructions for persons to whom this title is applicable include express instructions as to whether the absentee voter, in marking his ballot, may use pencil, pen, crayon, or any other suitable method, and that if State laws would be violated by such instructions, appropriate changes be made.

(New matter based on suggestion No. III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 69.)

(b) Recommends that State voting instructions be expressed in simple terms and not by use of words of the statute alone.

(New matter based on suggestion No. III of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 69.)

*Section 207*

Recommends that the States make such changes in their election laws as are necessary to provide that the absentee ballot be available for mailing to the persons to whom this title is applicable at least 45 days prior to the election.

(Sec. 207 (d) (first recommendation) of existing law changed to change the length of time from 45 days to "at least forty-five days" and made specifically applicable to "persons to whom this title is applicable." In the bill as introduced the period was "at least sixty days" but the committee felt that a minimum of 45 days would be sufficient and amended the bill accordingly.)

*Section 208*

Recommends that each secretary of state furnish by registered mail, at least 90 days in advance of an election, to the Secretaries of War, Navy, and Treasury, and the Administrator of War Shipping Administration, information concerning: Date of election, type of election, names of governmental units to which it applies, officers to be elected, constitutional amendments or other proposals to be voted upon, who may vote in the election, acceptability of Federal post card or action necessary provided post card is not acceptable, earliest date State will receive application, earliest date ballot will be mailed, and last day ballot may be received back to be counted.

(Based on sec. 205 of existing law, and new matter based on procedure followed by the services in 1944 and 1945. See par. 30, p. 54, of the Secretary of War's report and appendixes of reports of the Secretaries of War and Navy to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong.)

## COOPERATION WITH THE STATES

*Section 209*

(a) The Secretaries of War, Navy, and Treasury, and the Administrator of the War Shipping Administration are directed, as appropriate: To print an adequate number of post-card applications in the form prescribed in section 209 (b); to make available, wherever practicable and compatible with military and merchant-marine operations, such post-card applications (or those provided by the law prior to its amendment until the supply thereof is exhausted) to persons to whom the title is applicable, outside the United States prior to August 15 and inside the United States prior to September 15 in each year in which a general election for electors for President and Vice President or Senators and Representatives in Congress is to be held; and wherever practicable and compatible with military and merchant-marine operations, to make the post cards available to such persons at appropriate times for use in general elections other than those referred to above, and in primary and special elections.

(Based on sec. 203 of existing law, with the obligation for printing post cards placed on the appropriate agencies in lieu of the United States War Ballot Commission, and with post cards to be "made available" in place of "delivered" for general elections of Federal officers. See discussion in par. 31 of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., p. 54.)

(b) Specifies the text and form of the application side of the post card.

(Based on sec. 203 of existing law, and incorporating the improvements set forth in suggestion No. II of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., pp. 66-68.)



(c) Specifies the text and form of the address side of the post card.

(See explanation of sec. 209 (b) above.)

(d) Authorizes the Secretaries and Administrator to continue to make available and persons to whom the title is applicable to use post cards provided under section 203 of the existing law until the supply thereof is exhausted.

(Based on sec. 203 (last paragraph) of the existing law.)

#### *Section 210*

(a) The Secretaries of War, Navy, and Treasury, the Postmaster General, and the Administrator of the War Shipping Administration, as appropriate, are directed, wherever practicable and compatible with military or merchant marine operations, to cooperate with appropriate State officials in transmitting to and from persons to whom this title is applicable, making application therefor to their several States, absentee ballots and envelopes, and in the execution of oaths by such applicants.

(Sec. 206 (a) of existing law, with the Secretary of the Treasury and the Postmaster General added, and "respectively" changed to "as may be appropriate".)

(b) The Secretaries of War, Navy, and Treasury, the Postmaster General, the Administrator of the War Shipping Administration, and other appropriate authorities are directed, so far as practicable and compatible with military or merchant marine operations, to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure mailed to and by persons to whom this title is applicable whether by air or by regular mail, returning ballots from overseas by air whenever practicable and compatible with military and merchant marine operations.

(Sec. 206 (b) of existing law, with the Secretary of the Treasury, the Postmaster General, and the Administrator of the War Shipping Administration added.)

#### *Section 211*

Whenever practicable and compatible with military or merchant-marine operations, the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration, as appropriate, are required to make available to persons to whom the title is applicable so much of the information as to elections referred to in section 208 of the title as they may receive from a secretary of state.

(Based on sec. 205 (second sentence) of existing law.)

### TITLE III

#### VOTING SAFEGUARDS

#### *Section 301*

(a) Provides that all concerned with the administration of this act shall take steps to prevent fraud, protect voters against coercion, and safeguard the integrity and secrecy of ballots.

(Sec. 312 of existing law with "title" changed to "Act" and "hereunder" deleted, changes necessitated by removal of this section from Federal ballot section of existing law.)

(b) Provides that it shall be unlawful for any commissioned, non-commissioned, warrant, or petty officer in the armed forces to attempt

to influence any voter or to require marching to any polling place, but does not prohibit free discussion.

(Sec. 307 (c) of existing law.)

(c) Provides that no act done in good faith under this act by any member of the armed forces, by any officer or employee of the War Shipping Administration, or by any member of the merchant marine, in the exercise of his judgment as to what was practicable and compatible with military or merchant-marine operations shall constitute a violation of law prohibiting offenses against the elective franchise.

(Sec. 313 (second provision) of existing law with "under this Act" added, and "such law" stricken out and "prohibiting offenses against the elective franchise" added.)

There is also added "an officer or employee of the War Shipping Administration, or a member of the United States Merchant Marine."

#### TAKING OF POLLS PROHIBITED

##### *Section 302*

(a) Provides that no person within or without the armed forces shall poll any member of such forces with reference to his choice of or his vote for any candidate.

(Sec. 314 (a) of existing law with "either under the provisions of this title or" deleted in view of the omission of the Federal ballot.)

(b) Provides a definition of the word "poll" as any verbal or written request for information which requires or implies the necessity for an answer, where the request is made with the intent of compiling the result of the answers either for personal use or for reporting the same to any person or in any form.

(Sec. 314 (b) of existing law.)

(c) Provides the penalty for any person not a member of the armed forces who violates the provisions of this section as a \$1,000 fine or imprisonment for 1 year, or both.

(Sec 314 (c) of existing law.)

#### TITLE IV

##### DEFINITIONS

##### *Section 401*

(a) Defines the term "secretary of state" as meaning an official other than the secretary of state wherever such official is the appropriate State official to carry out any function vested in the secretary of state under this act.

(Restatement of sec. 315 of existing law.)

(b) Defines "United States" as used geographically in the act as including only the territorial limits of the several States and the District of Columbia.

(Sec. 403 (1) of existing law.)

(c) Defines the term "merchant marine" of the United States as including—

(1) persons employed as officers or members of crews of vessels documented under United States laws, of vessels owned by the

United States, or of vessels of foreign-flag registry under charter to or control of the United States;

(2) persons enrolled with the United States for employment on such vessels;

(3) persons enrolled with the United States for training for employment on such vessels;

(4) persons maintained for emergency relief service on any of the vessels in (1) above;

and as excluding any persons so employed, enrolled for employment or for training, or maintained for emergency relief service on the Great Lakes or the inland waterways.

(Restatement of sec. 403 (2) of existing law incorporating suggestions in par. 40 of the Secretary of War's report to the U. S. War Ballot Commission, S. Doc. 6, 79th Cong., pp. 59-60.)

#### FREE POSTAGE

##### *Section 402*

Extends the free air mail privilege in the United States mails to official post cards, ballots, voting instructions, and envelopes referred to in the act, whether transmitted individually or in bulk, providing that in order to be entitled to free air mail privilege a State balloting unit must not exceed a total weight of 1 ounce.

(Based on sec. 402 of existing law and suggestion No. VIII, p. 72, of the Secretary of War's report to the U. S. War Ballot Commission, and appendix G, p. 34, of the Commission's report, S. Doc. 6, 79th Cong. The existing law imposes no limitations, but the subject of weight becomes of serious consequence in the carriage of several hundred thousand pieces of balloting mail. The balloting units of only five States exceeded 1 ounce in the 1944 election. Therefore, in extending to the States the unique privilege of free air mail, it seems most appropriate to limit the weight of individual State balloting units to 1 ounce.)

#### ADMINISTRATION

##### *Section 403*

Provides that the Secretaries of War and Navy shall be responsible for the administration of this act with respect to members of the armed forces of the United States and civilians outside the United States officially attached to and serving with the armed forces, the Secretary of the Treasury with respect to the Coast Guard when operating under the Treasury Department and civilians outside the United States officially attached to and serving with the Coast Guard, and the Administrator of the War Shipping Administration with respect to members of the merchant marine of the United States. It further provides that any of these officers may delegate to one or more of the others, with his or their consent, any of his functions under the act.

(Based on sec. 305 (a) and sec. 308 (last sentence) of existing law. Adds the administrative responsibility of the Secretary of the Treasury with respect to the Coast Guard and attached civilians overseas, as well as broadening the delegative powers to include all of the officers (not only the Administrator as in the existing law.)

#### SEPARABILITY

##### *Section 404*

Provides that if any provision of the act is held invalid, the validity of the remainder will not be affected.

(Sec. 404 of existing law.)

## ACT TO BE CONSTRUED LIBERALLY

*Section 405*

Provides that the act shall be construed liberally in order to effectuate its purposes.

(Sec. 317 of existing law.)

Following are the reports of the War Department, the Navy Department, and the War Shipping Administration on the companion Senate bill (S. 1876), which are equally applicable to this bill:

WAR DEPARTMENT,  
Washington, March 13, 1946.

HON. THEODORE FRANCIS GREEN,  
*Chairman, Committee on Privileges and Elections,*  
*United States Senate.*

DEAR SENATOR GREEN: The War Department has carefully considered S. 1876, Seventy-ninth Congress, "A bill to facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended," as referred to the Committee on Privileges and Elections of the Senate.

The bill proposes to amend the Federal serviceman's voting law which was in effect during elections in 1944 and 1945 and which was passed to facilitate absentee voting in time of war by members of the armed forces and certain civilians. The proposed legislation provides for operation of certain provisions relating to State absentee balloting procedures irrespective of the existence of a war, and eliminates entirely the provisions of the present law authorizing the use of the supplementary Federal ballot. It further incorporates in its provisions certain administrative changes to the present law, most of which are based on specific recommendations or suggestions contained in the report of the Secretary of War to the United States War Ballot Commission, dated December 26, 1944, and in the report of the United States War Ballot Commission to the Congress, dated January 26, 1945, both of which reports are printed in Senate Document 6, Seventy-ninth Congress, first session. Certain other provisions relate to situations encountered by the War Department in administering the present law during 1944, which situations were described or mentioned in the report of the Secretary of War, but concerning which, such report offered no specific solution therefor.

Specifically, S. 1876 amends the present law by striking out titles II, III, and IV and inserting in lieu thereof new titles II, III, and IV.

Title II of S. 1876 retains the principal features of title II of Public Law 712, Seventy-seventh Congress, as amended, relating to voting by State absentee ballot. The title makes a number of recommendations to the several States concerning legislation and administration of State absentee balloting procedures in order to afford an ample opportunity to eligible persons absent from the place of their residence and serving in the armed forces of the United States, or in the merchant marine of the United States, or who are civilians outside the United States officially attached to and serving with the armed forces of the United States to vote by State absentee ballot. Title II also provides that the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration shall be responsible for printing an adequate number of post-card applications in the form provided by the law. Wherever practicable and compatible with military operations, these agencies and other appropriate authorities shall also cooperate with the States in the following particulars: (1) In making such post cards (or those provided by the existing law until the supply thereof is exhausted) available to persons to whom the title is applicable; (2) in facilitating the transmission, delivery, and return of post cards, ballots, envelopes, and voting instructions to and from persons to whom the title is applicable making application to their States, returning by air the ballots executed overseas; (3) in the execution of oaths by such applicants; and (4) in making available so much of the election information referred to in section 208 of the bill as may be received from a secretary of state.

Title III of S. 1876 continues the present law's safeguards to secrecy of voting and protection against coercion of members of the armed forces. The title also contains a provision similar to the present law protecting members of the armed forces in the case of acts done in good faith under the bill in the exercise of their judgment as to what was practicable and compatible with military operations.

The prohibition against the taking of polls of members of the armed forces as to their choice of or vote for any candidate and against the stating, publishing, or releasing of any purported poll of this type, now in the existing law, is continued.

Title IV defines certain terms used in the bill. Its authorization of the necessary appropriations to carry out its purposes and the provisions for separability and liberal construction are the same as the present law. The free-postage provisions of the present law are continued, with amendments based on the report of the Secretary of War to the United States War Ballot Commission mentioned above. Finally, title IV makes the Secretaries of War and Navy responsible for administration of the act with respect to members of the armed forces and civilians outside the United States officially attached to and serving with the armed forces, except that the Secretary of the Treasury is held responsible for members of the Coast Guard serving under him and the civilians overseas officially attached to and serving with the Coast Guard. The Administrator of the War Shipping Administration is made responsible for administration with respect to members of the merchant marine of the United States. Any of these officers may delegate to one or more of the others, with the latter's consent, any of his functions, under the act.

S. 1876 incorporates, in substance, suggestions Nos. I, II, III, and VIII of the Secretary of War's report (*supra*) and includes satisfactory provisions which deal with certain of the situations encountered in practical experience under the Federal serviceman's voting law in the 1944 elections to which the Secretary of War invited attention (see pars. 30, 31, 39, and 40 of the Secretary of War's report). Other suggestions in the report of the United States War Ballot Commission and of the Secretary of War dealt with administrative details in connection with the supplementary Federal ballot and with the United States War Ballot Commission, both of which are discontinued by this bill. With respect to elimination of the supplementary Federal ballot, it is noted that the Federal ballot under the present law is authorized only in Presidential or congressional general elections and under certain limited and complicated conditions. The Secretary of War, in paragraphs 23, 26, and 27 of his report to the United States War Ballot Commission (*supra*) made the following comments relative to the supplementary Federal ballot:

"23. Attention is invited to the insignificant use by soldiers, and by servicemen generally, of the Federal ballot:

\* \* \* \* \*

"26. Because of its complexity, title III (Use of Supplementary Federal Ballots) laid upon the services, while engaged in military and naval operations of the first magnitude, administrative burdens which appear disproportionate to any resulting utility. \* \* \*

"27. These facts raise the question whether the Federal ballot as provided under title III of the statute, is of sufficient utility to justify its continuance as a voting procedure in time of war."

Providing the States substantially adopt the recommendations of this bill, the reduction in numbers, in geographical distribution, and in fluidity of overseas forces with the consequent increased opportunities to vote by State absentee ballot likewise raise the question of the utility of the supplementary Federal ballot as now provided at times other than those of war.

Inasmuch as the proposed legislation is applicable irrespective of the existence of a war, future opportunities of servicemen and certain others to vote will be enhanced, and the situation will be clarified for Federal agencies and for the several States with respect to the applicability of the law in future elections.

On the basis of its practical experience in the elections of 1944 and 1945, the War Department believes that the proposed bill will improve and materially simplify administrative procedures and statutory forms. As an agency charged with administration of voting by servicemen and certain others, the War Department favors enactment of legislation which will clarify and simplify administrative procedures; however, the War Department will endeavor, to the best of its ability, to administer whatever law Congress may enact.

The fiscal effect of this legislation cannot be determined.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

ROBERT P. PATTERSON,  
*Secretary of War.*

NAVY DEPARTMENT,  
OFFICE OF THE JUDGE ADVOCATE GENERAL,  
Washington 25, D. C., March 14, 1946.

HON. THEODORE FRANCIS GREEN,  
*Chairman of the Committee on Privileges and Elections,*  
*United States Senate.*

MY DEAR MR. CHAIRMAN: The bill (S. 1876) to facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended, was referred by your committee to the Navy Department with a request for a report thereon.

The purpose of the bill, S. 1876, is to provide for absentee voting solely by State ballots by servicemen and certain others both in war and in peace. It continues the use of the Federal post-card application for State ballots and the free air-mail privilege for official post cards and ballot material. The use of the Federal ballot is discontinued under provisions of this bill and the rights of secrecy of the ballot and freedom from coercion are set forth.

Provisions for absentee balloting are in keeping with our democratic traditions and provide a safeguard for those in the armed forces who might otherwise be deprived of their vote. The procedures for absentee voting have, during the war years, shown some administrative defects, one of which was the use of different types of ballots. The bill, S. 1876, would eliminate this defect by providing for the use of State ballots only, with continued use of Federal post cards, for application to the States. The use of a Federal post card as an application for State ballots would provide a desirable, uniform method for the armed forces.

Sections 209 through 211 of this bill stipulate certain obligations which the Secretary of the Navy would assume in carrying out the administrative procedures for absentee voting. It is considered that these obligations are more definite and less burdensome than the previous provisions of law, and would allow more economical and efficient administration of the absentee voting law.

The Navy Department, therefore, recommends enactment of the bill S. 1876.

The Navy Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to the Congress.

For the Secretary of the Navy.

Respectfully yours,

O. S. COLCLOUGH,  
*Rear Admiral, United States Navy,*  
*Judge Advocate General of the Navy.*

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WAR SHIPPING ADMINISTRATION,  
Washington, March 13, 1946.

HON. THEODORE FRANCIS GREEN,  
*Chairman, Committee on Privileges and Elections,*  
*United States Senate.*

DEAR SENATOR GREEN: On March 2, 1946, you requested the views of the Maritime Commission with respect to S. 1876, a bill to facilitate voting by members of the armed forces and certain others absent from the place of their residence, and to amend Public Law 712, Seventy-seventh Congress, as amended. Since this legislation relates to the War Shipping Administration rather than the Maritime Commission, this report is made on behalf of the War Shipping Administration.

The bill, in amending the present law, would simplify some of the forms provided by statute and would clarify and improve procedures in facilitating members of the armed forces, the merchant marine, and others in casting absentee ballots. The War Shipping Administration is in accord with these objectives.

Since the termination of hostilities there have been withdrawals of combatant forces from forward areas which have resulted in limitations of air mail and other services heretofore furnished the merchant marine by the armed forces. During the war practically all vessels forming the American merchant marine were under the control of the War Shipping Administration. Many of these vessels have been returned to private operators and in the near future it is expected that a large number of the remaining vessels will be redelivered to their owners, sold, or removed from service. Thus the number of officers and crews of vessels having a direct or indirect relationship to the War Shipping Administration will continue to diminish. Consideration of these changed and changing conditions and the absence of "chain of command" in the peacetime merchant marine flowing from

the War Shipping Administration and the inherent characteristics of merchant-marine operations leads to the conclusion that certain amendments to the bill are appropriate.

In order to achieve uniformity and clarity the words, "or merchant marine", should be inserted after the word, "military", in the several instances in which the phrase, "whenever practicable and compatible with military operations" appears in the bill which are as follows:

Section 209 (a), lines 11 and 24, page 9;

Section 210 (a), line 9, page 11;

Section 210 (b), line 25, page 11 and line 7, page 12;

Section 211, line 10, page 12; and

Section 301 (c), line 11, page 13.

Consistent with these suggested amendments it also appears that section 301 (c) should be further amended by inserting after the word, "forces", in line 9, page 11, the following: "or by a member of the merchant marine of the United States".

As the responsibility of civilian postal services increases the availability of a "service" address for members of the merchant marine is reduced, it is therefore believed that item 5 of the statutory form of postal card appearing under section 209 (b) below, line 5, page 10, should contain an instruction for a seaman to use a civilian address if his vessel will be in a port from which the military have withdrawn. The civilian address should contain the seaman's "Z" number, the name of his vessel, the name and address of the foreign agent of the vessel, if known, and the name of the port in which the seaman expects the absentee ballot to reach him.

The War Shipping Administration has no objection to the passage of the bill as amended in accordance with the observations herein set forth.

Sincerely yours,

GRANVILLE CONWAY, *Acting Administrator.*

## CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics):

### PUBLIC LAW 712 (77TH CONG.) AS AMENDED

#### [TITLE II

#### [USE OF STATE BALLOTS

[SEC. 201. The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, or the United Service Organizations and attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct in time of war; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures, of the various States to the greatest extent possible, the following provisions are enacted:

[SEC. 202. It is recommended that the several States, when possible, waive the application for a ballot and authorize the proper election officials to send an official ballot to every voter serving in the armed forces of the United States or in the merchant marine of the United States, or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots or the United Service Organizations and attached to and serving with the armed forces of the United States. If an application is necessary then it is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws and as applications for registration under such States' election laws, the form of post card (when duly executed by a person to whom this Act is applicable)

provided pursuant to section 203 of this title and section 3 of this Act prior to its amendment.

**POST CARDS**

**[SEC. 203.** In order to afford an opportunity for persons to whom this title is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the United States War Ballot Commission provided for in title III below shall cause to be printed and delivered to the Secretaries of War and Navy and the Administrator of the War Shipping Administration an adequate number of post cards for use in accordance with the provisions of this title. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, wherever practicable and compatible with military operations, cause such post cards to be delivered to each person to whom this title is applicable for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such delivery to be made outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall, also, wherever practicable and compatible with military operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and for primary and special elections.

**[Upon one side of the post card shall be printed the following:**

**[Secretary of state or other appropriate official within the State of .....**  
**[I am in the armed forces ( ) ; in the merchant marine ( ) ; or in the American Red Cross ( ) , the Society of Friends ( ) , the Women's Auxiliary Service Pilots ( ) , or the United Service Organizations ( ) , and attached to and serving with the armed forces. I hereby request an absentee ballot to vote in the coming .....** (primary, general, or special) election.

- [(1)** I am a citizen of the United States.  
**[(2)** The date of my birth was .....  
**[(3)** For ..... years preceding this election my home residence has been in the State of .....  
**[(4)** For ..... years preceding this election my home residence has been in the (city, town, or village of) ..... in the county of ..... at (street and number, if any, or rural route) .....  
**[(5)** My voting district to the best of my knowledge is .....  
**[(6)** My choice of party PRIMARY ballot is .....  
 (Fill in only in case of primary ballot)

**[Please send the ballot to me at the following address:**

**[.....**  
 (PRINT your name and serial number plainly above)

**[.....**  
 (WRITE your usual signature above)

**[Subscribed and sworn to before me this ..... day of ....., 19..**

**[.....**  
 (Commissioned officer, noncommissioned officer not below the rank of sergeant or petty officer, or other person authorized to administer and attest this oath, writes here his name and rank or title)

**[Upon the other side of the post card shall be printed the following:**

**"FREE OF POSTAGE,  
 INCLUDING AIR MAIL  
 "(War Ballot)**

**[Secretary of state of .....**

**[.....**  
 (City)

**[.....**  
 (State)

**[In lieu of and interchangeably with the post cards referred to, the Secretaries of War and Navy may continue to deliver and make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 3 of this Act prior to its amendment until the existing supply thereof is exhausted. In the event of any such delivery or making available to members of the armed forces of post cards provided under section 3 of this Act prior to its amendment, the Secretaries of War and Navy shall authorize changes in the text thereof to provide that the applicant shall print thereon his name and serial number, in addition to normal signature, and shall designate his party affiliation in the case of application for primary ballot.**



## [FUNCTION OF POST CARDS

[SEC. 204. Such post cards may be used, if State law permits, as applications for ballots under State absentee balloting laws, as applications for registration under State absentee balloting laws, or as sources of information to implement State absentee balloting laws.

## [INFORMATION REGARDING ELECTIONS

[SEC. 205. The Commission shall, at appropriate times, furnish the Secretaries of War and Navy and the Administrator of the War Shipping Administration with any information received from a secretary of state as to the dates of elections in such State, including general, special, and primary elections. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, whenever practicable and compatible with military operations, cause such information to be made available to persons to whom this title is applicable.

## [COOPERATION WITH STATES

[SEC. 206. (a) It shall, wherever practicable and compatible with military operations, be the duty of the Secretary of War, the Secretary of the Navy, and the Administrator of the War Shipping Administration, respectively, to cooperate with appropriate State officers and agencies in transmitting to and from persons to whom this title is applicable, making applications therefor to their several States, such absentee ballots, and envelopes to be used in connection therewith, as may be provided under the laws of the several States for the use of such applicants, and to cooperate in the execution by such applicants of oaths in connection with such ballots.

[(b) The Secretaries of War and Navy and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military operations.

[SEC. 207. (a) It is recommended that the secretary of state of each of the several States, upon receipt of any such post-card application, promptly forward it to the proper county, city, or other election official or officials in order that the request for an absentee ballot may be acted upon as expeditiously as possible.

[(b) It is recommended that the several States cooperate, to the end that county, city, or other election officials be authorized and instructed, upon receipt of an application made upon such a post card, to mail promptly to the voter making the application, if legally permissible under the laws of the State, a suitable absentee ballot, including therewith a self-addressed envelope for the use of the voter in returning the ballot and any instructions to govern the use of such ballot and envelope.

[(c) It is recommended, so that the envelope in which the ballot is sent to the voter, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, that there be printed or stamped in a conspicuous place on each such envelope the words "Official Election War Ballot". It is further recommended that, in the case of States in which no provision is made, either on the envelope or separately, for sending with the absentee ballots a printed form to be used by a voter for the purpose of establishing his legal right to vote, appropriate action be taken to have printed and enclosed with absentee ballots mailed in response to applications received on the post card hereinbefore referred to, a form for the signature and oath or affirmation of the voter; and it is suggested that a form substantially as follows would be appropriate for such purpose:

## [OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTION TO BE HELD IN 19..

[I do hereby swear (or affirm) that—

[(1) I am a citizen of the United States;

[(2) The date of my birth was .....

[(3) For ..... years preceding this election my home residence has been in the State of .....

[(4) For ..... years preceding this election my home residence has been in the (city, town, or village, if any) of ....., in the county of ....., at (street and number, if any, or rural route) .....

[(5) I am (check appropriate blank)—

- [(a) in the armed forces of the United States..... (□);  
 [(b) in the merchant marine of the United States..... (□);  
 [(c) in the American Red Cross (□), the Society of Friends (□), the Women's Auxiliary Service Pilots (□), or the United Service Organizations (□), attached to and serving with the armed forces of the United States; and

[(6). I have not voted and do not intend to vote in this election at any address other than the above and that I have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

Voter must write his usual signature here and oath must be administered and attested.

[(Subscribed and sworn to before me this ..... day of ..... 19.....

Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, shall write his name here.

Officer or other person signing above shall print his rank, rating, or title clearly here.

[(d) It is recommended that, in States where the voters' absentee ballot will not be available for mailing to the voter forty-five days prior to any primary, general, or special election, such States cause to be made such changes in the election laws of their States as will lengthen such time; and that all States waive registration of all men and women in the military service who, by reason of such services, have been deprived of an opportunity to register.

[(e) It is further recommended that the several States, in order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom this Act is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure.

### [TITLE III

#### [USE OF SUPPLEMENTARY FEDERAL BALLOTS

##### [UNITED STATES WAR BALLOT COMMISSION

[SEC. 301. (a) There is established a United States War Ballot Commission (referred to in this Act as the Commission), which shall be composed of the Secretary of War, the Secretary of the Navy, and the Administrator of the War Shipping Administration, to serve for the duration of the war and six months thereafter.

[(b) The Commission may receive assistance from other Federal departments and agencies in carrying out the purposes of this Act.

[(c) It shall be the duty of the Commission, in performing its functions under this Act, to consult with State officials. As soon as practicable after any election to which the provisions of this title apply, the Commission shall report to the Congress on the administration of this Act, including the reports received by the Commission from the secretaries of state of the several States.

##### [APPLICATION OF THIS TITLE

[SEC. 302. (a) Subject to the provisions of subsection (b), the provisions of this title shall apply with respect to the following:

[(1) Members of the armed forces and the merchant marine of the United States, outside the United States.

[(2) Persons serving with the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, and the United Service Organizations, outside the United States, who are attached to and serving with the armed forces of the United States.

[(3) Members of the armed forces, inside the United States.

[(b) The provisions of this title shall apply to, and the ballot provided for by this title may be used by—

[(1) an individual referred to in paragraph (1), (2), or (3) of subsection (a), if he is a citizen of a State whose Governor has certified, prior to July 15 of the year in which the election is to be held, (A) that such State has made no provision for procedure which will enable the citizens thereof to whom subsection (a) applies to vote by State absentee ballot, and (B) that the use of ballots provided for by this title is authorized by the laws of such State; or

[(2) an individual referred to in paragraph (1) or (2) of subsection (a), if he is a citizen of a State whose Governor has certified, prior to July 15

of the year in which the election is to be held, that the use of ballots provided for by this title is authorized by the laws of such State, even though the Governor thereof does not make the certification referred to in clause (A) of paragraph (1), but only if such individual states in his oath that, prior to September 1, he made application for a State absentee ballot but, as of October 1, has not received it.

No individual who is not included under paragraph (1) or (2) of this subsection shall be entitled to use, or be furnished, a ballot under this title. Certifications referred to in this subsection shall be made to the Commission.

**[OFFICIAL FEDERAL WAR BALLOTS, ENVELOPES, AND EXPLANATIONS]**

**[SEC. 303. (a)** The Commission shall cause to be prepared and printed for use in voting in general elections under this title an adequate number of official Federal war ballots. Each ballot shall be printed in the following form insofar as the offices enumerated are appropriate to the particular election:

**[OFFICIAL FEDERAL WAR BALLOT]**

**[Instruction.—To vote, write in the name of the candidate of your choice for each office.]**

**[ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES]**

**[(A vote for President includes a vote for Vice President of the same party, and shall be deemed to be a vote for the candidates by name for Presidential and Vice Presidential electors of his party in your State)]**

**[Write in the name of your choice for President.]**

**[UNITED STATES SENATOR]**

**[(ONLY if a Senator is to be elected in your State)]**

**[Write in the name of your choice for Senator.]**

**[UNITED STATES SENATOR, UNEXPIRED TERM]**

**[(ONLY if a Senator is to be elected in your State for an unexpired term)]**

**[Write in the name of your choice for Senator.]**

**[REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT]**

**[Write in the name of your choice for Representative in Congress for your district.]**

**[REPRESENTATIVE AT LARGE IN CONGRESS]**

**[(ONLY in the States entitled thereto)]**

**Vote for one or two  
as the case may be**

**[Write in the name or names of your choice for Representative at Large.]**



**[A vote for a Presidential candidate by name shall be deemed to be a vote for the candidates by name for Presidential and Vice Presidential electors of his party in the voter's State. No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate where the candidate intended by the voter is plainly identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular candidate for office, it shall remain valid as to the other candidates for office.]**

**[(b)]** The Commission shall also cause to be prepared and printed an appropriate number of official inner envelopes for use in sealing the official Federal war ballots. Each envelope shall be gummed ready for sealing. Upon one side of the envelope shall be printed:

## AMENDMENT OF SERVICEMEN'S VOTING ACT

## [OFFICIAL FEDERAL WAR BALLOT FOR GENERAL ELECTION

[Name of voter .....  
(PRINT your name plainly here)

[Home residence:  
[Street and number (if any) or rural route .....  
(PRINT street and number or rural route plainly here)

[City or town (if any) .....  
(PRINT city or town plainly here)

[County .....  
(PRINT county plainly here)

[Upon the other side of such envelope shall be printed the following oath, at the top of which shall be set forth the date of the election:

[OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 19....

[I do hereby swear (or affirm) that:

[(1) I am a citizen of the United States;  
[(2) The date of my birth was .....  
[(3) For ..... years preceding this election my home residence has been in the State of .....

[(4) For ..... years preceding this election my home residence has been in the (city, town, or village) of ..... in the county of ..... at (street and number, if any, or rural route) .....

[(5) I am (check appropriate item):

[(a) in the armed forces outside of the United States. .... ( );

[(b) in the merchant marine outside of the United States. .... ( );

[(c) serving with the American Red Cross ( ), the Society of Friends ( ), the Women's Auxiliary Service Pilots ( ), or the United Service Organizations ( ), outside the United States, and am attached to and serving with the armed forces of the United States;

[(6) (Note: Check this item only if true)

[I have, prior to September 1, applied for a State ballot for this election, but, as of October 1, have not received it. .... ( );

and that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

[(Voter MUST WRITE his usual signature here and oath MUST be administered and attested)

[Personally appeared before me the above named voter to me known and known to me to be the person who, after being duly sworn, subscribed the foregoing oath. In witness whereof I have set my hand this ..... day of ....., 19....

[Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath.

[(c) The Commission shall also cause to be prepared and printed an appropriate number of official outer envelopes for use in returning to the appropriate secretaries of state official Federal war ballots and official inner envelopes. Upon such outer envelope the following shall be printed:

FREE OF ALL POSTAGE  
INCLUDING AIR MAIL  
(Official Federal War Ballot)

[TO THE SECRETARY OF STATE OF THE STATE SHOWN BELOW.....

[Voter's home residence:  
[Street and number (if any) or rural route .....  
(PRINT clearly)

[City or town .....  
(PRINT clearly)

[County .....  
(PRINT clearly)

[State .....  
(PRINT clearly)

[(d) The Commission shall also cause to be prepared and printed an adequate number of copies of instructions for voting procedure for use in accordance with the provisions of this title.

[(e) Ballots, instructions for voting procedure, and envelopes for use outside the United States shall be suitable for air mailing.

[(f) Where the Commission determines that the transmission abroad of any material required to be prepared and printed by the provisions of this section is inexpedient because of transportation difficulties or for other reasons arising from the conduct of the war, the Commission is authorized to arrange for such material to be printed outside the United States.

**[BALLOTING]**

**[SEC. 304. (a)]** Any person voting under the provisions of this title shall secretly mark the ballot, place it in the official inner envelope, and securely seal the same. He shall then fill in and subscribe the oath printed upon the official inner envelope. After the oath has been duly attested, the voter shall then place the official inner envelope in the official outer envelope, fill in the blanks on such outer envelope, and deliver it to a person designated by proper authority to receive executed ballots for transmission to the appropriate secretary of state.

**[(b)]** Any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act.

**[ADMINISTRATION]**

**[SEC. 305. (a)]** The Secretaries of War and Navy shall be responsible for the administration of this title with respect to members of the armed forces and civilians attached to and serving with the armed forces and entitled to vote thereunder. The Administrator of the War Shipping Administration shall be responsible for the administration of this title with respect to members of the merchant marine of the United States entitled to vote thereunder.

**[(b)]** In each year in which a general election for Senators and Representatives in Congress is to be held, the Commission shall furnish well in advance of the election an adequate number of ballots, envelopes, and copies of instructions for voting procedure to the Secretaries of War and Navy and to the Administrator of the War Shipping Administration.

**[LISTS OF CANDIDATES]**

**[SEC. 306.]** The secretary of state of each State shall furnish the Commission such information as the Commission shall request for compiling a list of candidates and their parties in any general election for President and Vice President or for Senators and Representatives in Congress. The Commission shall transmit to the Secretaries of War and Navy and the Administrator of the War Shipping Administration, at such times as it deems to be appropriate for balloting under this title, lists of candidates compiled from the information so received, even if incomplete. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, in ample time for balloting under this title, transmit such lists to all units of the armed forces and to members of the merchant marine of the United States, to the extent that such transmission is practicable and compatible with military operations. Incomplete lists of candidates so furnished, or failure to furnish such lists, shall be no bar to balloting under the provisions of this title. No list of candidates furnished under this title shall include information as to a candidate other than his name, address, party affiliation, and office for which nominated.

**[DISTRIBUTION AND COLLECTION OF BALLOTS FOR MEMBERS OF THE ARMED FORCES AND OTHERS]**

**[SEC. 307. (a)]** The Secretaries of War and Navy, insofar as practicable and compatible with military operations, shall cause ballots, envelopes, instructions for voting procedure and lists of candidates, promptly after receipt thereof from the Commission, to be distributed to members of the armed forces and to civilians attached to and serving with the armed forces and entitled to vote under this title who desire to vote under this title, and shall cause executed ballots to be collected and transmitted to the secretaries of state of the several States.

**(b)** Wherever practicable and compatible with military operations, the appropriate commanding officer shall be required—

**[(1)]** to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places, and to cause copies of instructions for voting procedure and all other necessary information to be furnished to members of his unit and civilians attached to and serving with such unit and entitled to vote under this title;

**[(2)]** to use his best efforts to assure that every person in or attached to and serving with his unit, who is entitled and desires to vote under this title, has an opportunity to mark his ballot in secret before the latest date which should afford a reasonable opportunity for the return of executed ballots;

[(3) to destroy, as soon as practicable after the completion of voting within his unit, all official Federal war ballots in his custody remaining unused.

[(c) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to attempt to influence any member of the armed forces to vote or not to vote for any particular candidate, or (2) to require any member of the armed forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

#### **[DISTRIBUTION AND COLLECTION OF BALLOTS FOR THE MERCHANT MARINE]**

[SEC. 308. The Administrator of the War Shipping Administration shall cause ballots, envelopes, instructions for voting procedure, and lists of candidates for voting in general elections to be made available to members of the merchant marine of the United States upon request. The Administrator shall provide a convenient place for marking such ballots in secret, and shall cause executed ballots to be collected and transmitted to the appropriate secretaries of state or to appropriate representatives of the War and Navy Departments for such transmission. The Secretaries of War and Navy shall arrange, so far as practicable, for the receipt of such ballots and their transmission to the appropriate secretaries of state together with the ballots of members of the armed forces. The Administrator may delegate to the Secretary of War or the Secretary of the Navy, with the consent of such Secretary, any function of the Administrator under this title.

#### **[TRANSMISSION OF BALLOTS]**

[SEC. 309. (a) The Secretaries of War and Navy and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transmission, delivery, and return of ballots, envelopes, instructions for voting procedure, and lists of candidates, transmitted to and from persons to whom this title is applicable, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be transmitted by air, whenever practicable and compatible with military operations.

[(b) The secretary of state of any State, upon receiving any ballot cast under this title, shall at an appropriate time transmit it to the appropriate election officials of the district, precinct, county, or other voting unit of the voter's residence. Such officials shall take oath that they will not disclose to anyone (unless required by law) how any absentee shall have voted. Such officials shall determine that the oath required under sections 303 and 304 has been executed and that it is in order, pursuant to section 311, to open the official inner envelope; whereupon such officials shall compile a voting list of the names appearing on all such inner envelopes received from the secretary of state. No person other than such appropriate election officials shall open any official outer or inner envelope purporting to contain a ballot cast under this title.

#### **[REPORTS]**

[SEC. 310. (a) The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall report to the Commission on balloting under this title, including the number of ballots received, distributed, executed, and transmitted to the secretaries of state of the several States, together with any comments thereon or explanation thereof.

[(b) Each secretary of state shall prepare a report of all ballots received by him and transmitted to the various election officials, and within thirty days after the last day for counting absentee ballots in any election in which ballots are cast under the provisions of this title, each secretary of state shall transmit such report to the Commission.

#### **[VALIDITY OF BALLOTS]**

[SEC. 311. (a) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States and this decision shall be final to the same extent as in the case of ballots

cast by others in person. Votes cast under the provisions of this title shall be cast, canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

[(b) No official Federal war ballot shall be valid if—

[1. the voter has also voted in person or by absentee ballot in accordance with the procedure provided by State law; or

[2. the date of the oath of elector is later than the date of the holding of the election; or

[3. such ballot is received by the appropriate election official of the district, precinct, county, or other voting unit of the State of the voter's residence later than the hour for the closing of the polls on the date of the holding of the election, except that any extension of time for the receipt of absentee ballots permitted by State laws shall apply to ballots cast under this title.

[(c) All ballot envelopes received by a secretary of state at a date or time too late for proper delivery, and all ballot envelopes not delivered to polling places or to the proper officials shall not be opened but shall be endorsed with the date of reception and shall be retained by the secretary until the time has expired for contesting the election, when they shall be destroyed without examination.

#### [VOTING SAFEGUARDS

[SEC. 312. Every individual concerned with the administration of this title shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast hereunder.

#### [PENALTIES

[SEC. 313. The provisions of law prohibiting offenses against the elective franchise shall apply in the case of elections and voting conducted pursuant to the provisions of this title: *Provided, however,* That no act done in good faith by a member of the armed forces of the United States, in the exercise of his judgment as to what was practicable and compatible with military operations, shall constitute a violation of any such provision of law.

#### [TAKING OF POLLS PROHIBITED

[SEC. 314. (a) No person within or without the armed forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he shall have executed any ballot either under the provisions of this title or under any State law, with reference to his choice of or his vote for any candidate for any of the offices authorized to be voted for by the use of the aforesaid ballot nor state, publish, or release any result of any purported poll taken from or among the members of the armed forces of the United States or including within it the statement of choice for or of votes cast by any member of the armed forces of the United States for any of the offices authorized to be voted for by the use of the aforesaid ballot.

[(b) The word "poll" is defined as any request for information, either verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

[(c) Any person not a member of the armed forces of the United States who violates the provisions of this section, either within or outside of the United States, shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

#### [APPROPRIATE STATE OFFICIALS

[SEC. 315. Wherever, in any State, an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this title, the term "secretary of state" shall mean such other official.

#### [OFFICIALS AND AGENCIES TO ACT FOR SECRETARY OF STATE

[SEC. 316. Each secretary of state may utilize the services of such State and local officials and agencies for such purposes and to such extent as he may deem appropriate in the exercise of his powers and duties under this title.

## [ACT TO BE LIBERALLY CONSTRUED]

[SEC. 317. The provisions of this Act shall be construed liberally in order to effectuate its purposes.]

## [TITLE IV]

## [MISCELLANEOUS]

[SEC. 401. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.]

[SEC. 402. Post cards, ballots, and envelopes referred to in this Act shall be transmitted free of postage, including air-mail postage, in the United States mails.]

[SEC. 403. As used in this Act—

[(1) the term "United States" used geographically includes only the territorial limits of the several States of the United States and the District of Columbia; and

[(2) the term "members of the merchant marine of the United States" means persons employed as officers or members of crews of vessels documented under the laws of the United States and persons enrolled for such employment with the United States War Shipping Administration, but does not include those in service or enrolled for service on the Great Lakes or the inland waterways.]

## [SEPARABILITY]

[SEC. 404. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.]

## TITLE II

## RECOMMENDATIONS TO THE STATES

*SEC. 201. The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures of the various States to the greatest extent possible, the following provisions are enacted.*

*SEC. 202. (a) It is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person to whom this title is applicable) provided pursuant to section 209 (a) of this title, as amended, or pursuant to section 203 of this title prior to its amendment.*

*(b) It is recommended that the several States waive registration of the persons to whom this title is applicable who, by reason of their service, have been deprived of an opportunity to register.*

*(c) It is recommended that the States make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the armed forces too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after their discharge.*

*SEC. 203. (a) It is recommended that the secretary of state of each of the several States, upon receipt of any such post-card application, promptly forward it to the proper county, city, or other election official or officials in order that the request for an absentee ballot may be acted upon as expeditiously as possible.*

*(b) It is recommended that the several States cooperate, to the end that county, city, or other election officials be authorized and instructed, upon receipt of an application made upon such a post card, to mail promptly to the voter making the application, if legally permissible under the laws of the State, a suitable absentee ballot, including therewith a self-addressed envelope for the use of the voter in returning the ballot and any instructions to govern the use of such ballot and envelope.*

*SEC. 204. (a) It is recommended, so that the envelope in which the ballot is sent to a person to whom this title is applicable, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as*



carrying an election ballot, that there be printed across the face of each such envelope two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—Via Air Mail", or similar language as prescribed in State law, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of Postage, Including Air Mail"; and that all printing on the face of each such envelope be in red. It is also recommended that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender (State or local election officials, or voter, as the case may be).

(b) It is recommended, in order to minimize the possibility of physical adhesion of State balloting material, that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material, and, because such inserts may not prove completely effective, that there also be included in State voting instructions a procedure to be followed by absentee voters in instances of such adhesion of the balloting material, such as a notation of the facts on the back of any such envelope, duly signed by the voter and witnessing officer.

(c) It is recommended, in order to minimize action necessary to be taken by the voter and to assure legible and proper address, that each envelope supplied for the return of a State absentee ballot be preaddressed by State or local election officials insofar as possible.

(d) It is recommended that the several States, in order to save postage and to assist in the air transport of absentee voting material being sent to persons to whom this title is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure so that such State balloting unit will not exceed in weight the total of one ounce and in dimension four and one-eighth inches by nine and one-half inches.

SEC. 205. (a) It is recommended that, in the case of States in which no provision is made, either on the envelope or separately, for sending with the absentee ballots a printed form to be used by a voter for the purpose of establishing his legal right to vote, appropriate action be taken to have printed and enclosed with absentee ballots mailed in response to applications received on the post cards hereinbefore referred to, a form for the signature and oath or affirmation of the voter; and it is suggested that a form substantially as follows would be appropriate for such purpose:

OATH OF ELECTOR FOR VOTING IN THE  
ELECTION TO BE HELD ON \_\_\_\_\_, 19\_\_\_\_

I do hereby swear (or affirm) that—

- (1) I am a citizen of the United States;
- (2) The date of my birth was \_\_\_\_\_;
- (3) For \_\_\_\_\_ years preceding this election my home (not military) residence has been \_\_\_\_\_

(Street and number or rural route)

(City, town, or village)

(County)

(State)

- (4) I am serving (check appropriate blank)—
  - (a) in the armed forces of the United States \_\_\_\_\_ ( ) ;
  - (b) in the merchant marine of the United States \_\_\_\_\_ ( ) ;
  - (c) as a civilian outside the United States officially attached to and serving with the armed forces of the United States \_\_\_\_\_ ( ) ; and
- (5) I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

Voter must write his usual signature here and oath must be administered and attested.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Commissioned or warrant officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, shall write his name here.

Officer or other person signing above shall print his rank, rating, or title clearly here.

(b) It is recommended, with respect to oaths required by State law in connection with applying for and voting by State absentee ballot by persons to whom this title is applicable, that the States authorize such oaths to be administered and attested by any commissioned or warrant officer, noncommissioned officer not below the rank of

sergeant, or petty officer, in the armed forces of the United States or any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration.

SEC. 206. (a) It is recommended that there be included in State voting instructions for persons to whom this title is applicable an express instruction, if legally permissible under the laws of the State, to the effect that the absentee voter, in marking his ballot, may use pencil, pen, crayon, or any other suitable method for indicating his intention, and that States, the existing laws of which would be violated by compliance with such an instruction, cause necessary changes to be made in their election laws.

(b) It is recommended that State voting instructions be expressed in simple terms and not by use of words of the statute alone.

SEC. 207. It is recommended that, in States where the absentee ballot will not be available for mailing to persons to whom this title is applicable at least sixty days prior to any primary, general, or special election, such States cause to be made such changes in the election laws of their States as will lengthen such time.

SEC. 208. It is recommended that each secretary of state furnish by registered mail to the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, at least ninety days in advance, information as to primary, special, and general elections within the State at which persons to whom this title is applicable may vote by absentee ballot. The information furnished by the secretaries of state should contain substantially the following:

#### STATE OF -----

1. Date of election -----
2. Type of election (general, special, or primary) -----
3. Name or names of governmental units to which it applies -----
4. (a) Officers to be elected -----
- (b) Constitutional amendments or other proposals to be voted upon -----
5. Which of the following may vote at this election:
  - (a) Members of the armed forces -----
  - (b) Members of the merchant marine -----
  - (c) Civilians outside the United States officially attached to and serving with the armed forces -----
6. (a) From which of the following is the Federal post-card application acceptable as an application for a ballot:
  - (1) Members of the armed forces -----
  - (2) Members of the merchant marine -----
  - (3) Civilians outside the United States officially attached to and serving with the armed forces -----
- (b) What action is it necessary for the applicant to take if the post card is not acceptable as an application -----
7. Earliest date State will receive application -----
8. Earliest date the ballot will be mailed -----
9. Last day ballot may be received back to be counted -----

Secretary of State,  
State of -----

Dated: -----

#### COOPERATION WITH THE STATES

Sec. 209. (a) In order to afford an opportunity for persons to whom this title is applicable to vote for Federal, State, and local officials and to utilize State absentee-balloting procedures to the greatest extent possible, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be printed an adequate number of post cards for use in accordance with the provisions of this title and shall, wherever practicable and compatible with military operations, cause such post cards to be made available to each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or who is a civilian outside the United States officially attached to and serving with the armed forces of the United States, for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such cards to be made available outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and in primary and special elections.

(b) Upon one side of the post card shall be printed the following:

Secretary of State, or other appropriate official within the State of .....

(1) I hereby request an absentee ballot to vote in the coming (general) (primary) (special) election.  
(Strike out inapplicable words)

FILL OUT EVERY ITEM

(2) I am a citizen of the United States, serving—  
in the armed forces of the United States ..... ☐  
in the merchant marine of the United States ..... ☐  
as a civilian outside the United States officially attached to and serving with the armed  
forces of the United States ..... ☐

(3) I was born..... (Day) ..... (Month) ..... (Year) .....

(4) For..... years preceding the above election my home (not military) residence in the  
above State has been.....

(Street and number or rural route)

(City, town, or village)

(County)

To the best of my knowledge,

My voting precinct or district is.....

(5) Mail my ballot to the following service address.....

(Must include military unit or naval unit or vessel; and, if overseas, APO number and  
Postmaster or FPO and Postmaster)

You must both print and  
sign your name {

(Print name and serial number plainly here)

(Sign here)

Subscribed and sworn to before me on.....

(Day, month, year)

If this card is used in apply-  
ing for a primary ballot (but  
not otherwise), state below  
choice of party:  
.....

(Commissioned or warrant officer, noncommissioned officer not below  
the rank of sergeant, or petty officer, or other person authorized to  
administer and attest this oath, writes his name and rank or title here)

(c) Upon the other side of the post card shall be printed in red the following:

Name and complete  
military, naval, or merchant  
marine address  
.....  
.....  
.....

Free of post-  
age, includ-  
ing air mail

OFFICIAL ELECTION BALLOTING MATERIAL—  
VIA AIR MAIL

Secretary of State of .....

(Home State)

(Capital city of home State)

(Home State)

(d) In lieu of and interchangeably with the post cards referred to, the Secretaries of War, Navy, and Treasury and the Administrator of the War Shipping Administration may continue to make available, and the persons to whom this title is applicable may continue to use, post cards provided under section 203 of this title prior to its amendment until the existing supply thereof is exhausted.

Sec. 210. (a) It shall, wherever practicable and compatible with military operations, be the duty of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, and the Administrator of the War Shipping Administration, as may be appropriate, to cooperate with appropriate State officers and agencies in transmitting to and from persons to whom this title is applicable, making applications therefor to their several States, such absentee ballots, and envelopes to be used in connection therewith, as may be provided under the laws of the several States for the use of such applicants, and to cooperate in the execution by such applicants of oaths in connection with such ballots.

(b) The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Postmaster General, the Administrator of the War Shipping Administration and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this title is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military operations.

*SEC. 211. Whenever practicable and compatible with military operations, the Secretaries of War, Navy, and Treasury, and the Administrator of the War Shipping Administration, as may be appropriate, shall cause to be made available to persons to whom this title is applicable so much of the information referred to in section 208 of this title as may be received from a secretary of state.*

### TITLE III

#### VOTING SAFEGUARDS

*SEC. 301. (a) Every individual concerned with the administration of this Act shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.*

*(b) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to attempt to influence any member of the armed forces to vote or not to vote for any particular candidate, or (2) to require any member of the armed forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.*

*(c) No act done in good faith under this Act by a member of the armed forces of the United States, in the exercise of his judgment as to what was practicable and compatible with military operations, shall constitute a violation of any provision of law prohibiting offenses against the elective franchise.*

#### TAKING OF POLLS PROHIBITED

*SEC. 302. (a) No person within or without the armed forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he shall have executed any ballot under any State law, with reference to his choice of or his vote for any candidate for any of the offices authorized to be voted for by the use of the aforesaid ballot nor state, publish, or release any result of any purported poll taken from or among the members of the armed forces of the United States or including within it the statement of choice for or of votes cast by any member of the armed forces of the United States for any of the offices authorized to be voted for by the use of the aforesaid ballot.*

*(b) The word "poll" is defined as any request for information, either verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.*

*(c) Any person not a member of the armed forces of the United States who violates the provisions of this section, either within or outside of the United States, shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.*

### TITLE IV

#### DEFINITIONS

*SEC. 401. As used in this Act—*

*(a) The term "secretary of state" shall include such other official in any State wherever an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this Act;*

*(b) The term "United States" used geographically includes only the territorial limits of the several States of the United States and the District of Columbia; and*

*(c) The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign-flag registry under charter to or control of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment, or for training for such employment, or maintained for emergency relief service, on the Great Lakes or the inland waterways.*

## APPROPRIATIONS

SEC. 402. *There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.*

## FREE POSTAGE

SEC. 403. *Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails: Provided, That in order to be entitled to free air-mail postage under this Act, a State balloting unit, composed of ballot, voting instructions, and envelope or envelopes, must not exceed in weight the total of one ounce.*

## ADMINISTRATION

SEC. 404. *The Secretaries of War and Navy shall be responsible for the administration of this Act with respect to members of the armed forces and civilians outside the United States officially attached to and serving with the armed forces; but the Secretary of the Treasury shall be responsible for the administration of this Act with respect to members of the Coast Guard who are operating under the Treasury Department and civilians outside the United States officially attached to and serving with the Coast Guard. The Administrator of the War Shipping Administration shall be responsible for the administration of this Act with respect to members of the merchant marine of the United States. Any of the officers specified above may delegate to one or more of the others, with his or their consent, any of his functions under this Act.*

## SEPARABILITY

SEC. 405. *If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.*

## ACT TO BE CONSTRUED LIBERALLY

SEC. 406. *The provisions of this Act shall be construed liberally in order to effectuate its purposes.*

