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SANTA ANA, CA

BUSINESS REPLY MAIL
NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

POSTAGE WILL BE PAID BY

March Fong Eu, SECRETARY OF STATE
c/o REGISTRAR OF VOTERS
COUNTY OF ORANGE
P.O. Box 15467
Santa Ana, CA 92705



REGISTER TO VOTE

VOTER INFORMATION

1. You must be a citizen of the United States and 18 years of age or over to vote.
2. In order to vote in any specific election you must be registered 29 days prior to that election.
3. You should not consider yourself registered until you receive a Voter Notification Card by return mail. Your registration will become effective upon receipt by the County Clerk or Registrar of Voters. If you register in person, you may immediately consider yourself registered.
4. If you register by mail and do NOT receive a Voter Notification Card within two weeks, call the number listed below.
5. If you are unable to go to your polling place on election day, contact your County Clerk or Registrar to request an Absent Voter Ballot.

Telephone: (714) 834-2244

INFORMACIÓN PARA EL VOTANTE

1. Para votar Ud. debe ser ciudadano de los Estados Unidos y tener 18 años de edad o más.
2. Para votar en una elección determinada Ud. debe de haberse empadronado 29 días antes de la elección.
3. Usted no puede considerarse empadronado hasta que usted reciba una Tarjeta de Notificación al Votante por correo. Su empadronamiento esta efectivo al acuso de recibo por el Secretario del Condado o Registrante de Votantes. Si usted se empadrona en persona, inmediatamente puede considerarse empadronado.
4. Si Ud. se empadrona por correo y NO recibe una Tarjeta de Notificación al Votante dentro de dos semanas, llame al número indicado abajo.
5. Si no puede ir a la caseta de votación el día de la elección comuníquese con el Secretario del Condado o Empadronador para solicitar una Balota de Votante Ausente.

Teléfono: (714) 834-2244

REGISTRAR OF VOTERS
COUNTY OF ORANGE
P.O. BOX 15467
SANTA ANA, CA 92705

STATE OF—ESTADO DE CALIFORNIA
COUNTY OF—CONDADO DE
ORANGE

1

Optional - Opcional—
Name - Nombre (first - nombre)

☐ Mr/Sr
☐ Mrs/Sra
☐ Miss/Srta
☐ Ms

2

Residence - Domicilio (No.) (Street - Calle) (Apt. No. - Núm. del Apt.)

3

City - Ciudad

4

Zip Code - Zona Postal

5

If no street address, describe location of residence: (cross streets, route, box, section, township, range, etc.) - Si la calle no tiene núm. describa la localidad: (Calles que atraviesan, etc.)

6

Mailing Address (if different) - Dirección Postal (si diferente) (Rte or Box)

7

Political Party - Partido Político (Check One - Indique uno)
☐ American Independent ☐ Democratic ☐ Peace and Freedom
☐ Republican ☐ Decline to State - Se niega a declarar
☐ Other - Otro

8

Date of Birth
Fecha de nacimiento

9

State or Country of Birth
Estado o país de nacimiento

10

Occupation - Profesión u Oficio

11

Telephone (Optional)
Teléfono (Opcional)

12

☐ I prefer election materials in English
☐ Prefiero materiales electorales en español

13

Signature — Firma

14

Signature person assisting (if any) — Firma, persona que ayuda (Si hubiera)

15

☐ I will require assistance at the polls
☐ Yo necesito ayuda en la caseta de votación

16

PRIOR REGISTRATION PORTION: PORCIÓN DE PRE-EMPADRONAMIENTO:
Are you currently registered to vote in California?
¿Está Ud. empadronado para votar actualmente en California? ☐ Yes — Si ☐ NO
(If YES, fill in below — Si afirmativo, llene los espacios abajo)

NAME — NOMBRE

Former Address — Dirección Anterior:

City — Ciudad County — Condado

Political Party — Partido Político

Office Use

17

WARNING: Perjury is punishable by imprisonment in State prison of not less than 1 nor more than 14 yrs. § 126 Penal Code, 2015.5 Civil Proc.

18

AVISO — El juramento en falso es castigable con encarcelamiento en la prisión del estado por no menos de uno y no más de catorce años. § 126 Penal Code, 2015.5 Civ. Proc.

AFFIDAVIT OF REGISTRATION—
DECLARACIÓN JURADA
DE EMPADRONAMIENTO

TEAR HERE

SEPARÉ AQUÍ

INSTRUCTIONS

PLEASE TYPE OR PRINT IN INK: Read instructions and information carefully. Only your "signature" should be written.

PRIOR REGISTRATION PORTION: If you are presently registered to vote in California and are changing your name, address, or political party affiliation, fill out the Prior Registration Portion of the Affidavit giving the name, address, and party affiliation under which you are now registered.

OPTIONAL: You will not be denied your right to register if you fail to give information in shaded areas. If you give your telephone number it will be posted outside polling place on election day.

SPECIAL INSTRUCTIONS: Some of the requested information in the Affidavit above is self explanatory, but special instructions are listed below for only those items which require more detailed instruction.

2. Print your complete residence address giving street, space or slip number, North, South, East, West, (if appropriate); street name, and indicate whether it is called avenue, boulevard, drive, place, street, road, lane, or circle, etc.

5. IMPORTANT: If no street address, describe the location of residence with names of the cross streets at the nearest corners, or the route box, section, township and range.

7. Place an X in the box preceding the Qualified Political Party with which you wish to affiliate. You may print the name of an unqualified party after "Other" or "Decline to State" but you will not be entitled to vote the Ballot of a Qualified Political Party in any Primary Election unless you state your affiliation with that party on the Affidavit.

11. Your telephone and social security numbers are optional. Your social security number is solicited by authority of Section 310(a), California Elections Code, and will be used by election officials to maintain the accuracy and integrity of the registration records.

13. After completing Affidavit (and Prior Registration Portion if applicable) sign and give the date and place (county) of execution.

14. If anyone assists you in completing Affidavit that person shall sign and date the Affidavit below your signature.

15. If you require assistance at the polls due to language difficulties, illiteracy, or physical disabilities, check the box in block 15.

INSTRUCCIONES

POR FAVOR ESCRIBA A MÁQUINA O EN LETRA DE MOLDE EN TINTA: Lea las instrucciones e información con cuidado. Sólo su firma debe estar escrita.

PORCIÓN DE PRE-EMPADRONAMIENTO: Si Ud. está actualmente empadronado para votar en California y está a punto de cambiar su nombre, domicilio o afiliación política, llene la porción de pre-empadronamiento en la cual actualmente está empadronado.

OPCIONALES: No se le negará el derecho a empadronarse si Ud. no da la información pedida en los espacios oscurecidos. Si Ud. da su número de teléfono éste se pondrá en el lugar de votación el día de la elección.

INSTRUCCIONES ESPECIALES: Alguna información solicitada incluida en la declaración arriba está bien clara, sin embargo, abajo se incluyen algunas instrucciones especiales para aclarar aquella materia que requiere mayores explicaciones.

2. Escriba en letra de molde su domicilio completo dando el número del espacio o la calle, Norte, Sur, Este, Oeste, (si es apropiado); nombre de la calle, e indique avenue, boulevard, drive, place, street, road, lane, o circle, etc.

5. IMPORTANTE: Describa la ubicación de su residencia con los nombres de las calles en las esquinas más cercanas, o los números de section, township y range.

7. Ponga una X en el espacio precedente del Partido Político con el cual Ud. quiere afiliarse. Puede usted escribir en letra de molde el nombre de un partido 'desautorizado' (no calificado) después de "Otro" o "se niega a declarar". Sin embargo no podrá votar en la Balota de Partido político Calificado en ninguna Elección Primaria a menos que declare usted su afiliación con ese partido en la Declaración Jurada.

11. Su teléfono y número de seguro social son opcionales. Su número de seguro social se solicita por la autoridad de la sección 310(a) del Código de Elecciones de California, y lo usarán los oficiales electorales únicamente para mantener la exactitud y la integridad de los archivos del registro.

13. Después de terminar la Declaración Jurada (y la Porción Pre-Empadronamiento, si es aplicable) firme y dé la fecha y lugar (el condado) de ejecución.

14. Si alguien le ayuda a completar esta Declaración Jurada dicha persona debe firmar y fechar la Declaración Jurada debajo de la firma de Ud.

15. Si usted necesita ayuda en la caseta de votación debido a dificultad de lenguaje, enalfabetismo, o incapacidad física, ponga una X en el espacio.

94TH CONGRESS
1ST SESSION

H. R. 2386

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 1975

Mr. KASTENMEIER (for himself, Mr. RAILSBACK, Mr. EDWARDS of California, Mr. CONYERS, Mr. EILBERG, Mr. SEIBERLING, Mr. DRINAN, Ms. JORDAN, Ms. HOLTZMAN, Mr. MEZVINSKY, Mr. COHEN, Mr. BADILLO, Mr. DIGGS, Mr. ROSENTHAL, Mr. PEPPER, Mr. HELSTOSKI, Mr. BIESTER, Mr. ECKHARDT, Mr. HARRINGTON, Mr. KOCH, Mr. STOKES, Ms. ABZUG, Mr. METCALFE, Mr. MIKVA, and Mr. RANGEL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the denial or abridgement of the right of former criminal offenders to vote in elections for Federal office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. The right of a citizen of the United States,
4 who otherwise is qualified, to vote in any election for Fed-
5 eral office shall not be denied or abridged because he has
6 committed a criminal offense unless such citizen is imprisoned
7 in a correctional institution or facility at the time of such
8 election.

1 SEC. 2. Nothing in this Act shall be construed to prohibit
 2 the States from establishing requirements for the holding
 3 of State or local elective office; nor from enacting any State
 4 law which affords the right to vote in any election for Federal
 5 office on terms less restrictive than those established by this
 6 Act.

7 SEC. 3. Whoever shall intentionally deny or attempt to
 8 deny any person any right secured by this Act shall be fined
 9 not more than \$500, or imprisoned not more than one year,
 10 or both.

11 SEC. 4. For purposes of this Act—

12 (1) the term “correctional institution or facility”
 13 means any prison, penitentiary, jail, or other institution
 14 or facility for the confinement of individuals convicted of
 15 criminal offenses, except that such term does not include
 16 any residential community treatment center (or simi-
 17 lar public or private facility) ;

18 (2) the term “election” means (A) a general, spe-
 19 cial, primary, or runoff election, (B) a convention or
 20 caucus of a political party held to nominate a candidate,
 21 (C) a primary election held for the selection of delegates
 22 to a national nominating convention of a political party,
 23 or (D) a primary election held for the expression of a
 24 preference for the nomination of persons for election to
 25 the office of President; and

1 (3) the term “Federal office” means the office of
 2 President or Vice President of the United States, or of
 3 Senator or Representative in, or Delegate or Resident
 4 Commissioner to, the Congress of the United States.

5 SEC. 5. This Act shall take effect on January 1, 1976.

A BILL

To prohibit the denial or abridgement of the right of former criminal offenders to vote in elections for Federal office.

By Mr. KASTENMEIER, Mr. RAILSBACK, Mr. EDWARDS of California, Mr. CONYERS, Mr. EILBERG, Mr. SEIBERLING, Mr. DRINAN, Ms. JORDAN, Ms. HOLTZMAN, Mr. MEZVINSKY, Mr. COHEN, Mr. BADILLO, Mr. DIGGS, Mr. ROSENTHAL, Mr. PEPPER, Mr. HELSTOSKI, Mr. BIESTER, Mr. ECKHARDT, Mr. HARRINGTON, Mr. KOCH, Mr. STOKES, Ms. ABZUG, Mr. METCALFE, Mr. MIKVA, and Mr. RANGEL

JANUARY 29, 1975

Referred to the Committee on the Judiciary

94TH CONGRESS
1ST SESSION

H. R. 2387

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 1975

Mr. KASTENMEIER (for himself and Mr. MURPHY of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the denial or abridgement of the right of former criminal offenders to vote in elections for Federal office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. The right of a citizen of the United States,
4 who otherwise is qualified, to vote in any election for Fed-
5 eral office shall not be denied or abridged because he has
6 committed a criminal offense unless such citizen is im-
7 prisoned in a correctional institution or facility at the time
8 of such election.

9 SEC. 2. Nothing in this Act shall be construed to pro-
10 hibit the States from establishing requirements for the

1 holding of State or local elective office; nor from enacting
 2 any State law which affords the right to vote in any election
 3 for Federal office on terms less restrictive than those estab-
 4 lished by this Act.

5 SEC. 3. Whoever shall intentionally deny or attempt to
 6 deny any person any right secured by this Act shall be fined
 7 not more than \$500, or imprisoned not more than one year,
 8 or both.

9 SEC. 4. For purposes of this Act—

10 (1) the term "correctional institution or facility"
 11 means any prison, penitentiary, jail, or other institution
 12 or facility for the confinement of individuals convicted
 13 of criminal offenses, except that such term does not
 14 include any residential community treatment center (or
 15 similar public or private facility) ;

16 (2) the term "election" means (A) a general,
 17 special, primary, or runoff election, (B) a convention
 18 or caucus of a political party held to nominate a candi-
 19 date, (C) a primary election held for the selection of
 20 delegates to a national nominating convention of a po-
 21 litical party, or (D) a primary election held for the
 22 expression of a preference for the nomination of persons
 23 for election to the office of President; and

1 (3) the term "Federal office" means the office of
 2 President or Vice President of the United States, or of
 3 Senator or Representative in, or Delegate or Resident
 4 Commissioner to, the Congress of the United States.

5 SEC. 5. This Act shall take effect on January 1, 1976.

94TH CONGRESS
1ST SESSION

H. R. 2387

A BILL

To prohibit the denial or abridgement of the
right of former criminal offenders to vote in
elections for Federal office.

By Mr. KASTENMEIER and Mr. MURPHY of New
York

JANUARY 29, 1975

Referred to the Committee on the Judiciary

July 22, 1975

MEMORANDUM FOR:

MAX FRIEDERSDORF

THRU:

VERN LOEN

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Rep. Bill Dickinson (R-Ala)

Talked to Rep. Dickinson to advise him of the Administration's opposition to the postcard registration bill (H.R. 1686). Dickinson said he wanted to know if the President would veto the postcard registration bill. Told him that my reading of the Administration's position is that it would probably be vetoed.

Dickinson said he needed some ammunition for the Subcommittee mark-up which is on a fast track. I cited items 3, 4 and 5 of the talking points, in the attached briefing paper, as the reasons for the Administration's opposition. Dickinson felt the President ought to make a public statement citing these points as his reasons for opposing the postcard registration bill. If there is no such public statement by the President then Dickinson would like to have a letter sent to him stating the Administration's opposition and citing those points as the reasons.


cc: Loeffler



THE WHITE HOUSE

WASHINGTON

July 17, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: JIM CAVANAUGH 
SUBJECT: Postcard Registration

Jim Cannon says you're interested in our current position on postcard registration. Attached is a briefing paper prepared for a meeting last April which will give you the highlights of our current position.

You may recall that the meeting was never held, but we did cover this with the President at that time to make sure he was still holding this position.

THE WHITE HOUSE

WASHINGTON

April 15, 1975

MEETING WITH
THREE GOP MEMBERS OF THE HOUSE ADMINISTRATION COMMITTEE

Wednesday, April 16, 1975

5:00 p.m. (20 minutes)

The Oval Office

From: Jim Cannon

I. PURPOSE

Representatives Dickinson, Wiggins and Frenzel have requested this meeting to give you their views on the various postcard registration bills before the House Administration Subcommittee on Elections (H. R. 1688 by Chairman Dent and similar bills) and, presumably, to request a strong statement from the Administration in opposition to such legislation.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background

1. H. R. 1686 would establish within the General Accounting Office a Voter Registration Administration for the purpose of administering a postcard voter registration program through the Postal Service. Under the bill, persons would be permitted to register by mail for eligibility to vote in Federal elections. The Voter Registration Administration would be generally empowered to assist the States in carrying out this program and would be required to reimburse the States for expenditures incurred on account of the program. The bill establishes a budgetary limit of \$50 million.
2. The Administration fought hard against similar legislation last year and successfully defeated the rule in the House.
3. Although postcard registration has been a key objective of organized labor, it is strongly opposed by the National Association of Secretaries of State, who regard it as an administrative nightmare, and the American Civil Liberties Union, which believes that postcard registration will increase the opportunities and possibilities for fraud.

4. Two days of Subcommittee hearings have been held on the bill. Chairman Dent has declined to schedule another hearing, indicating he wants the bill to move fast. The votes appear to be there to get the bill out of House Administration and probably to pass it in both Houses. Senator McGee has more than 50 cosponsors for a similar Senate bill.

- B. Participants: The President
 The Attorney General
 Rep. William Dickinson (R-Ala.)
 Rep. Charles E. Wiggins (R-Calif.)
 Rep. Bill Frenzel (R-Minn.)
 Counsellor Robert Hartmann
 Jim Cannon (Domestic Council)
 Vern Loen (Staff)
 Dick Parsons (Staff)
- C. Press Plan: Announce to press as a meeting to discuss
 pending legislation -- White House photo-
 graphers only.

III. TALKING POINTS

1. We are here today to discuss the various postcard registration bills currently before the House Administration Subcommittee on Elections.
2. Last year, the Administration opposed the enactment of such legislation for a number of reasons.
3. I remain unalterably opposed to the Voter Registration Act because, in my judgment, it will not significantly increase either voter registration or voter turn-out for Federal elections, it will be an administrative nightmare for State and local officials, and it will increase significantly the potential of and opportunity for fraud.
4. Moreover, at a time when all levels of government are attempting to restrain levels of spending, the establishment of a new Federal bureaucracy, with almost unlimited authority to spend huge sums of taxpayers' money, would be most imprudent.
5. Finally, I am concerned that this proposal, if enacted, could drastically change the structure of political parties and allow the Federal government to dictate internal party regulations.

THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF
VERN LOEN *VL*

FROM:

CHARLES LEPPERT, JR. *CL*

SUBJECT:

Status Report on H. Res. 710
Nixon Papers and Tapes, etc.

H. Res. 710, relating to the Nixon papers and tapes was favorably reported by the Committee on House Administration on September 18, 1975, by a vote of 10-5-1. Voting against the resolution were Rep.'s Dickinson, Devine, Wiggins, Holt, and Moore. Rep. Cleveland voted present.

The House Administration Committee filed its Committee report on H. Res. 710 on October 9, 1975. Rep. Cleveland filed Minority views which I am advised raise some excellent constitutional issues concerning the resolution. Copies of the Committee report are being sent to me as soon as they are available.

The Committee on House Administration has three other measures before the Committee of interest. They are:

- (1) H.R. 1686, Postcard Voter Registration which was referred to the Full Committee on July 23, 1975, without amendments. No action scheduled at this time.
- (2) H.R. 3211 and S. 95, Overseas Citizens Voting Rights Act is in the process of being marked-up by the Full Committee. It is anticipated that this bill will go to the House for consideration in November 1975.
- (3) H.R. 111, et al, Federal Election Campaign Act Amendments which are pending in the Subcommittee on Elections and nothing is scheduled at this time.

H. R. 214 et al concerning wiretapping and electronic surveillance is pending before the Subcommittee on Courts, Civil Liberties and the Administration of Justice in the House Judiciary Committee. Hearings on this legislation were held in March, May, June, July and September 1975. No action on these bills are scheduled for the Subcommittee during the month of October 1975.

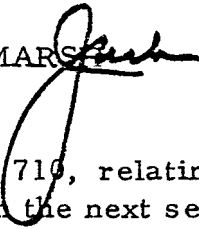


THE WHITE HOUSE

WASHINGTON

October 8, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: JACK MARSH 

It is my understanding that H. Res. 710, relating to Nixon papers and tapes, may be considered within the next several weeks before the House Administration Committee. I would be grateful for a discreet inquiry from one of your House people and a status report. I suggest at the time they make the inquiry of the Committee that they also inquire about another matter pending before the same Committee, in order to not arouse any unusual interest in the request. For example, postcard registration is pending before the same Committee.

We would also be interested in the status of H. R. 214, electronic surveillance before the Judiciary Committee.

October 24, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

**MAX L. FRIEDERSDORF
VERN LOEN**

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

**Overseas Citizens Voting Rights Act
of 1975 and Post Card Voter Registration**

The Minority staff of the House Administration Committee informs me that H. R. 3211, the "Overseas Citizens Voting Rights Act of 1975," and H. R. 1686, the Postcard Voter Registration bill are scheduled for Full Committee consideration on Thursday, October 30, 1975 at 10:30 a. m.

Attached is a summary of the Overseas Citizens Voting Rights Act which was furnished with my memo of 10/20/75.

Attachment



October 24, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF
VERN LOEN

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Overseas Citizens Voting Rights Act
of 1975 and Post Card Voter Registration

The Minority staff of the House Administration Committee informs me that H. R. 3211, the "Overseas Citizens Voting Rights Act of 1975," and H. R. 1686, the Postcard Voter Registration bill are scheduled for Full Committee consideration on Thursday, October 30, 1975 at 10:30 a. m.

Attached is a summary of the Overseas Citizens Voting Rights Act which was furnished with my memo of 10/20/75.

Attachment



THE OVERSEAS CITIZENS VOTING RIGHTS ACT

OF 1975

S. 95

The Act proposes to establish uniform procedures whereby American citizens residing abroad may register to vote and vote by absentee ballot in Federal elections.

To do so, an American residing abroad must:

- (1) have last voted or been registered to vote in the State applied to; or was last domiciled therein.
- (2) comply with normal State requirements for the casting of absentee ballots.
- (3) be qualified to vote in the State except for his failure to maintain a domicile, residence, or place of abode therein.
- (4) not be registered to vote in any other State.
- (5) have a valid Passport, or Card of Identity and Registration issued by the Secretary of State.

Application for such registration must be made no later than 30 days prior to the election.

PENALTIES:

- (1) for impeding implementation of the Act, are up to a \$5000 fine or five years imprisonment, or both.
- (2) for fraudulent voting under this Act are up to a \$10,000 fine or five years imprisonment, or both.

THE ACT WILL NOT:

- (1) impose registration where none exists.
- (2) prevent a State from imposing a less restrictive registration system.

EFFECTIVE DATE-----JANUARY 1, 1975

THE WHITE HOUSE

WASHINGTON

Charlie --

Linda in H. Admin. says that the Overseas Voting bill comes up before full comte next Thursday at 10:30 a.m. in H 328.

Same day on agenda is the Post Card Registration bill.

Neta

10/23/75

October 20, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF
VERN LOEN

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Overseas Citizens Voting Rights
Act of 1975.

H. R. 3211 and S. 95, are identical bills and popularly called the "Overseas Citizens Voting Rights Act of 1975."

The purposes of the bill are to guarantee the constitutional right to vote and provide uniform procedures for American citizens residing abroad to register and vote by absentee ballot in federal elections. A short summary of the bill is attached along with a copy of H. R. 3211 and S. 95.

H. R. 3211 was reported by the Subcommittee on Elections of the House Administration Committee on October 8, 1975, by voice vote. The Full Committee has nothing scheduled on a mark-up and reporting of the bill at this writing. The Minority staff expects that the Full Committee could meet and mark-up the bill in one day and the Minority staff anticipates that the bill will probably be ready for consideration in the House of Representatives around mid-November, 1975.

The chances for passage of the bill are very good. It will be a very difficult bill for the President to veto if the Committee on House Administration reports it with a strong vote and no minority or dissenting views. In addition, the bill has strong support on the Senate side where it is co-sponsored by Senators Pell, Goldwater, Brock, Bayh, Roth and Mathias. The Senate bill, S. 95, passed the Senate on May 15, 1975 and is now before the House.

The effect of the bill, if passed, is that the bill removes State prohibitions which bar some 750,000 to one million U.S. citizens residing overseas from voting in federal elections.



The broad language of the bill also raises a serious question in my mind as to whether or not it extends the right to vote for the President to the citizens of the territories of Guam, Puerto Rico and the Virgin Islands. It is my understanding that citizens of the territories do not have that privilege at the present time but they do participate and send delegates to the national party conventions.



Committee on House Administration

This is a copy of the
draft that the Sub-
Committee on Elections will
be working with.

Full letter
for Mark - exp -

No ^{to} scheduled

Fla. - Middle Nov

Rept'd from
Subcommittee
10-8-75
V.V.



THE WHITE HOUSE
WASHINGTON

Date: 10-14-75

TO: Chas. Deppert

FROM: Max L. Friedersdorf

For Your Information _____

Please Handle ☒ _____

Please See Me _____

Comments, Please _____

Other _____

THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: JACK MARSH 

Could you have one of your people give me a rundown on some legislation in the House Administration Committee called the Overseas Citizens' Voting Rights Act, H. R. 3211?

What is this bill? What does it do? What are its chances of passage? If it is passed, what will be the effect?

94TH CONGRESS
1ST SESSION

H. R. 3211

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1975

Mr. DENT (for himself and Mr. HAYS of Ohio) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Overseas Citizens Voting
4 Rights Act of 1975".

5 CONGRESSIONAL FINDINGS AND DECLARATIONS

6 SEC. 2. (a) The Congress hereby finds that in the case
7 of United States citizens outside the United States—

8 (1) State and local residency and domicile require-
9 ments are applied so as to restrict or precondition the
10 right of such citizens to vote in Federal elections;

(2) State and local election laws are applied to such citizens so as to deny them sufficient opportunities for absentee registration and balloting in Federal elections;

(3) State and local election laws are applied in Federal elections so as to discriminate against such citizens who are not employees of a Federal or State Government agency, or who are not dependents of such employees; and

(4) Federal, State, and local tax laws are applied in some cases so as to give rise to Federal, State, and local tax liability for such citizens solely on the basis of their voting in Federal elections in a State, thereby discouraging such citizens from exercising the right to vote in Federal elections;

(b) The Congress further finds that the foregoing conditions—

(1) deny or abridge the inherent constitutional right of citizens to vote in Federal elections;

(2) deny or abridge the inherent constitutional right of citizens to enjoy their free movement to and from the United States;

(3) deny or abridge the privileges and immunities guaranteed under the Constitution to citizens of the United States and to the citizens of each State;

(4) in some instances have the impermissible pur-

pose or effect of denying citizens the right to vote in Federal elections because of the method in which they may vote;

(5) have the effect of denying to citizens the equality of civil rights and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment to the Constitution; and

(6) do not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(c) Upon the basis of these findings, Congress declares that in order to secure, protect, and enforce the constitutional rights of citizens outside the United States it is necessary—

(1) to require the uniform application of State and local residency and domicile requirements in a manner that is plainly adapted to secure, protect, and enforce the right of such citizens to vote in Federal elections;

(2) to establish uniform standards for absentee registration and balloting by such citizens in Federal elections;

(3) to eliminate discrimination, in voting in Federal elections, against such citizens who are not employees of a Federal or State Government agency, and who are not dependents of such employees; and

(4) to require that Federal, State, and local tax

1 laws be applied so as not to give rise to Federal, State,
2 and local tax liability for such citizens solely on the
3 basis of their voting in Federal elections in a State.

4 DEFINITIONS

5 SEC. 3. For the purposes of this Act, the term—

6 (1) "Federal election" means any general, special,
7 or primary election held solely or in part for the pur-
8 pose of selecting, nominating, or electing any candidate
9 for the office of President, Vice President, Presidential
10 elector, Member of the United States Senate, Member
11 of the United States House of Representatives, Dele-
12 gate from the District of Columbia, Resident Commis-
13 sioner of the Commonwealth of Puerto Rico, Delegate
14 from Guam, or Delegate from the Virgin Islands;

15 (2) "State" means each of the several States, the
16 District of Columbia, the Commonwealth of Puerto Rico,
17 Guam, and the Virgin Islands;

18 (3) "United States" includes the several States, the
19 District of Columbia, the Commonweath of Puerto Rico,
20 Guam, and the Virign Islands, but does not include
21 American Samoa, the Canal Zone, the Trust Territory
22 of the Pacific Islands, or any other territory or possession
23 of the United States; and

24 (4) "citizen outside the United States" means a
25 citizen of the United States residing outside the United

1 States whose intent to return to his State and election
2 district of last domicile may be uncertain, but who does
3 intend to retain such State and election district as his
4 voting residence and domicile for purposes of voting
5 in Federal elections and has not established a domicile
6 in any other State or any other territory or possession
7 of the United States, and who has a valid Passport or
8 Card of Identity and Registration issued under the
9 authority of the Secretary of State.

10 RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN

11 FEDERAL ELECTIONS

12 SEC. 4. No citizen outside the United States shall be
13 denied the right to register for, and to vote by, an absentee
14 ballot in any State, or election district of a State, in any Fed-
15 eral election solely because at the time of such election he
16 does not have a place of abode or other address in such State
17 or district, and his intent to return to such State or district
18 may be uncertain, if—

19 (1) he was last domiciled in such State or district
20 prior to his departure from the United States;

21 (2) he has complied with all applicable State or
22 district qualifications and requirements concerning reg-
23 istration for, and voting by, absentee ballots (other than
24 any qualification or requirement which is inconsistent
25 with this Act) ;

(3) he intends to retain such State or district as his voting residence and voting domicile for purposes of voting in Federal elections;

(4) he does not maintain a domicile, and is not registered to vote and is not voting in any other State or election district of a State or territory or in any territory or possession of the United States; and

(5) he has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.

ABSENTEE BALLOTS FOR FEDERAL ELECTIONS

SEC. 5. (a) Each State shall provide by law for the registration or other means of qualification of all citizens outside the United States and entitled to vote in a Federal election in such State pursuant to section 4 who apply, not later than thirty days immediately prior to any such election, to vote in such election.

(b) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens outside the United States who—

(1) are entitled to vote in such State pursuant to section 4;

(2) have registered or otherwise qualified to vote under section 5 (a) ;

(3) have submitted properly completed applications for such ballots not later than seven days immediately prior to such election; and

(4) have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(c) In the case of any such properly completed application for an absentee ballot received by a State or election district, the appropriate election official of such State or district shall as promptly as possible, and in any event, no later than—

(1) seven days after receipt of such a properly completed application, or

(2) seven days after the date the absentee ballots for such election have become available to such official, whichever date is later, mail the following by airmail to such citizen:

(A) an absentee ballot;

(B) instructions concerning voting procedures; and

(C) an airmail envelope for the mailing of such ballot.

(d) Such absentee ballots, envelopes, and voting instructions provided pursuant to this Act and transmitted to citizens

1 outside the United States, whether individually or in bulk,
2 shall be free of postage to the sender including airmail post-
3 age, in the United States mail.

4 (e) Ballots executed by citizens outside the United
5 States shall be returned by priority airmail wherever prac-
6 ticable, and such mail may be segregated from other forms of
7 mail and placed in special bags marked with special tags
8 printed and distributed by the Postal Service for this purpose.

9 ENFORCEMENT

10 SEC. 6. (a) Whenever the Attorney General has reason
11 to believe that a State or election district undertakes to deny
12 the right to register or vote in any election in violation of
13 section 4 or fails to take any action required by section 5, he
14 may institute for the United States, or in the name of the
15 United States, an action in a district court of the United
16 States, in accordance with sections 1391 through 1393 of title
17 28, United States Code, for a restraining order, a prelimi-
18 nary or permanent injunction, or such other order as he deems
19 appropriate.

20 (b) Whoever shall deprive or attempt to deprive any
21 person of any right secured by this Act shall be fined not
22 more than \$5,000, or imprisoned not more than five years, or
23 both.

24 (c) Whoever knowingly or willfully gives false informa-
25 tion as to his name, address, or period of residence for the

1 purpose of establishing his eligibility to register, qualify, or
2 vote under this Act, or conspires with another individual for
3 the purpose of encouraging the giving of false information in
4 order to establish the eligibility of any individual to register,
5 qualify, or vote under this Act, or pays or offers to pay or
6 accepts payment either for registration to vote or for voting
7 shall be fined not more than \$10,000, or imprisoned not more
8 than five years, or both.

9 SEVERABILITY

10 SEC. 7. If any provision of this Act, or the application
11 thereof to any person or circumstance, is held invalid, the
12 validity of the remainder of the Act, and the application of
13 such provisions to other persons or circumstances, shall not be
14 affected.

15 EFFECT ON CERTAIN OTHER LAWS

16 SEC. 8. (a) Nothing in this Act shall—
17 (1) be deemed to require registration in any State
18 or election district in which registration is not required
19 as a precondition to voting in any Federal election, or
20 (2) prevent any State or election district from
21 adopting or following any voting practice which is less
22 restrictive than the practices prescribed by this Act.

23 (b) The exercise of any right to register or vote in Fed-
24 eral elections by any citizen outside the United States, and
25 the retention by him of any State or district as his voting

1 residence or voting domicile solely for this purpose, shall not
2 affect the determination of his place of residence or domicile
3 for purposes of any tax imposed under Federal, State, or
4 local law.

5 AUTHORIZATION OF APPROPRIATIONS

6 SEC. 9. (a) Section 2401 (c) of title 39, United States
7 Code (relating to appropriations for the Postal Service) is
8 amended—

9 (1) by inserting after "title" a comma and the fol-
10 lowing: "the Overseas Citizens Voting Rights Act of
11 1975,"; and

12 (2) by striking out "Act." at the end and inserting
13 in lieu thereof "Acts."

14 (b) Section 3627 of title 39, United States Code (relat-
15 ing to adjustment of Postal Service rates) is amended by
16 striking out "or under the Federal Voting Assistance Act of
17 1955" and inserting in lieu thereof "under the Federal Vot-
18 ing Assistance Act of 1955, or under the Overseas Citizens
19 Voting Rights Act of 1975,".

20 EFFECTIVE DATE

21 SEC. 10. The provisions of this Act shall take effect with
22 respect to any Federal election held on or after January 1,
23 1976.

94TH CONGRESS
1ST SESSION

H. R. 3211

A BILL

To guarantee the constitutional right to vote
and to provide uniform procedures for ab-
sentee voting in Federal elections in the case
of citizens outside the United States.

By Mr. DENT and Mr. HAYS of Ohio

FEBRUARY 19, 1975

Referred to the Committee on House Administration

94TH CONGRESS
1ST SESSION

H. R. 3211

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1975

Mr. DENT (for himself and Mr. HAYS of Ohio) introduced the following bill;
which was referred to the Committee on House Administration

A BILL

To guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Overseas Citizens Voting
4 Rights Act of 1975".

5 CONGRESSIONAL FINDINGS AND DECLARATIONS

6 SEC. 2. (a) The Congress hereby finds that in the case
7 of United States citizens outside the United States—

8 (1) State and local residency and domicile require-
9 ments are applied so as to restrict or precondition the
10 right of such citizens to vote in Federal elections;

(2) State and local election laws are applied to such citizens so as to deny them sufficient opportunities for absentee registration and balloting in Federal elections;

(3) State and local election laws are applied in Federal elections so as to discriminate against such citizens who are not employees of a Federal or State Government agency, or who are not dependents of such employees; and

(4) Federal, State, and local tax laws are applied in some cases so as to give rise to Federal, State, and local tax liability for such citizens solely on the basis of their voting in Federal elections in a State, thereby discouraging such citizens from exercising the right to vote in Federal elections;

(b) The Congress further finds that the foregoing conditions—

(1) deny or abridge the inherent constitutional right of citizens to vote in Federal elections;

(2) deny or abridge the inherent constitutional right of citizens to enjoy their free movement to and from the United States;

(3) deny or abridge the privileges and immunities guaranteed under the Constitution to citizens of the United States and to the citizens of each State;

(4) in some instances have the impermissible pur-

pose or effect of denying citizens the right to vote in Federal elections because of the method in which they may vote;

(5) have the effect of denying to citizens the equality of civil rights and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment to the Constitution; and

(6) do not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(c) Upon the basis of these findings, Congress declares that in order to secure, protect, and enforce the constitutional rights of citizens outside the United States it is necessary—

(1) to require the uniform application of State and local residency and domicile requirements in a manner that is plainly adapted to secure, protect, and enforce the right of such citizens to vote in Federal elections;

(2) to establish uniform standards for absentee registration and balloting by such citizens in Federal elections;

(3) to eliminate discrimination, in voting in Federal elections, against such citizens who are not employees of a Federal or State Government agency, and who are not dependents of such employees; and

(4) to require that Federal, State, and local tax

1 laws be applied so as not to give rise to Federal, State,
2 and local tax liability for such citizens solely on the
3 basis of their voting in Federal elections in a State.

4 DEFINITIONS

5 SEC. 3. For the purposes of this Act, the term—

6 (1) "Federal election" means any general, special,
7 or primary election held solely or in part for the pur-
8 pose of selecting, nominating, or electing any candidate
9 for the office of President, Vice President, Presidential
10 elector, Member of the United States Senate, Member
11 of the United States House of Representatives, Dele-
12 gate from the District of Columbia, Resident Commis-
13 sioner of the Commonwealth of Puerto Rico, Delegate
14 from Guam, or Delegate from the Virgin Islands;

15 (2) "State" means each of the several States, the
16 District of Columbia, the Commonwealth of Puerto Rico,
17 Guam, and the Virgin Islands;

18 (3) "United States" includes the several States, the
19 District of Columbia, the Commonweath of Puerto Rico,
20 Guam, and the Virign Islands, but does not include
21 American Samoa, the Canal Zone, the Trust Territory
22 of the Pacific Islands, or any other territory or possession
23 of the United States; and

24 (4) "citizen outside the United States" means a
25 citizen of the United States residing outside the United

1 States whose intent to return to his State and election
2 district of last domicile may be uncertain, but who does
3 intend to retain such State and election district as his
4 voting residence and domicile for purposes of voting
5 in Federal elections and has not established a domicile
6 in any other State or any other territory or possession
7 of the United States, and who has a valid Passport or
8 Card of Identity and Registration issued under the
9 authority of the Secretary of State.

10 RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN

11 FEDERAL ELECTIONS

12 SEC. 4. No citizen outside the United States shall be
13 denied the right to register for, and to vote by, an absentee
14 ballot in any State, or election district of a State, in any Fed-
15 eral election solely because at the time of such election he
16 does not have a place of abode or other address in such State
17 or district, and his intent to return to such State or district
18 may be uncertain, if—

19 (1) he was last domiciled in such State or district
20 prior to his departure from the United States;

21 (2) he has complied with all applicable State or
22 district qualifications and requirements concerning reg-
23 istration for, and voting by, absentee ballots (other than
24 any qualification or requirement which is inconsistent
25 with this Act) ;

(3) he intends to retain such State or district as his voting residence and voting domicile for purposes of voting in Federal elections;

(4) he does not maintain a domicile, and is not registered to vote and is not voting in any other State or election district of a State or territory or in any territory or possession of the United States; and

(5) he has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.

ABSENTEE BALLOTS FOR FEDERAL ELECTIONS

SEC. 5. (a) Each State shall provide by law for the registration or other means of qualification of all citizens outside the United States and entitled to vote in a Federal election in such State pursuant to section 4 who apply, not later than thirty days immediately prior to any such election, to vote in such election.

(b) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens outside the United States who—

(1) are entitled to vote in such State pursuant to section 4;

(2) have registered or otherwise qualified to vote under section 5 (a) ;

(3) have submitted properly completed applications for such ballots not later than seven days immediately prior to such election; and

(4) have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

(c) In the case of any such properly completed application for an absentee ballot received by a State or election district, the appropriate election official of such State or district shall as promptly as possible, and in any event, no later than—

(1) seven days after receipt of such a properly completed application, or

(2) seven days after the date the absentee ballots for such election have become available to such official, whichever date is later, mail the following by airmail to such citizen:

(A) an absentee ballot;

(B) instructions concerning voting procedures; and

(C) an airmail envelope for the mailing of such ballot.

(d) Such absentee ballots, envelopes, and voting instructions provided pursuant to this Act and transmitted to citizens

1 outside the United States, whether individually or in bulk,
2 shall be free of postage to the sender including airmail post-
3 age, in the United States mail.

4 (e) Ballots executed by citizens outside the United
5 States shall be returned by priority airmail wherever prac-
6 ticable, and such mail may be segregated from other forms of
7 mail and placed in special bags marked with special tags
8 printed and distributed by the Postal Service for this purpose.

9 ENFORCEMENT

10 SEC. 6. (a) Whenever the Attorney General has reason
11 to believe that a State or election district undertakes to deny
12 the right to register or vote in any election in violation of
13 section 4 or fails to take any action required by section 5, he
14 may institute for the United States, or in the name of the
15 United States, an action in a district court of the United
16 States, in accordance with sections 1391 through 1393 of title
17 28, United States Code, for a restraining order, a prelimi-
18 nary or permanent injunction, or such other order as he deems
19 appropriate.

20 (b) Whoever shall deprive or attempt to deprive any
21 person of any right secured by this Act shall be fined not
22 more than \$5,000, or imprisoned not more than five years, or
23 both.

24 (c) Whoever knowingly or willfully gives false informa-
25 tion as to his name, address, or period of residence for the

1 purpose of establishing his eligibility to register, qualify, or
2 vote under this Act, or conspires with another individual for
3 the purpose of encouraging the giving of false information in
4 order to establish the eligibility of any individual to register,
5 qualify, or vote under this Act, or pays or offers to pay or
6 accepts payment either for registration to vote or for voting
7 shall be fined not more than \$10,000, or imprisoned not more
8 than five years, or both.

9 SEVERABILITY

10 SEC. 7. If any provision of this Act, or the application
11 thereof to any person or circumstance, is held invalid, the
12 validity of the remainder of the Act, and the application of
13 such provisions to other persons or circumstances, shall not be
14 affected.

15 EFFECT ON CERTAIN OTHER LAWS

16 SEC. 8. (a) Nothing in this Act shall—

17 (1) be deemed to require registration in any State
18 or election district in which registration is not required
19 as a precondition to voting in any Federal election, or

20 (2) prevent any State or election district from
21 adopting or following any voting practice which is less
22 restrictive than the practices prescribed by this Act.

23 (b) The exercise of any right to register or vote in Fed-
24 eral elections by any citizen outside the United States, and
25 the retention by him of any State or district as his voting

1 residence or voting domicile solely for this purpose, shall not
2 affect the determination of his place of residence or domicile
3 for purposes of any tax imposed under Federal, State, or
4 local law.

5 AUTHORIZATION OF APPROPRIATIONS

6 SEC. 9. (a) Section 2401 (c) of title 39, United States
7 Code (relating to appropriations for the Postal Service) is
8 amended—

9 (1) by inserting after "title" a comma and the fol-
10 lowing: "the Overseas Citizens Voting Rights Act of
11 1975,"; and

12 (2) by striking out "Act." at the end and inserting
13 in lieu thereof "Acts."

14 (b) Section 3627 of title 39, United States Code (relat-
15 ing to adjustment of Postal Service rates) is amended by
16 striking out "or under the Federal Voting Assistance Act of
17 1955" and inserting in lieu thereof "under the Federal Vot-
18 ing Assistance Act of 1955, or under the Overseas Citizens
19 Voting Rights Act of 1975,".

20 EFFECTIVE DATE

21 SEC. 10. The provisions of this Act shall take effect with
22 respect to any Federal election held on or after January 1,
23 1976.

94TH CONGRESS
1ST SESSION

H. R. 3211

A BILL

To guarantee the constitutional right to vote
and to provide uniform procedures for ab-
sentee voting in Federal elections in the case
of citizens outside the United States.

By Mr. DENT and Mr. HAYS of Ohio

FEBRUARY 19, 1975

Referred to the Committee on House Administration

____ CONGRESS
____ SESSION

H.R. _____

(Original signature of Member)

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ introduced the following bill; which was referred
to the Committee on _____

A BILL

(Insert title of bill here)

To guarantee the constitutional right to vote and to provide
uniform procedures for absentee voting in Federal elections
in the case of citizens outside the United States

1 *Be it enacted by the Senate and House of Representatives of the United*

2 *States of America in Congress assembled,*

3 That this Act may be cited as the "Overseas Citizens Voting
4 Rights Act of 1975".

5 DEFINITIONS

6 Sec. 2. For the purposes of this Act, the term--

7 (1) "Federal election" means any general, special,
8 or primary election held solely or in part for the pur--
9 of selecting, nominating, or electing any candidate for
10 office of President, Vice President, Presidential elector.
11 Member of the United States Senate, Member of the United
12 States House of Representatives, Delegate from the District
13 of Columbia, Resident Commissioner of the Commonwealth of

1 Puerto Rico, Delegate from Guam, or Delegate from the
2 Virgin Islands;

3 (2) "State" means each of the several States, the
4 District of Columbia, the Commonwealth of Puerto Rico,
5 Guam, ^{F.I.O.} ~~or~~ Delegate from the Virgin Islands;

6 (3) "United States" includes the several States,
7 the District of Columbia, the Commonwealth of Puerto Rico,
8 Guam, and the Virgin Islands, but does not include American
9 Samoa, the Canal Zone, the Trust Territory of the Pacific
10 Islands, or any other territory or possession of the United
11 States; and

12 (4) "citizen outside the United States" means a citizen
13 of the United States residing outside the United States.

14 RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN FEDERAL
15 ELECTIONS

16 Sec. 3. No citizen outside the United States shall be
17 denied the right to register for, and to vote by, an absentee
18 ballot in any State, or election district of a State, in any
19 Federal election even though at the time of such election
20 he does not have a place of abode or other address in such
21 State or district, and his intent to return to such State
22 or district may be uncertain, if-

23 (1) he was last domiciled in such State or district
24 prior to his departure from the United States;

25 (2) he has complied with all applicable State or
26 district qualification or requirements concerning absentee
27 registration for, and voting by, absentee ballots (other

1 than any qualification or requirement which is inconsistent
2 with this Act);

3 (3) he intends to retain such State or district as his
4 voting residence and voting domicile for purposes of voting
5 in Federal elections;

6 (4) he does not maintain a domicile, . is not registered
7 to vote, and is not voting in any other State or election district
8 of a State or territory or in any territory or possession of the
9 United States; and

10 (5) he has a valid Passport or Card of Identity and
11 Registration issued under the authority of the Secretary of State.

12 ABSENTEE REGISTRATION AND BALLOTS FOR FEDERAL ELECTIONS.

13 Sec. 4 (a) Each State shall provide by law for the absentee
14 registration or other means of absentee qualification of all citizens
15 outside the United States and entitled to vote in a Federal election
16 in such State pursuant to section 3 whose application to vote in such
17 election is received by the appropriate election official of such
18 State not later than thirty days immediately prior to any such
19 election.

20 (b) Each State shall provide by law for the casting of
21 absentee ballots for Federal elections by all citizens outside the
22 United States who -

23 (1) are entitled to vote in such State pursuant to section 3;

24 (2) have registered or otherwise qualified to vote under
25 section 4 (a);

26 (3) have returned such ballots to the appropriate election
27 official of such State not later than the time of closing of the
28 polls in such State on the day of such election.

29 ENFORCEMENT



1 Sec. 5 (a) Whenever the Attorney General has reason to believe
2 that a State or election district undertakes to deny the right to
3 register or vote in any election in violation of section 3 or fails
4 to take any action required by section 4, he may institute for the
5 United States, or in the name of the United States, an action in a
6 district court of the United States, in accordance with sections 1391
7 through 1393 of title 28, United States Code, for a restraining order,
8 a preliminary or permanent injunction, or such other order as he
9 deems appropriate.

10 (b) Whoever knowingly or willfully shall deprive or attempt
11 to deprive any person of any right secured by this Act shall be fined
12 not more than \$5,000 or ^{imprisoned} ~~imprisoned~~ not more than five years, or both.

13 (c) Whoever knowingly or willfully gives false information as to
14 his name, address, or period of residence for the purpose of establishing
15 his eligibility to register, qualify, or vote under this Act, or
16 conspires with another individual for the purpose of encouraging the
17 giving of false information in order to establish the eligibility of
18 any individual to register, qualify, or vote under this Act, or pays,
19 ^{or offers to pay,} ~~or accepts payment~~ either for registration to vote or for voting shall
20 be fined not more than \$10,000 or imprisoned not more than five years,
21 or both.

22 SEVERABILITY

23 Sec. 6. If any provision of this Act is held invalid, the validity
24 of the remainder of the Act shall not be affected.

25 EFFECT ON CERTAIN OTHER LAWS

26 Sec. 7. (a) Nothing in this Act shall-

27 (1) be deemed to require registration in any State or
28 election district in which registration is not required

1 as a precondition to voting in any Federal election, or

2 (2) prevent any State or election district from adopting
3 or following any voting practice which is less restrictive than
4 the practices prescribed by this Act.

5 CONFORMING AMENDMENTS FOR AUTHORIZATION OF
6 APPROPRIATIONS

7 Sec. 8. (a) Section 2401(c) of title 39, United States Code
8 (relating to appropriations for the Postal Service) is amended-

9 (1) by inserting after "title" a comma and the following;
10 "the Overseas s Citizens Voting Rights Act of 1975,"; and

11 (2) by striking out "Act" at the end and inserting in lieu
12 thereof "Acts."

13 (b) Section 3627 of title 39, United States Code (relating
14 to adjustment of Postal Service rates) is amended by striking out
15 "or under the Federal Voting Assistance Act of 1955" and inserting in
16 lieu thereof "under the Federal Voting Assistance Act of 1955, or under
17 the Overseas Citizens Voting Rights Act of 1975,".

18 EFFECTIVE DATE

19 Sec. 9. The provisions of the Act shall take effect with
20 respect to any Federal election held on or after January 1, 1976.



RED TAG

THE WHITE HOUSE
WASHINGTON

November 5, 1975

MEMORANDUM FOR: JACK MARSH

THRU: MAX L. FRIEDERSDORF
VERN LOEN

FROM: CHARLES LEPPERT, JR.

SUBJECT: S. 95, Overseas Voting Rights Act
of 1975

The Committee on House Administration on November 4th favorably reported S. 95, the "Overseas Voting Rights Act of 1975" by a recorded vote of 14-5. Voting "Nay" were Rep. Devine, Wiggins, Holt, Moore and Mendel Davis.

The Committee reported out a clean bill in lieu of S. 95. Copies of the bill and report as reported will be sent when available. It is anticipated that the Overseas Citizens Voting Rights Act will go to the House for consideration prior to the Thanksgiving recess if a rule is granted.

The Committee is marking-up H. R. 1686, the Post Card Voter Registration Act today but did not complete action. The Committee will resume the mark-up on Friday, November 7. It is reported that Chairman Wayne Hays wants to report out the Post Card Voter Registration bill "to get it off his back." It is also reported that he will not push the bill once the Committee reports it to the House.

Both of these bills fall within the November 3 deadline of the House Rules Committee on the granting of rules unless the bills are of an emergency nature. In my judgement both bills will probably be granted rules not on the basis of being emergency but for the purpose of providing legislation for the House to consider or take up to fill in the gaps in the legislative day as the first session of the 94th Congress draws to a close. I would also anticipate that the unions will push to get the Post Card Voter Registration bill out of the Rules Committee since they support the bill.



RED TAG

THE WHITE HOUSE

WASHINGTON

November 5, 1975

MEMORANDUM FOR: JACK MARSH

THRU: MAX L. FRIEDERSDORF
VERN LOEN

FROM: CHARLES LEPPERT, JR.

SUBJECT: S. 95, Overseas Voting Rights Act
of 1975

The Committee on House Administration on November 4th favorably reported S. 95, the "Overseas Voting Rights Act of 1975" by a recorded vote of 14-5. Voting "Nay" were Rep. Devine, Wiggins, Holt, Moore and Mendel Davis.

The Committee reported out a clean bill in lieu of S. 95. Copies of the bill and report as reported will be sent when available. It is anticipated that the Overseas Citizens Voting Rights Act will go to the House for consideration prior to the Thanksgiving recess if a rule is granted.

The Committee is marking-up H. R. 1686, the Post Card Voter Registration Act today but did not complete action. The Committee will resume the mark-up on Friday, November 7. It is reported that Chairman Wayne Hays wants to report out the Post Card Voter Registration bill "to get it off his back." It is also reported that he will not push the bill once the Committee reports it to the House.

Both of these bills fall within the November 3 deadline of the House Rules Committee on the granting of rules unless the bills are of an emergency nature. In my judgement both bills will probably be granted rules not on the basis of being emergency but for the purpose of providing legislation for the House to consider or take up to fill in the gaps in the legislative day as the first session of the 94th Congress draws to a close. I would also anticipate that the unions will push to get the Post Card Voter Registration bill out of the Rules Committee since they support the bill.

THE WHITE HOUSE
WASHINGTON

10-25-75

Nota:

He wanted me to
check this out on
Oct 30.

TK
Chris.

THE WHITE HOUSE
WASHINGTON

Date: 10-25-75

TO:

Chas. Keppert

FROM: Max L. Friedersdorf

For Your Information



Please Handle



Please See Me

Comments, Please

Other

*Thanks & continue
to follow*



OCT 24 1975

THE WHITE HOUSE
WASHINGTON

October 24, 1975

MEMORANDUM FOR: JACK MARSH

THRU: MAX L. FRIEDERSDORF *M.L.F.*
VERN LOEN

FROM: CHARLES LEPPERT, JR. *CLJr.*

SUBJECT: Overseas Citizens Voting Rights Act
of 1975 and Post Card Voter Registration

The Minority staff of the House Administration Committee informs me that H. R. 3211, the "Overseas Citizens Voting Rights Act of 1975," and H. R. 1686, the Postcard Voter Registration bill are scheduled for Full Committee consideration on Thursday, October 30, 1975 at 10:30 a. m.

Attached is a summary of the Overseas Citizens Voting Rights Act which was furnished with my memo of 10/20/75.

Attachment

*Met - Charlie him to
TK and ask him to follow.
can time to follow.
1/10
Jed*



THE OVERSEAS CITIZENS VOTING RIGHTS ACT

OF 1975

S. 95

The Act proposes to establish uniform procedures whereby American citizens residing abroad may register to vote and vote by absentee ballot in Federal elections.

To do so, an American residing abroad must:

- (1) have last voted or been registered to vote in the State applied to; or was last domiciled therein.
- (2) comply with normal State requirements for the casting of absentee ballots.
- (3) be qualified to vote in the State except for his failure to maintain a domicile, residence, or place of abode therein.
- (4) not be registered to vote in any other State.
- (5) have a valid Passport, or Card of Identity and Registration issued by the Secretary of State.

Application for such registration must be made no later than 30 days prior to the election.

PENALTIES:

- (1) for impeding implementation of the Act, are up to a \$5000 fine or five years imprisonment, or both.
- (2) for fraudulent voting under this Act are up to a \$10,000 fine or five years imprisonment, or both.

THE ACT WILL NOT:

- (1) impose registration where none exists.
- (2) prevent a State from imposing a less restrictive registration system.

EFFECTIVE DATE-----JANUARY 1, 1975

THE WHITE HOUSE

WASHINGTON

November 11, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX L. FRIEDERSDORF
VERN LOEN *VL*

FROM:

CHARLES LEPPERT, JR. *CLJ.*

SUBJECT:

Post Card Voter Registration

H.R. 1686, the Post Card Voter Registration bill was reported out of the Committee on House Administration on Friday, November 7, by a vote of 17 yeas to 6 nays. the nay votes were all Republican Members of the Committee.

Copies of the bill and committee report will be sent to you as soon as they are available.

Too late for Rules Committee this year.
VL

November 12, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

**MAX L. FRIEDERSDORF
VERN LOEN**

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

**S. 95 - Overseas Citizens Voting
Rights Act of 1975**

Following up on my previous status reports on S. 95, attached are copies of S. 95 and the Committee Report as you requested.



OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1975

NOVEMBER 11, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on House Administration, submitted the following

REPORT

together with

MINORITY VIEWS AND SUPPLEMENTAL VIEWS

[To accompany S. 95]

The Committee on House Administration, to whom was referred the bill (S. 95) having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

On November 4, 1975, a quorum being present, the Committee adopted by recorded vote of 14 ayes and 5 nays, a motion to report S. 95 as amended. The amendment strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in *italic type* in the reported bill.

There were no oversight findings or recommendations by the Committee on House Administration, nor has the Committee on Government Operations submitted a summary of oversight findings.

PURPOSES

The primary purpose of the bill is to assure the right of otherwise qualified private U.S. citizens residing outside the United States to vote in Federal elections. A citizen residing outside the United States shall be eligible to register absentee, and vote by absentee ballot, at the location where he was last domiciled immediately prior to his departure from the United States. A citizen may register and vote under this Act only if he complies with all applicable State or district qualifications, is not voting in any other State or election district, and has a valid passport or card of identity and registration issued under the authority of the Secretary of State.

The committee was satisfied that American citizens outside the United States should be assured the right to vote in congressional as well as in presidential elections. It was plain from testimony in the

hearings that Americans outside the United States possess both the necessary interest and the requisite information to participate in the selection of Senators and Congressmen back home.

Congress is concerned with the common legislative welfare of the entire Nation, along with the specific legislative interests of each district. The citizen outside the United States has distinct congressional interests. The citizen outside the country is interested, for example, in the exchange rate of the dollar, social security benefits, or the energy situation. Furthermore, the local citizen and the overseas citizen share a number of common national interests, such as Federal taxation, defense expenditures (for example, U.S. troops stationed overseas), inflation, and the integrity and competence of our National Government.

BACKGROUND

Reliable estimates indicate that there are probably more than 750,000 American citizens of voting age residing outside the United States in a nongovernmental capacity (sometimes referred to herein as "private citizens" or "civilians"). Studies submitted to the committee have shown that nearly all of these private citizens outside the United States in one way or another are strongly discouraged, or are even barred by the rules of the States of their last domicile from participation in presidential and congressional elections.

These private citizens include thousands of businesspersons, as well as missionaries, teachers, lawyers, accountants, engineers, and other professional personnel serving the interests of their country abroad and subject to U.S. tax laws and other obligations of American citizenship. These civilians in the Nation's service abroad keep in close touch with the affairs at home, through correspondence, television and radio, and American newspapers and magazines.

At present, a typical private American citizen outside the United States finds it difficult and confusing, it not impossible, to vote in Federal elections in his prior State of domicile; that is, the State in which he last resided. The reason is that many of the States impose rules which require a voter's actual presence, or maintenance of a home or other abode in a State, or raise doubts on voting eligibility of the private citizen outside the country when the date of his return is uncertain; or which have confusing absentee registration and voting forms that appear to require maintenance of a home or other abode in the State.

It would appear that, in every State and the District of Columbia, the typical private American citizen outside the United States would not be able to register and vote absentee in Federal elections unless he specifically declared, and could prove, an intent to return to the State. If a private citizen did not have such an intent to return to the State, he could not make this declaration without committing perjury. There is, in effect, a presumption that such a private citizen does not retain the State as his voting domicile unless he can prove otherwise.

At present, even if a private citizen residing outside the United States could honestly declare an intent to return to the State of his last residence, he would have a reasonable chance to vote in Federal elections only in the 28 States and the District of Columbia which have statutes expressly allowing absentee registration and voting in Federal elections for citizens "temporarily residing" outside the United States. The remaining 22 States do not have specific provisions

governing private citizens temporarily residing outside the United States. Furthermore, all 50 States and the District of Columbia impose residency requirements which private citizens outside the country for more extended periods cannot meet.

The committee has found this treatment of private citizens outside the United States to be highly discriminatory. Virtually all States have statutes expressly allowing military personnel, and often other U.S. Government employees, and their dependents, to register and vote absentee from outside the country. In the case of these Government personnel, however, the presumption is that the voter does intend to retain his prior State of residence as his voting domicile unless he specifically adopts another State residence for that purpose. This presumption in favor of the Government employee operates even where the chances that the employee will be reassigned back to his prior State of residence are remote. The committee considers this discrimination in favor of Government personnel and against private citizens to be unacceptable as a matter of public policy, and to be suspect under the equal protection clause of the 14th amendment.

PRIOR LEGISLATION

The enfranchisement of Americans outside the United States in a nongovernmental capacity has received serious congressional consideration only in the last few years. The first important development was the adoption of the 1968 Amendments to the Federal Voting Assistance Act of 1955. Under these amendments, Congress recommended to the States that they adopt simplified absentee voting registration procedures for all citizens "temporarily residing outside the territorial limits of the United States and the District of Columbia." However, according to the Federal Voting Assistance Task Force appointed by the Secretary of Defense to help implement the act, only 28 States and the District of Columbia have so far heeded that recommendation; and even more important, the simplified absentee procedures adopted by the States do not resolve in some cases the serious legal questions referred to above concerning the voting eligibility of private citizens residing outside the country.

Confusion regarding the definition of "residence" under the law of each State remains a major obstacle to the reenfranchisement of citizens residing outside the country, even in those States which had adopted the legislation recommended in the Federal Voting Assistance Act, as amended. Moreover, some States have interpreted the meaning of the word "temporarily" in the act to exclude otherwise eligible persons who do not maintain an abode or other address in the State, or who for some other reason are not considered as having retained their State domicile.

The second important development was the adoption of title II of the Federal Voting Rights Act Amendments of 1970. In the legislative history, Senators Goldwater and Pell took the position that title II should be interpreted as providing for the enfranchisement of all civilian citizens who are temporarily living away from their regular homes, even if they are working or studying abroad. While this interpretation received favorable consideration by a few States, the overwhelming majority of States have declined to rule that this legislative history is sufficient to assure that absentee registration and

voting would be available for U.S. citizens residing outside the United States. The point generally made by the States is that the 1970 amendments dealt only with the issue of durational residency requirements and not with the question of domicile of a U.S. citizen outside the country. The Justice Department also expressed this view in a March 13, 1972, letter from the Assistant Attorney for Civil Rights.

The U.S. District Court for the Southern District of New York also considered the question, in *Hardy v. Lomenzo*, 349 F. Supp. 617 (S.D. N.Y. 1972), whether the 1970 amendments could limit a State's statutory standards of bona fide residence. The court rejected the legislative history developed by Senators Goldwater and Pell and held that "the remedy lies with the legislature and not in judicial elision." 349 F. Supp. at 620.

In sum, during the period in which Congress has gone to great lengths, including constitutional amendment, to enfranchise millions of Americans—racial minorities, the young, those in official Government service—most American citizens residing outside the United States, who are in the private sector, continue to be excluded from the democratic process of their own country.

PROTECTION AGAINST FRAUD

The committee has concluded that the potential of voting fraud in the implementation of the bill is remote and speculative. The bill imposes a \$5,000 fine and 5 years' imprisonment for willfully giving false information for purposes of absentee registration and voting under the mechanisms set forth in the legislation.

The Federal Voting Assistance Task Force of the Department of Defense has not reported a single case of voting fraud in the entire 20 years that absentee registration and voting by private U.S. citizens overseas that been recommended to the States by Congress.

The States would still be free under this bill to establish further safeguards against fraud. Many of the States, for example, already require notarization by a U.S. official of at least one absentee voting document. The absentee voter often is required to go down to the U.S. consulate or other local American official with his passport and have his application for registration notarized. If the State does not also treat the registration request as an application for absentee ballot, the voter may be obliged to have another form notarized requesting the ballot. And if the State also requires notarization on the ballot, the voter may have to visit the U.S. consulate once again for this purpose.

The States would also have available the technical assistance of the State Department in verifying the U.S. citizenship and certain other qualifications of a citizen making application for absentee registration and an absentee ballot from outside the United States. The bill requires that a citizen seeking to register and vote absentee under this bill must have a valid passport or card or identity issued under the authority of the Secretary of State.

TAXATION

The Committee deleted, as inappropriate for this legislation, the provision in the Senate bill which would have expressly provided that the exercise by an overseas citizen of the right to register and vote in Federal elections under this bill would not affect the determination of his place of residence or domicile for purposes of any tax imposed

under Federal, State, or local law. The amended bill is neutral on the question of taxation.

The Committee notes the effect of voting in Federal elections on the determination of an overseas citizen's liability for Federal taxation is already dealt with in the Internal Revenue Code and the regulations and ruling of the Internal Revenue Service. Similarly, the Committee believes there is no need for Congress to interfere with existing State and local law governing the determination of the liability, if any, of the overseas citizen for State and local taxation which might result from his voting in Federal elections under this bill. The Committee does not intend either to restrict the right of a State or locality to attempt to tax an overseas citizen voting in Federal elections under this bill, or to limit the right of an overseas citizen to contest the imposition of such taxation under applicable law.

CONSTITUTIONALITY

The committee is of the view, based upon opinions submitted in the hearings, that the act would be upheld if subjected to constitutional challenge in the U.S. Supreme Court. The committee recognizes the principles that the right to vote for national officers is an inherent right and privilege of national citizenship, and that Congress retains the power to protect this right and privilege under both the necessary and proper clause and the 14th amendment.

The present application of many State residency and domicile rules in Federal elections denies or abridges the inherent constitutional right of citizens outside the United States to enjoy their freedom of movement to and from the United States.

The right of international travel has been recognized as "an important aspect of the citizen's 'liberty'" as long ago as *Kent v. Dulles*, 357 U.S. 116, 127 (1958), and was reaffirmed in *Aptheker v. Secretary of State*, 378 U.S. 500, 505 (1964). The right guaranteed in cases such as *Kent* and *Aptheker* is not limited to those who are always on the move. An American citizen has, under these decisions, the same right to international travel and settlement as he has to interstate travel and settlement under decisions such as *Crandall v. Nevada*, 6 Wall. 35 (1868), *Edwards v. California*, 314 U.S. 160 (1941), and *Shapiro v. Thompson*, 394 U.S. 618 (1969).

The Supreme Court in *Oregon v. Mitchell*, 400 U.S. 112 (1970) upheld by an 8 to 1 vote the provision (hereinafter the "change of residence provision") in the Voting Rights Act Amendments of 1970 permitting a U.S. citizen who moved from one State to another within 30 days before a presidential election to vote in such election in his prior State even though he no longer retained the prior State as his residence or domicile. In *Oregon v. Mitchell*, at least three of the Justices (Stewart, Burger, and Blackmun) gave detailed attention to the question of congressional power to regulate voter qualifications in adopting the change of residence provision. And at least three other Justices (Brennan, White, and Marshall) also recognized the significance of this issue, although they did not discuss it in detail.¹

¹ The two remaining Justices (Black and Douglas) approved the durational residency provisions of the 1970 amendments on broad constitutional grounds and were the only ones in the majority who therefore did not specifically address themselves to the scope of congressional power to enact the change of residence provision. See 400 U.S. at 134 (Black, J.), 147-50 (Douglas, J.).

In *Oregon v. Mitchell*, therefore, the Supreme court explicitly affirmed Congress' decision in the 1970 amendments that the protection of the voting rights of a specific group of citizens with a particular problem—those moving from State to State—does justify a reasonable extension of the bona fide residence concept. Under the 1970 amendments, the citizen moving to a new State may still retain a bona fide voting residence in his prior State even though he may not have retained bona fide residence in the prior State for other purposes. This retention of bona fide voting residence in the prior State constitutes an accommodation by the prior State to assure preservation of the citizen's voting rights. It is the committee's view that Congress may constitutionally require the State to make a similar accommodation to permit the private U.S. citizen overseas to vote in his last State of bona fide voting residence even though that State may not remain his bona fide residence for other purposes.

The extension of the bona fide residence concept in this manner already has a basis in the election laws and practices of many States. As noted above, at least 28 States and the District of Columbia already do allow private U.S. citizens who are "temporarily" residing overseas to retain a bona fide residence in the State for voting purposes. And virtually all States permit U.S. Government employees, and their dependents, who are residing overseas, even for an extended period, to retain a bona fide voting residence in the State. It is evident, therefore, that a majority of the States themselves have already extended their "political community" to include substantial numbers of U.S. citizens residing outside the country.

The State election laws and procedures providing this extension of bona fide voting residence, however, have imposed a checkerboard of residence and domicile rules that make it difficult for many private U.S. citizens outside the United States to take advantage of this extension and to cast their absentee ballots in a Federal election. Only about 25 percent of the private U.S. citizens residing outside this country who considered themselves eligible to vote actually cast a ballot in the 1972 election.

Virtually all States have successfully administered their elections under the liberal test of residence applied to military and other U.S. Government personnel (and their dependents). Since the total number of such absentee residents already on the voting rolls exceeds the additional number of persons accorded the same rights by the bill, Congress may rationally conclude that the setting of a uniform definition of residence for voting purposes based on criteria similar to those applicable to government employees and their dependents is an appropriate and workable means for protecting the vote of private citizens outside the United States in Federal elections, and their freedom of travel, without penalty by reason of loss of the vote.

The committee is aware of the principle in *Dunn v. Blumstein*, 405 U.S. 330, 343-44 (1972) that a State may impose an appropriately defined and uniformly applied requirement of bona fide residence to preserve the "basic conception of a political community." There is no doubt that private U.S. citizens overseas may have a different stake in voting in Federal elections than do their fellow citizens residing in

this country. Nevertheless American citizens outside the United States do have their own Federal stake—their own U.S. legislative and administrative interests—which may be protected only through representation in Congress and in the executive branch. The fact that these interests may not completely overlap with those of citizens residing within the State does not make them any less deserving of constitutional protection. The President and Congress are concerned with the common interests of the entire Nation, along with the specific concerns of each State and district.

The committee also notes that the change of residence provision upheld in *Oregon v. Mitchell* dealt only with Presidential elections. However, each of the majority opinions dealing with the change of residence provision suggested in dictum that the provision probably would also have been upheld if it applied to congressional, as well as to Presidential, elections.²

The Committee specifically considered the question, whether a U.S. citizen residing outside the United States could remain a citizen of a State for purposes of voting in Federal elections, even though while residing outside the country he does not have a place of abode or other address in such State, and his intent to return to such State may be uncertain. The question was raised in the context of the requirement in Article I, Section 2 and the Seventeenth Amendment of the Constitution that voters in elections for Senators and Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature," and that the House of Representatives shall be chosen by the "people of the several States," along with the affirmation in the Fourteenth Amendment, Section 1 that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

The Committee believes that a U.S. citizen residing outside the United States can remain a citizen of his last State of residence and domicile for purposes of voting in Federal elections under this bill, as long as he has not become a citizen of another State and has not otherwise relinquished his citizenship in such prior State.

Furthermore, the Committee is persuaded that the Constitutional provisions regarding election of Senators and Representatives discussed above are not sufficient to prevent Congress from protecting a person who exercises his Constitutional right to enjoy freedom of movement to and from the United States, when Congress may protect this right from other less fundamental disabilities. As Justice Stewart said in *Oregon v. Mitchell*, 400 U.S. at 292, "The power of the States with regard to the franchise is subject to the power of the Federal Government to vindicate the unconditional personal rights secured to the citizen by the Federal Constitution."

² See opinions of Justice Black referring to "federal elections" (at 134); Justice Douglas referring to the right to vote for Senators and Representatives as "national officers" (at 148-50); Justices Brennan, White and Marshall referring to "federal elections" in the broad context of the right of interstate migration (at 237-38); and Justices Stewart, Burger and Blackmun, whose opinion states that—
"[W]hile [the change of residence provision] applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from protecting those who have moved from one state to another, from disenfranchisement in any federal election, whether congressional or presidential." 400 U.S. at 287. (Emphasis added.)

HEARINGS

The Committee, acting through its Subcommittee on Elections, held intensive hearings on February 25 and 26, and March 11, 1975, on H.R. 3211, a bill identical to S. 95 as passed by the Senate. In the course of those hearings, testimony was heard from the Honorable Charles McC. Mathias; the Honorable Gilbert A. Gude; Ms. Mary C. Lawton, Deputy Assistant Attorney General; the Honorable R. Sargent Shriver, Chairman, Ambassador's Committee on Voting by Americans Overseas; Dr. Eugene L. Stockwell, National Council of Churches of Christ in the United States; J. Eugene Marans, Counsel to the Bipartisan Committee for Absentee Voting, Inc., and Carl S. Wallace, Executive Director to the Bipartisan Committee for Absentee Voting, Inc.; William C. Whyte, and Robert R. Snure, Chamber of Commerce of the United States. A prepared statement from the Honorable Barry M. Goldwater was also submitted and made a part of the record.

ESTIMATED COST OF LEGISLATION

The Committee does not anticipate the need for any appropriation from the Federal treasury. The cost to individual States will vary and depend upon each State's individual provisions for registration and absentee voting.

SECTION-BY-SECTION EXPLANATION OF THE BILL

Short Title

The first section of the bill provides that the bill may be cited as the "Overseas Citizens Voting Rights Act of 1975".

Definitions

Section 2 of the bill contains the following definitions:

(1) The term "Federal election" is defined to mean any general, special, or primary election held for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential Elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or the Resident Commissioner of the Commonwealth of Puerto Rico.

(2) The term "State" is defined to mean each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "United States" is defined to include the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands. Such term, however, does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

Right of Citizens Residing Overseas to Vote in Federal Elections

Section 3 of the bill provides that each citizen residing outside the United States has the right to register for, and to vote by, an absentee

ballot in any Federal election. Any citizen registering for an absentee ballot under section 3 may not be required to register in person for such absentee ballot. Any such citizen may vote in accordance with the provisions of section 3 in the State, or any election district of such State, in which he was last domiciled immediately before his departure from the United States and in which he could have met all qualifications established under any present law (except minimum voting age qualifications) to vote in Federal elections, even though while residing outside the United States he does not have a place of abode or other address in such State or district, and his intent to return to such State or district may be uncertain, if (1) he has complied with State or district qualifications relating to absentee registration for, and voting by, absentee ballots; (2) he does not maintain a domicile, is not registered to vote, and is not voting in any other State or election district of any State or territory or in any territory or possession of the United States; and (3) he has a passport or card of identity and registration issued by the Secretary of State.

Absentee Registration and Ballots for Federal Elections

Section 4(a) of the bill requires States to provide by law for absentee registration of citizens residing outside the United States who are entitled to vote in Federal elections in the State involved and whose application to vote in any such election is received not later than 30 days before the election involved.

Section 4(b) of the bill requires States to provide for the casting of absentee ballots in Federal elections by citizens residing outside the United States who (1) are entitled to vote in the State involved under section 3 of the bill; (2) have registered to vote under section 4(a) of the bill; and (3) have returned the absentee ballots to the appropriate election official in sufficient time so that the ballot is received by such official not later than the time of closing of the polls in the State on the day of the election.

Enforcement

Section 5(a) of the bill provides that whenever the Attorney General of the United States has reason to believe that a State or election district is denying the right to register to vote in any election in violation of section 3 of the bill, or fails to take any action required by section 4 of the bill, the Attorney General may bring an action in a district court of the United States for a restraining order, a preliminary or permanent injunction, or any other order he considers appropriate.

Section 5(b) imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against anyone who knowingly or willfully deprives or attempts to deprive any person of any right secured by the bill.

Section 5(c) of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against anyone who knowingly or willfully (1) gives false information in connection with registering to vote or voting under the bill; (2) conspires for the purpose of encouraging the giving of false information; or (3) pays or accepts payment either for registration to vote or for voting.

Severability

Section 6 of the bill provides that if any provision of the bill is held invalid, the validity of the remainder of the bill shall not be affected.

Effect on Certain Other Laws

Section 7 of the bill provides that nothing in the bill shall (1) be deemed to require registration in any State or election district in which registration is not required as a condition to voting in any Federal election; or (2) prevent any State or election district from adopting or following any voting practice less restrictive than the voting practices required by the bill.

Effective Date

Section 8 of the bill provides that the bill shall apply with respect to any Federal election held on or after January 1, 1976.

SUPPLEMENTAL VIEWS OF MR. FRENZEL

The Overseas Citizens Voting Rights Act of 1975, as amended by the Committee, is worthy legislation, long overdue, which is calculated to extend the franchise to Americans resident overseas who, for a variety of reasons, are now not voting.

According to a State Department estimate, there were in 1973, about 1.6 million Americans, not counting military personnel, living abroad. Of this total, about 410,000 were government employees, their dependents, or dependents of military personnel. Almost 1.2 million were non-government-affiliated Americans.

Typically, these Americans are business people, and their families. The Association of Americans Resident Overseas estimates that less than 10% of them are retired people who have chosen to live outside of the U.S. An informal AARO survey of 1,545 Americans resident in France showed that 76% of those responding did not vote in the last Presidential election.

The reasons these taxpaying American citizens do not vote are many. Several states prohibit absentee registration. Some prohibit some kinds of absentee ballots. Some states demand state income taxes for the privilege of voting. Much voting or registration material is hard to get. Some of it arrives too late. Local clerks and registrars often don't have voting information for overseas residents.

Americans resident overseas have special problems that often require Congressional help, but most of them now have no Member of Congress to give them help.

These people pay U.S. taxes, are U.S. citizens and should be allowed to vote in U.S. elections. S. 95, as amended, does just that, without frills and without unnecessary infringements on states' rights.

In the Committee, the objections to the bill were (1) that the Constitution requires that overseas residents be allowed only to vote for President, not Members of Congress, and (2) that overseas residents should be subject to state income taxes if they wish to vote.

The first objection would seem to be met by the one court test of the 1970 Voting Rights Act, *Oregon v. Mitchell*. The question there was the 30-day residency test for voters in Presidential elections who moved to another state, but several of the justices' opinions stated that Congress clearly had the right to determine residency requirements in the case of *all* Federal elections. I believe we have not only that right, but where the franchise has been denied, we have that obligation.

The second objection makes sense only for state elections. This bill refers to people who pay Federal taxes, and it covers only Federal elections. I don't believe Americans resident overseas should have to pay state taxes on income earned abroad as some kind of super poll tax. Simple equity demands that they have a voice in national elections, and that is all S. 95 tries to do for them.

S. 95 is an important step toward expanding the voting franchise to all eligible Americans. It does so without laying unnecessary costs or extra work on the states. It is confined solely to registration and voting in national elections. It does not tamper with other effects of establishing a domicile, because anything other than registration or voting would go beyond the jurisdiction of the Committee.

I support S. 95 as a vital piece of election legislation.

BILL FRENZEL.

MINORITY VIEWS

The Overseas Voting Rights Act of 1975 purports to confer upon U.S. citizens residing outside the United States the right to vote in all federal elections. This legislation allows the ballot of such a citizen to be cast in the State and in the voting district in which he last resided prior to assuming his foreign residence.

Believing that such a proposal exceeds the power of Congress to enact, we respectfully dissent. It is our conclusion that Congress may not, consistent with the Constitution, extend the right to vote in all federal elections to U.S. citizens *who are not residents*¹ of any state.

At the outset, it is essential to focus the issue presented by this legislation. We are *not* here concerned with the power of the Congress to establish uniform national procedures for absentee balloting in federal elections; nor are we concerned with a Congressional effort to modify or even abolish State *durational* residence requirements as a condition to voting in federal elections.

Several decisions of the Supreme Court have recognized the broad discretion of the Congress to enact comprehensive regulations with respect to the times, places and manner of holding federal elections.² Other cases acknowledge Congressional authority to fix voter qualifications in federal elections if appropriate to enforce Constitutionally protected rights.³ Although the question is not free of doubt, at least one case suggests that there may also be Constitutional power for Congress to enact voter qualifications in federal elections, even absent a finding that certain State imposed qualifications or procedures are unconstitutional or pose an unacceptable burden on federal Constitutional rights.⁴

But these cases do not stand for the proposition that the authority of Congress in this field is absolute. They go only so far as to establish Congressional power to make or alter voter qualifications in federal elections with respect to those citizens *Constitutionally eligible* to vote in such elections.

Unlike any previous act of Congress, the present legislation abolishes residency requirements entirely in all federal elections. Such a quantum jump in the exercise of federal power, if Constitutionally permissible, would authorize a future Congress to disregard State boundaries in fixing voter qualifications and, for example, authorize residents of State A to vote in State B for some perceived public pur-

¹ "Use of word residence. In the absence of evidence of a contrary legislative intent, 'residence' in a statute is generally interpreted, as being the equivalent of the domicile in statutes relating to . . . voting . . ." Restatement (Second) of the Conflict of Laws, sec. 11, comment k at 118-119 (1971). See also *In re Lassin's Estate*, 204 P. 2d 1071, 1072; *McHaney v. Cunningham*, 45 F.2d 725, 726; *Baker v. Keck*, 13 Fed. Supp. 486, 488; *Applications of Hoffman*, 65 N.Y.S. 2d 107, 111.

² *Smiley v. Holm*, 285 U.S. 355 (1932); *United States v. Classic*, 313 U.S. 299, 314 (1941); *Ex parte Siebold*, 100 U.S. 371 (1880); *United States v. Saylor*, 322 U.S. 385 (1944).

³ *Katzenbach v. Morgan*, 384 U.S. 641 (1966); *Oregon v. Mitchell*, 400 U.S. 112 (1970).

⁴ *Oregon v. Mitchell*, *supra* at 119-135.

pose. Such a startling possibility requires a more convincing justification than reliance upon the principle, accepted in other contexts, that the right to vote is a cherished Constitutional right which may be protected by appropriate Congressional enactments.

The Constitution is not silent on the question of who may cast a ballot for members of the House of Representatives and members of the Senate. Article I, Section 2 of the Constitution provides:

The House of Representatives shall be composed of Members chose every second year *by the People of the several States* and the Electors *in each State* shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislation. (Emphasis added.)

The Seventeenth Article of Amendment to the Constitution provides:

The Senate of the United States shall be composed of two Senators from each State, *elected by the people thereof*, for six years; and each Senator shall have one vote. The Electors *in each State* shall have the qualifications requisite for Electors. (Emphasis added.)

Since H.R. 3211 unmistakably extends the power to vote for Representatives and Senators within a particular State to U.S. citizens who do not reside therein, we are faced with the question of whether such citizens may fairly be characterized as people "of the several States" or people "thereof".

It has been argued that voters for Representatives and Senators need only be "people of the several States", that is, citizens of the United States, rather than the particular State in which they voted, in order to meet the Constitutional test as an elector. Such a construction strains the plain meaning of the Constitution beyond permissible limits. If there is any doubt that electors must be "of" the State in which their ballot is cast, the reference in both Article 1, Section 2 and the Seventeenth Amendment to "Electors in each State" dispels that doubt. The words "in each State" can only have meaning in the context of particular State residency. It requires an unnatural and unwarranted construction of the Constitutional language quoted above to find that non-residents of a State can be included within the class of "people thereof" and we decline to do so.

Although we believe the limiting language of Article I, Section 2 and the Seventeenth Amendment to be decisive on the Constitutional question, it has been argued with great force that the Supreme Court in *Oregon v. Mitchell* 400 U.S. 112 (1970) and *Katzenbach v. Morgan* 384 U.S. 6416 (1966) has established a basis for sustaining this legislation. It is important, therefore, to reconcile our conclusion with the holding and reasoning of these cases.

Katzenbach is the easier to dispose of. That case sustained the Constitutionality of Section 4(e) of the Voting Rights Act of 1965 outlawing certain literacy tests as a qualification for voting. It stands for the proposition that Section 5 of the Fourteenth Amendment gives to Congress authority to enact appropriate legislation to enforce the guarantees of that Amendment. Since Congress found that a literacy qualification for voting operated to discriminate against certain other-

wise qualified voters, and since there was a factual and rational basis for such a finding, the Court concluded that the provisions of the Voting Rights Act under challenge were "appropriate" and within the power of Congress to enact.

It is reasoned that Congress could similarly find that a requirement of residency within a State for voting therein operates to discriminate against the right of non-residents of such State, and that the proposed legislation is an appropriate vehicle for enforcing the Fourteenth Amendment right to vote without discrimination.

There are several answers to this contention.

First, Congress *has not* found that residency imposes an unconstitutional burden upon voting. The bill as originally introduced contained a series of findings of fact which, in total, concluded that U.S. citizens residing abroad were denied a right to vote by reason of burdensome or discriminatory State absentee voting procedures. These findings were stricken in subcommittee and are not part of the legislation now before the House.⁵

Secondly, Congress *could not* find a State violation of the Equal Protection Clause of the Fourteenth Amendment in denying a right to vote to non-residents thereof, since the Equal Protection Clause of that Amendment reaches only to persons within the jurisdiction of a State. We have acknowledged that Congressional authority over federal elections may not be dependent upon a preliminary finding that State qualifications or procedures amount to Fourteenth Amendment violations; but the point here is that Congressional authority to grant to an overseas citizen the right to vote in a State in which he is not a resident cannot be pegged to the Equal Protection rights of such a citizen as was done in *Katzenbach*.

Of course, the Fourteenth Amendment is not limited to Equal Protection guarantees. It also prohibits any State from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States. It is our view that Congress *could not* have established a privileges or immunities violation so as to justify this legislation on a *Katzenbach* theory.

Without question, voting in national elections is a privilege of U.S. citizenship,⁶ but national citizenship has never been understood to confer a right to vote in a particular State without first establishing bona fide residence therein. If this were not true, there would be a national citizenship right to vote in any State at any time—clearly an untenable proposition.

Also unquestioned is the right of interstate and foreign travel as one of the privileges of U.S. citizens protected against State abridgement by the Fourteenth Amendment.⁷ There is, of course, no direct barrier to foreign travel in State laws requiring continuation of residency as a condition to voting therein. The assertion is made, however, that losing one's vote is an unconstitutional burden upon the protected right to travel.

⁵ In passing, if the present bill were confined to the matter of eliminating burdensome absentee voting procedures in federal elections imposed by a State upon its own citizens, these views would be addressed to issues of policy rather than Constitutional power.

⁶ *Twining v. New Jersey*, 211 U.S. 78, 97 (1908); *In re Quarles*, 158 U.S. 532, 535 (1895).

⁷ *Dunn v. Blumstein*, 405 U.S. 330 (1972); *Kent v. Dulles*, 357 U.S. 116, 127 (1958).

Foreign or interstate travel does not require an abandonment of a domestic domicile unless that be the free choice of the traveler. If an overseas citizen loses his right to vote in a particular State by abandoning his residence therein, the cause of his loss is not State action. It is a personal decision to forfeit his State citizenship, the consequences of which are not forbidden by the Privileges and Immunities Clause of the Fourteenth Amendment. Moreover, the traveler, in the case of interstate migration, is free to establish a new residence in his State of destination and to vote therein. Any durational bar to such voting in federal elections *in the State of destination* in which residency has been established is subject to federal supervision; but that is not to say that federal power can be asserted so as to compel voting in a State voluntarily abandoned by the traveler.⁸

Third, the reasoning of *Katzenbach* itself precludes acceptance of the proffered argument that the granting of the right to vote in a particular State to a non-resident thereof is appropriate legislation to enforce Fourteenth Amendment guarantees. The decision in that case is based upon an expansive construction of the words "appropriate legislation" in Section 5 of the Fourteenth Amendment. It was there held that the quoted words were to be given the same interpretation as that accorded the "necessary and proper" clause by Chief Justice Marshall in *McCulloch v. Maryland*, (17 U.S. 316 (1819)).

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end which are not prohibited but is consistent with the letter and spirit of the Constitution, is Constitutional.

It is evident that neither the "necessary and proper" nor the "appropriate legislation" clauses provides carte blanche authority for Congress to legislate without Constitutional restraints. It cannot with impunity disregard "the letter and the spirit of the Constitution."

It is our view that an attempt to confer federal voting rights within a State to non-residents thereof is plainly inconsistent with the letter and spirit of Article I, Section 2 and the Seventeenth Amendment.

Oregon v. Mitchell is more troublesome. That case considered the Constitutionality of the 1970 Amendments to the Voting Rights Act which, *inter alia*, (1) granted the right to vote in all elections, State and federal, to 18-year-old citizens of a State; (2) permitted a citizen of a State who moved to a new State more than thirty days prior to a Presidential election to vote for Presidential electors in the State to which he moved notwithstanding that State's durational residency requirements; and (3) permitted a citizen moving from a State within thirty days of a Presidential election to vote for Presidential electors in the State from which he moved.

⁸ The "right to travel" cases focus primarily upon the restrictions which may not be imposed upon newly arrived citizens of a State. For example, unreasonable durational residency requirements upon new citizens of a State may not deprive such citizens of welfare benefits therein. It has been held that such a denial unconstitutionally burdens the right of interstate travel. But no case has held that a welfare mother who voluntarily cuts her ties with State A and moves to State B must be retained on the welfare rolls of State A. Such reasoning, which is applied by the proponents of this legislation, actually burdens the right to travel, rather than fosters it.

Five members of the Court agreed, for differing reasons, that the Congress possessed the power to fix minimum age qualifications for voting in federal elections and that no such power exists with respect to State elections. The other Amendments with respect to voting for Presidential and Vice Presidential electors were sustained by an eight to one margin.

Since eight members of the Court concluded that a non-resident of a State could, under limited circumstances, vote for Presidential and Vice Presidential electors in the State of his former residence, we carry a heavy burden to demonstrate that such a conclusion is Constitutionally inappropriate in the case of elections for federal Representatives and Senators.

The late Justice Black, who announced the judgment of the Court in *Mitchell*, treated the matter summarily in one paragraph. He viewed the Voting Rights Amendment in question as a Congressional effort to establish uniform *durational* residency requirements and uniform procedures for *absentee* voting by State citizens in Presidential elections. His conclusion that Congress has ample authority in both such cases is eminently correct; but, as indicated at the outset, we are not concerned in this case with either of those issues. In short, Justice Black did not speak to the troublesome question presented by this legislation.

Mr. Justice Douglas wrote a separate opinion in *Mitchell* concurring with the judgment of the Court on the residency issue. He, like his brother Black, treated the issue solely as one of Congressional power to alter *durational* residency requirements. Although his analysis includes a "privileges and immunities" argument to buttress his "equal protection" rationale, it is a simple fact that Justice Douglas did not concern himself with the question, presented by this legislation, as to whether Congress could disregard residency requirements entirely.

Justices Brennan, White, and Marshall joined in a common opinion sustaining the residency Amendments of the Voting Rights Act of 1970. They, like Black and Douglas, viewed the issue as one of Congressional power to alter *durational* residency requirements. Unlike Black and Douglas, however, these Justices found Congressional authority to alter such durational residency rules in Presidential elections in the Constitutional right of citizens to travel interstate. Such a right, the Justices argued, could be secured by appropriate Congressional legislation to "eliminate an unnecessary burden on the right of interstate migration." (*Mitchell*, page 239)

Once again, however, the Justices did not address the issue before use. Their focus was upon State durational residency requirements. We are here presented with a different question.

Justice Stewart, with whom Chief Justice Burger and Justice Blackmun joined on this issue, in contrast with his colleagues Black and Douglas, gave extended consideration to the residency question.

Relying primarily upon the *Slawghter-House Cases*, 83 U.S. 36 (1873), Justice Stewart bottomed his agreement that it was well within the power of Congress to modify *durational* residency requirements upon the right of interstate travel as a protected privilege of national citizenship. In the course of his opinion, Justice Stewart ad-

vanced the suggestion that the power in Congress to protect the right of all U.S. citizens to vote for Presidential electors was not limited to that office. "... [N]othing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any federal election, whether Congressional or Presidential." But this suggestion must be read in the context in which it was advanced. Justice Stewart was addressing himself to *durational* residency requirements only.

In summary, then, it is fair to conclude that all of the Justices, including Harlan in dissent, treated the 1970 Amendments to the Voting Rights Act as modifying the *durational* residency requirements of State laws affecting the right to vote for Presidential and Vice Presidential electors. No separate consideration was given by any of the Justices to the implications of Section 202(e) of the Voting Rights Act allowing a citizen to vote in the State of his former residence.

It is understandable that the Justices focused upon *durational* residency requirements, rather than the Constitutionality of permitting citizens to vote in a State in which they no longer maintained a residence, since the Congressional findings supporting the enactment of the Voting Rights Act referred to *durational* residency requirements only.

Section 202 of the Act states:

(a) The Congress hereby finds that the imposition and application of the *durational* residency requirement as a precondition to voting for the offices of President and Vice President * * * operates to deny various Constitutionally protected rights.

(b) Upon the basis of these findings, Congress declares that * * * it is necessary (1) to completely abolish the *durational* residency requirement as a precondition to voting for President and Vice President * * *.

Support for our conclusion that *Oregon v. Mitchell* holds only that Congress acted within its power in abolishing *durational* residency requirements for voting for President and Vice President, and may not properly be cited as authority for Congress to abolish *all* residency requirements in *all* federal elections, can be found on an additional ground as well.

In *Mitchell*, the issue was the right to vote for Presidential and Vice Presidential electors. The Constitution does not expressly limit the right to vote for such electors to the people of the several States as in the case of Congressional and Senatorial electors.⁹ Even so, when a right to vote for *Presidential* electors was granted to citizens of the District of Columbia, non-residents in any State, it was necessary to amend the Constitution to do so. *A fortiori*, a right to vote in Con-

⁹ Compare U.S. Constitution, Art. I, sec. 2 and Amendment XVII with Art. II, sec. 1, cl. 2, regarding the selection of Presidential electors. The Constitution therein merely provides that "Each State shall appoint, in such Manner as the Legislature thereof may direct . . ." its Presidential electors. Whether the term "each State" has a significantly different connotation, with distinct Constitutional requirements, from "by the People . . . of each State" is a question apart from that addressed in these views. Suffice that there would seem to be no explicit Constitutional enunciation of whom shall be such electors and whom shall be the voters choosing them, and for that reason these comments focus solely upon an analysis of the Constitutional infirmity of the Overseas Citizens Voting Rights Act as it relates to congressional elections.

gressional and Senatorial elections by non-residents in any State would seem to require a Constitutional Amendment.

A final argument needs to be considered. Mr. Justice Black, in *Mitchell*, stated, at page 124, "I would hold, as have a long line of decisions in this Court, that Congress has ultimate supervisory power over Congressional elections." In a footnote (at page 124) he justified this conclusion as follows. "... [I]nherent in the very concept of a supreme national government with national officers is a residual power in Congress to insure that those officers represent their national constituency as responsively as possible. This power arises from the nature of our Constitutional system of government and from the Necessary and Proper Clause." But Justice Black later qualified this sweeping claim of ultimate supervisory power by recognizing, as he must, that Congress could not by legislation repeal other provisions of the Constitution in attempting to regulate federal elections. (*Oregon v. Mitchell*, page 128) This "inherent" authority of Congress over federal elections, therefore, is not an independent, unlimited source of power. It is merely a restatement of Congressional power under Article I, Section 4 and the Necessary and Proper Clause.

For all of the foregoing reasons we are satisfied that Congress may not grant the right to vote in all federal elections to non-residents of the State in which their vote is to be cast. The objectives of this legislation may be laudable. As a matter of policy, participation by all U.S. citizens, wherever situated, in the selection of federal representatives may be wise; but good policy is not in itself a source of Constitutional power. In an effort to effectuate a salutary policy, this legislation exceeds Constitutional limits. Accordingly, a "no" vote on passage of the bill is required.

CHARLES E. WIGGINS.
SAMUEL L. DEVINE.
MARJORIE S. HOLT.
W. HENSON MOORE.

94TH CONGRESS
1ST SESSION

Union Calendar No. 320

S. 95

[Report No. 94-649]

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1975

Referred to the Committee on House Administration

NOVEMBER 11, 1975

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That this Act may be cited as the "Overseas Citizens Voting~~
4 ~~Rights Act of 1975".~~

5 ~~CONGRESSIONAL FINDINGS AND DECLARATIONS~~

6 ~~SEC. 2. (a) The Congress hereby finds that in the case~~
7 ~~of United States citizens outside the United States~~

8 ~~(1) State and local residency and domicile require~~
9 ~~ments are applied so as to restrict or precondition the~~
10 ~~right of such citizens to vote in Federal elections;~~

~~(2) State and local election laws are applied to such citizens so as to deny them sufficient opportunities for absentee registration and balloting in Federal elections;~~

~~(3) State and local election laws are applied in Federal elections so as to discriminate against such citizens who are not employees of a Federal or State Government agency, or who are not dependents of such employees; and~~

~~(4) Federal, State, and local tax laws are applied in some cases so as to give rise to Federal, State, and local tax liability for such citizens solely on the basis of their voting in Federal elections in a State, thereby discouraging such citizens from exercising the right to vote in Federal elections;~~

~~(b) The Congress further finds that the foregoing conditions—~~

~~(1) deny or abridge the inherent constitutional right of citizens to vote in Federal elections;~~

~~(2) deny or abridge the inherent constitutional right of citizens to enjoy their free movement to and from the United States;~~

~~(3) deny or abridge the privileges and immunities guaranteed under the Constitution to citizens of the United States and to the citizens of each State;~~

~~(4) in some instances have the impermissible pur-~~

~~pose or effect of denying citizens the right to vote in Federal elections because of the method in which they may vote;~~

~~(5) have the effect of denying to citizens the equality of civil rights and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment to the Constitution; and~~

~~(6) do not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.~~

~~(c) Upon the basis of these findings, Congress declares that in order to secure, protect, and enforce the constitutional rights of citizens outside the United States it is necessary—~~

~~(1) to require the uniform application of State and local residency and domicile requirements in a manner that is plainly adapted to secure, protect, and enforce the right of such citizens to vote in Federal elections;~~

~~(2) to establish uniform standards for absentee registration and balloting by such citizens in Federal elections;~~

~~(3) to eliminate discrimination, in voting in Federal elections, against such citizens who are not employees of a Federal or State Government agency, and who are not dependents of such employees; and~~

~~(4) to require that Federal, State, and local tax~~

~~laws be applied so as not to give rise to Federal, State, and local tax liability for such citizens solely on the basis of their voting in Federal elections in a State.~~

~~DEFINITIONS~~

~~SEC. 3. For the purposes of this Act, the term~~

~~(1) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner of the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands;~~

~~(2) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands;~~

~~(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States; and~~

~~(4) "citizen outside the United States" means a citizen of the United States residing outside the United~~

~~States whose intent to return to his State and election district of last domicile may be uncertain, but who does intend to retain such State and election district as his voting residence and domicile for purposes of voting in Federal elections and has not established a domicile in any other State or any other territory or possession of the United States, and who has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.~~

~~RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN~~

~~FEDERAL ELECTIONS~~

~~SEC. 4. No citizen outside the United States shall be denied the right to register for, and to vote by, an absentee ballot in any State, or election district of a State, in any Federal election solely because at the time of such election he does not have a place of abode or other address in such State or district, and his intent to return to such State or district may be uncertain, if—~~

~~(1) he was last domiciled in such State or district prior to his departure from the United States;~~

~~(2) he has complied with all applicable State or district qualifications and requirements concerning registration for, and voting by, absentee ballots (other than any qualification or requirement which is inconsistent with this Act);~~

~~(3) he intends to retain such State or district as his voting residence and voting domicile for purposes of voting in Federal elections;~~

~~(4) he does not maintain a domicile, and is not registered to vote and is not voting in any other State or election district of a State or territory or in any territory or possession of the United States; and~~

~~(5) he has a valid Passport or Card of Identity and Registration issued under the authority of the Secretary of State.~~

~~ABSENTEE BALLOTS FOR FEDERAL ELECTIONS~~

~~SEC. 5. (a) Each State shall provide by law for the registration or other means of qualification of all citizens outside the United States and entitled to vote in a Federal election in such State pursuant to section 4 who apply, not later than thirty days immediately prior to any such election, to vote in such election.~~

~~(b) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens outside the United States who—~~

~~(1) are entitled to vote in such State pursuant to section 4;~~

~~(2) have registered or otherwise qualified to vote under section 5 (a);~~

~~(3) have submitted properly completed applications for such ballots not later than seven days immediately prior to such election; and~~

~~(4) have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.~~

~~(c) In the case of any such properly completed application for an absentee ballot received by a State or election district, the appropriate election official of such State or district shall as promptly as possible, and in any event, no later than—~~

~~(1) seven days after receipt of such a properly completed application, or~~

~~(2) seven days after the date the absentee ballots for such election have become available to such official, whichever date is later, mail the following by airmail to such citizen:~~

~~(A) an absentee ballot;~~

~~(B) instructions concerning voting procedures; and~~

~~(C) an airmail envelope for the mailing of such ballot.~~

~~(d) Such absentee ballots, envelopes, and voting instructions provided pursuant to this Act and transmitted to citizens~~

~~1 outside the United States, whether individually or in bulk,
2 shall be free of postage to the sender including airmail post-
3 age, in the United States mail.~~

~~4 (c) Ballots executed by citizens outside the United
5 States shall be returned by priority airmail wherever prac-
6 ticable, and such mail may be segregated from other forms of
7 mail and placed in special bags marked with special tags
8 printed and distributed by the Postal Service for this purpose.~~

~~9 ENFORCEMENT~~

~~10 SEC. 6. (a) Whenever the Attorney General has reason
11 to believe that a State or election district undertakes to deny
12 the right to register or vote in any election in violation of
13 section 4 or fails to take any action required by section 5, he
14 may institute for the United States, or in the name of the
15 United States, an action in a district court of the United
16 States, in accordance with sections 1391 through 1393 of title
17 28, United States Code, for a restraining order, a prelimi-
18 nary or permanent injunction, or such other order as he deems
19 appropriate.~~

~~20 (b) Whoever shall deprive or attempt to deprive any
21 person of any right secured by this Act shall be fined not
22 more than \$5,000, or imprisoned not more than five years, or
23 both.~~

~~24 (c) Whoever knowingly or willfully gives false informa-
25 tion as to his name, address, or period of residence for the~~

~~1 purpose of establishing his eligibility to register, qualify, or
2 vote under this Act, or conspires with another individual for
3 the purpose of encouraging the giving of false information in
4 order to establish the eligibility of any individual to register,
5 qualify, or vote under this Act, or pays or offers to pay or
6 accepts payment either for registration to vote or for voting
7 shall be fined not more than \$10,000, or imprisoned not more
8 than five years, or both.~~

~~9 SEVERABILITY~~

~~10 SEC. 7. If any provision of this Act, or the application
11 thereof to any person or circumstance, is held invalid, the
12 validity of the remainder of the Act, and the application of
13 such provisions to other persons or circumstances, shall not be
14 affected.~~

~~15 EFFECT ON CERTAIN OTHER LAWS~~

~~16 SEC. 8. (a) Nothing in this Act shall—~~

~~17 (1) be deemed to require registration in any State
18 or election district in which registration is not required
19 as a precondition to voting in any Federal election, or
20 (2) prevent any State or election district from
21 adopting or following any voting practice which is less
22 restrictive than the practices prescribed by this Act.~~

~~23 (b) The exercise of any right to register or vote in Fed-
24 eral elections by any citizen outside the United States, and
25 the retention by him of any State or district as his voting~~

~~1 residence or voting domicile solely for this purpose, shall not~~
~~2 affect the determination of his place of residence or domicile~~
~~3 for purposes of any tax imposed under Federal, State, or~~
~~4 local law.~~

~~5 AUTHORIZATION OF APPROPRIATIONS~~

~~6 SEC. 9. (a) Section 2401 (c) of title 39, United States~~
~~7 Code (relating to appropriations for the Postal Service) is~~
~~8 amended—~~

~~9 (1) by inserting after "title" a comma and the fol-~~
~~10 lowing: "the Overseas Citizens Voting Rights Act of~~
~~11 1975,"; and~~

~~12 (2) by striking out "Act." at the end and inserting~~
~~13 in lieu thereof "Acts."~~

~~14 (b) Section 3627 of title 39, United States Code (relat-~~
~~15 ing to adjustment of Postal Service rates) is amended by~~
~~16 striking out "or under the Federal Voting Assistance Act of~~
~~17 1955" and inserting in lieu thereof "under the Federal Vot-~~
~~18 ing Assistance Act of 1955, or under the Overseas Citizens~~
~~19 Voting Rights Act of 1975,".~~

~~20 EFFECTIVE DATE~~

~~21 SEC. 10. The provisions of this Act shall take effect with~~
~~22 respect to any Federal election held on or after January 1,~~
~~23 1976.~~

~~24 That this Act may be cited as the "Overseas Citizens Voting~~
~~25 Rights Act of 1975".~~

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner of the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands;

(2) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN

FEDERAL ELECTIONS

SEC. 3. Each citizen residing outside the United States shall have the right to register absentee for, and to vote by, an absentee ballot in any Federal election in the State, or

1 any election district of such State, in which he was last
 2 domiciled immediately prior to his departure from the United
 3 States and in which he could have met all qualifications
 4 (except any qualification relating to minimum voting age)
 5 to vote in Federal elections under any present law, even though
 6 while residing outside the United States he does not have
 7 a place of abode or other address in such State or district,
 8 and his intent to return to such State or district may be
 9 uncertain, if—

10 (1) he has complied with all applicable State or
 11 district qualifications and requirements, which are con-
 12 sistent with this Act, concerning absentee registration for,
 13 and voting by, absentee ballots;

14 (2) he does not maintain a domicile, is not regis-
 15 tered to vote, and is not voting in any other State or
 16 election district of a State or territory or in any terri-
 17 tory or possession of the United States; and

18 (3) he has a valid passport or card of identity and
 19 registration issued under the authority of the Secretary
 20 of State.

21 ABSENTEE REGISTRATION AND BALLOTS FOR FEDERAL
 22 ELECTIONS

23 SEC. 4. (a) Each State shall provide by law for the
 24 absentee registration or other means of absentee qualifica-
 25 tion of all citizens residing outside the United States and en-

1 titled to vote in a Federal election in such State pursuant to
 2 section 3 whose application to vote in such election is received
 3 by the appropriate election official of such State not later than
 4 thirty days immediately prior to any such election.

5 (b) Each State shall provide by law for the casting of
 6 absentee ballots for Federal elections by all citizens residing
 7 outside the United States who—

8 (1) are entitled to vote in such State pursuant to
 9 section 3;

10 (2) have registered or otherwise qualified to vote
 11 under subsection (a); and

12 (3) have returned such ballots to the appropriate
 13 election official of such State in sufficient time so that such
 14 ballot is received by such election official not later than the
 15 time of closing of the polls in such State on the day of
 16 such election.

17 ENFORCEMENT

18 SEC. 5. (a) Whenever the Attorney General has reason
 19 to believe that a State or election district undertakes to deny
 20 the right to register or vote in any election in violation of
 21 section 3 or fails to take any action required by section 4,
 22 he may institute for the United States, or in the name of
 23 the United States, an action in a district court of the United
 24 States, in accordance with sections 1391 through 1393 of
 25 title 28, United States Code, for a restraining order, a

1 preliminary or permanent injunction, or such other order as
2 he deems appropriate.

3 (b) Whoever knowingly or willfully shall deprive or
4 attempt to deprive any person of any right secured by this
5 Act shall be fined not more than \$5,000, or imprisoned not
6 more than five years, or both.

7 (c) Whoever knowingly or willfully gives false in-
8 formation as to his name, address, or period of residence for
9 the purpose of establishing his eligibility to register, qualify,
10 or vote under this Act, or conspires with another individual
11 for the purpose of encouraging the giving of false informa-
12 tion in order to establish the eligibility of any individual to
13 register, qualify, or vote under this Act, or pays, or offers to
14 pay, or accepts payment either for registration to vote or
15 for voting shall be fined not more than \$5,000, or impris-
16 oned not more than five years, or both.

17 SEVERABILITY

18 SEC. 6. If any provision of this Act is held invalid, the
19 validity of the remainder of the Act shall not be affected.

20 EFFECT ON CERTAIN OTHER LAWS

21 SEC. 7. Nothing in this Act shall—

22 (1) be deemed to require registration in any State
23 or election district in which registration is not required
24 as a precondition to voting in any Federal election; or

1 (2) prevent any State or election district from
2 adopting or following any voting practice which is less
3 restrictive than the practices prescribed by this Act.

4 EFFECTIVE DATE

5 SEC. 8. The provisions of the Act shall apply with
6 respect to any Federal election held on or after January 1,
7 1976.

Union Calendar No. 320

94TH CONGRESS
1ST SESSION

S. 95

[Report No. 94-649]

AN ACT

To guarantee the constitutional right to vote
and to provide uniform procedures for
absentee voting in Federal elections in the
case of citizens outside the United States.

MAY 19, 1975

Referred to the Committee on House Administration

NOVEMBER 11, 1975

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

Union Calendar No. 331

94TH CONGRESS
1ST SESSION

H. R. 1686

[Report No. 94-669]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1975

Mr. HAYS of Ohio introduced the following bill; which was referred to the Committee on House Administration

NOVEMBER 17, 1975

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That this Act may be cited as the "Voter Registration Act".~~

4 ~~DEFINITIONS~~

5 ~~SEC. 2. As used in this Act—~~

6 ~~(1) the term "Administration" means the Voter~~
7 ~~Registration Administration;~~

8 ~~(2) the term "State" means each State of the~~
9 ~~United States, the political subdivisions of each State,~~

~~the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;~~

~~(3) the term "Federal office" means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;~~

~~(4) the term "Federal election" means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;~~

~~(5) the term "State election" means any election other than a Federal election; and~~

~~(6) the term "State official" means any individual who acts as an official or agent of a government of a State or political subdivision thereof to register qualified electors, or to conduct or supervise any Federal election in a State.~~

~~ESTABLISHMENT OF ADMINISTRATION~~

~~SEC. 3. (a) There is established within the General Accounting Office the Voter Registration Administration.~~

~~(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.~~

~~DUTIES AND POWERS~~

~~SEC. 4. The Administration shall—~~

~~(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;~~

~~(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);~~

~~(3) provide assistance to State officials concerning voter registration by mail and election problems generally;~~

~~(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties~~

~~and powers under this Act, and such officers and employees shall be in the competitive service under title 5, United States Code;~~

~~(5) appoint and fix the pay of experts and consultants for temporary services as authorized under section 3109 of title 5, United States Code;~~

~~(6) provide the Congress with such information as the Congress may from time to time request, and prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and~~

~~(7) take such other action as it deems necessary and proper to carry out its duties and powers under this Act.~~

~~QUALIFICATIONS AND PROCEDURE~~

~~SEC. 5. (a) An individual who fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this Act shall be entitled to vote in Federal elections in that State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election.~~

~~(b) Whenever a Federal election is held in any State, the Administration may, upon the request of any State official, furnish officers and employees and such other assistance as the Administration and the State official may agree upon to assist State officials in the registration of individuals applying to register in that State under the provisions of this Act.~~

~~REGISTRATION FORMS~~

~~SEC. 6. (a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.~~

~~(b) Printed registration forms shall be designed to provide a simple method of registering to vote by mail. Registration forms shall include matter as State law requires and as the Administration determines appropriate to ascertain the positive identification and voter qualifications of an individual applying to register under the provisions of this Act, to provide for the return delivery of the completed registration form to the appropriate State official, and to prevent fraudulent registration. Registration forms shall also include a statement of the penalties provided by law for attempting fraudulently to register to vote under the provisions of this Act.~~

~~(c) A registration notification form advising the applicant of the acceptance or rejection of his resignation shall be completed and promptly mailed by the State official to~~

1 ~~the applicant. If any registration notification form is undeliv-~~
 2 ~~erable as addressed, it shall not be forwarded to another~~
 3 ~~address but shall be returned to the State official mailing the~~
 4 ~~form. The possession of a registration notification form indi-~~
 5 ~~cating that the individual is entitled to vote in an election~~
 6 ~~shall be prima facie evidence that the individual is a qualified~~
 7 ~~and registered elector entitled to vote in any such election~~
 8 ~~but presentation of the form shall not be required to cast~~
 9 ~~his ballot.~~

10 ~~DISTRIBUTION OF REGISTRATION FORMS~~

11 ~~SEC. 7. (a) The Administration is authorized to enter~~
 12 ~~into agreements with the Postal Service, with departments~~
 13 ~~and agencies of the Federal Government, and with State~~
 14 ~~officials for the distribution of registration forms in accord-~~
 15 ~~ance with the provisions of this section.~~

16 ~~(b) Any agreement made between the Administration~~
 17 ~~and the Postal Service shall provide for the preparation by~~
 18 ~~the Administration of sufficient quantities of registration forms~~
 19 ~~so that the Postal Service can deliver a sufficient quantity of~~
 20 ~~registration forms to postal addresses and residences in the~~
 21 ~~United States and for the preparation of an ample quantity~~
 22 ~~of such forms for public distribution at any post office, postal~~
 23 ~~substation, postal contract station, or on any rural or star~~
 24 ~~route.~~

1 ~~(c) The Postal Service shall distribute the registration~~
 2 ~~forms to postal addresses and residences at least once every~~
 3 ~~two years not earlier than one hundred and twenty days or~~
 4 ~~later than sixty days prior to the close of registration for~~
 5 ~~the next Federal election in each State.~~

6 ~~(d) The Administration is authorized to enter into~~
 7 ~~agreements with the Secretary of each Military Department~~
 8 ~~of the Armed Forces of the United States for the distribution~~
 9 ~~of registration forms at military installations.~~

10 ~~(e) This section shall not be construed to place any~~
 11 ~~time limit upon the general availability of registration forms~~
 12 ~~in post offices and appropriate Federal, State, and local~~
 13 ~~government offices pursuant to agreements made under this~~
 14 ~~section.~~

15 ~~PREVENTION OF FRAUDULENT REGISTRATION~~

16 ~~SEC. 8. (a) In addition to taking any appropriate action~~
 17 ~~under State law, whenever a State official has reason to be-~~
 18 ~~lieve that individuals who are not qualified electors are~~
 19 ~~attempting to register to vote under the provisions of this~~
 20 ~~Act, he shall notify the Administration and request its assist-~~
 21 ~~ance to prevent fraudulent registration. The Administration~~
 22 ~~shall give reasonable and expeditious assistance in such cases,~~
 23 ~~and shall issue a report on its findings.~~

24 ~~(b) (1) Whenever the Administration or a State official~~
 25 ~~determines that there is a pattern of fraudulent registration,~~

~~1 attempted fraudulent registration, or any activity on the part~~
~~2 of any individuals or groups of individuals to register individ-~~
~~3 uals to vote who are not qualified electors, the Administration~~
~~4 or a State official may request the Attorney General to bring~~
~~5 action under this section. The Attorney General is authorized~~
~~6 to bring a civil action in any appropriate district court of the~~
~~7 United States or the United States District Court for the Dis-~~
~~8 trict of Columbia to secure an order to enjoin fraudulent reg-~~
~~9 istration, and any other appropriate order.~~

~~10 (2) The district court of the United States or the United~~
~~11 States District Court of the District of Columbia shall have~~
~~12 jurisdiction without regard to any amount in controversy of~~
~~13 proceedings instituted pursuant to this section.~~

~~14 PENALTIES~~

~~15 SEC. 9. (a) Whoever knowingly or willfully gives false~~
~~16 information as to his name, address, residence, age, or other~~
~~17 information for the purposes of establishing his eligibility to~~
~~18 register or vote under this Act, or conspires with another~~
~~19 individual for the purpose of encouraging his false registration~~
~~20 to vote or illegal voting, or pays or offers to pay or accepts~~
~~21 or offers to accept payment either for registration to vote or~~
~~22 for voting, or registers to vote with the intention of voting~~
~~23 more than once or votes more than once in the same Federal~~
~~24 election shall be fined not more than \$10,000, or imprisoned~~
~~25 not more than five years, or both.~~

~~1 (b) Any person who deprives, or attempts to deprive,~~
~~2 any other person of any right under this Act shall be fined~~
~~3 not more than \$5,000, or imprisoned not more than five~~
~~4 years, or both.~~

~~5 (c) The provisions of section 1001 of title 18, United~~
~~6 States Code, are applicable to the registration form prepared~~
~~7 under section 6 of this Act.~~

~~8 FINANCIAL ASSISTANCE~~

~~9 SEC. 10. (a) The Administration shall determine the~~
~~10 fair and reasonable cost of processing registration forms pre-~~
~~11 scribed under this Act, and shall pay to each appropriate~~
~~12 State an amount equal to such cost per card multiplied by~~
~~13 the number of registration cards processed under this Act~~
~~14 in that State.~~

~~15 (b) The Administration is authorized to pay any State~~
~~16 which adopts the registration form and system prescribed by~~
~~17 this Act as a form and system of registration to be a qualified~~
~~18 and registered elector for State elections in that State. Pay-~~
~~19 ments made to a State under this subsection may not exceed~~
~~20 30 per centum of the amount paid that State under subsec-~~
~~21 tion (a) of this section for the most recent general Federal~~
~~22 election in that State.~~

~~23 (c) Payments under this section may be made in in-~~
~~24 stallments and in advance or by way of reimbursement, with~~
~~25 necessary adjustments on account of overpayments or under-~~
~~26 payments.~~

~~REGULATIONS~~

~~SEC. 11. The Administration is authorized to issue rules and regulations for the administration of this chapter. Such regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election.~~

~~EFFECT ON OTHER LAWS~~

~~SEC. 12. (a) Notwithstanding any other provision of this Act, any State that adopts the Federal assistance post card form recommended by the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any category of its electors (1) shall, insofar as such electors are concerned, be deemed to be in full compliance with the provisions of section 6 of this Act and (2) shall be eligible to receive payments of financial assistance from the Administration, as provided in section 10 of this Act, on account of the simplified and greater voting opportunities thereby granted to such electors.~~

~~(b) Nothing in this Act shall be construed to prevent any State from granting less restrictive registration or voting practices or more expanded registration of voting opportunities than those prescribed by this Act.~~

~~(c) Nothing in this Act shall be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),~~

~~relating to expanded opportunities of registering to vote and voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.).~~

~~AMENDMENTS TO TITLE 39, UNITED STATES CODE~~

~~SEC. 13. (a) Section 3202 (a) of title 39, United States Code, is amended—~~

~~(1) by striking out "and" at the end of clause (4);~~

~~(2) by striking out the period at the end of clause~~

~~(5) and inserting in lieu thereof "; and"; and—~~

~~(3) by adding at the end thereof:~~

~~"(6) mail relating to voter registration pursuant to sections 6 and 7 of the Voter Registration Act."~~

~~(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:~~

~~"(d) The Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202 (a) of this title."~~

~~(c) Section 404 of title 39, United States Code, is amended—~~

~~(1) by striking out "and" at the end of clause (8);~~

~~(2) by striking out the period at the end of clause~~

~~(9) and inserting in lieu thereof “; and”; and~~

~~(3) by adding at the end thereof the following new clause:~~

~~“(10) to enter into arrangements with the Voter Registration Administration of the General Accounting Office for the collection, delivery, and return delivery of voter registration forms.”.~~

~~AMENDMENT TO TITLE 5, UNITED STATES CODE~~

~~SEC. 14. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:~~

~~“(132) Administrator and Associate Administrators (2), Voter Registration Administration, General Accounting Office.”.~~

~~AUTHORIZATION OF APPROPRIATIONS~~

~~SEC. 15. There are authorized to be appropriated such sums, not to exceed \$50,000,000, as may be necessary to carry out the provisions of this Act.~~

That this Act may be cited as the “Voter Registration Act”.

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term “Administration” means the Voter Registration Administration;

(2) the term “State” means each State of the

United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia;

(3) the term “Federal office” means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;

(4) the term “Federal election” means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

(5) the term “State election” means any election other than a Federal election; and

(6) the term “State official” means any individual who acts as an official or agent of a government of a State or of a county, town, village, city, borough, parish, or township election board, or township voter registration board, to register qualified electors, or to conduct or supervise any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

SEC. 3. (a) There is established within the Federal Election Commission the Voter Registration Administration.

(b) The President shall appoint, by and with the advice and consent of the Senate and the House of Representatives, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

SEC. 4. The Administration shall—

(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;

(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);

(3) provide information to State officials concerning voter registration-by-mail and information relating to election administration generally;

(4) obtain facilities and supplies and appoint and fix the pay for officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this Act, and such officers and employees shall be in the competitive service under title 5, United States Code;

(5) appoint and fix the pay of experts and consultants for temporary services as authorized under section 3109 of title 5, United States Code;

(6) provide the Congress with such information as the Congress may from time to time request, and prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

(7) take such other action as it deems necessary and proper to carry out its duties and powers under this Act.

QUALIFICATIONS AND PROCEDURE

SEC. 5. (a) An individual who fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this Act shall be entitled to vote in Federal elections in that State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than

1 *thirty days immediately prior to any Federal election, for*
 2 *registration or qualification to vote in such election.*

3 *(b) Whenever a Federal election is held in any State,*
 4 *the Administration may, upon the request of the State official*
 5 *responsible for conducting elections in such State, furnish*
 6 *officers and employees and such other assistance as the Admin-*
 7 *istration and the State official may agree upon to assist State*
 8 *officials in the registration of individuals applying to register*
 9 *in that State under the provisions of this Act.*

10 REGISTRATION FORMS

11 *SEC. 6. (a) The Administration shall prepare voter*
 12 *registration forms in accordance with the provisions of this*
 13 *section.*

14 *(b) Printed registration forms shall be designed to pro-*
 15 *vide a simple method of registering to vote by mail. Regis-*
 16 *tration forms shall include matter as State law requires and*
 17 *as the Administration determines appropriate to ascertain*
 18 *the positive identification and voter qualifications of an indi-*
 19 *vidual applying to register under the provisions of this Act,*
 20 *to provide for the return delivery of the completed registra-*
 21 *tion form to the appropriate State official, and to prevent*
 22 *fraudulent registration. Registration forms shall also include*
 23 *a statement of the penalties provided by law for attempting*
 24 *fraudulently to register to vote under the provisions of this*
 25 *Act.*

1 *(c) A registration notification form advising the appli-*
 2 *cant of the acceptance or rejection of his registration shall*
 3 *be completed and promptly mailed by the State official to*
 4 *the applicant. If any registration notification form is undeliv-*
 5 *erable as addressed, it shall not be forwarded to another*
 6 *address but shall be returned to the State official mailing the*
 7 *form. The possession of a registration notification form indi-*
 8 *cating that the individual is entitled to vote in an election*
 9 *shall be prima facie evidence that the individual is a qualified*
 10 *and registered elector entitled to vote in any such election*
 11 *but presentation of the form shall not be required to cast*
 12 *his ballot.*

13 DISTRIBUTION OF REGISTRATION FORMS

14 *SEC. 7. (a) The Administration is authorized to enter*
 15 *into agreements with the Postal Service, with departments*
 16 *and agencies of the Federal Government, and with State*
 17 *officials for the distribution of registration forms in accord-*
 18 *ance with the provisions of this section. The Administration*
 19 *shall not be required to reimburse the Postal Service for any*
 20 *transmission of such registration forms made by the Postal*
 21 *Service under sections 6 and 7 of the Voter Registration Act.*

22 *(b) Any agreement made between the Administration*
 23 *and the Postal Service shall provide for the preparation by*
 24 *the Administration of sufficient quantities of registration forms*
 25 *so that the Postal Service can deliver a sufficient quantity of*

1 registration forms to postal addresses and residences in the
 2 United States and for the preparation of an ample quantity
 3 of such forms for public distribution at any post office, postal
 4 substation, postal contract station, or on any rural or star
 5 route. Such agreements also shall provide for the preparation
 6 by the Administration, and bulk distribution by the Postal
 7 Service, of sufficient quantities of such registration forms
 8 to any individual, group, or organization requesting such reg-
 9 istration forms for the purpose of conducting or participating
 10 in a voter registration program.

11 (c) The Postal Service shall distribute the registration
 12 forms to postal addresses and residences at least once every
 13 two years and before each Federal election but not earlier
 14 than one hundred and twenty days or later than sixty days
 15 prior to the close of registration for the next Federal election
 16 in each State.

17 (d) The Administration is authorized to enter into
 18 agreements with the Secretary of each military department
 19 of the Armed Forces of the United States for the distribution
 20 of registration forms at military installations.

21 (e) This section shall not be construed to place any
 22 time limit upon the general availability of registration forms
 23 in post offices and appropriate Federal, State, and local
 24 government offices pursuant to agreements made under this
 25 section.

PREVENTION OF FRAUDULENT REGISTRATION

1 SEC. 8. (a) In addition to taking any appropriate action
 2 under State law, whenever a State official has reason to be-
 3 lieve that individuals who are not qualified electors are
 4 attempting to register to vote under the provisions of this
 5 Act, he shall notify the Administration and request its assist-
 6 ance to prevent fraudulent registration. The Administration
 7 shall give reasonable and expeditious assistance in such cases,
 8 and shall issue a report on its findings.

10 (b) (1) Whenever the Administration or a State official
 11 determines that there is a pattern of fraudulent registration,
 12 attempted fraudulent registration, or any activity on the part
 13 of any individuals or groups of individuals to register indi-
 14 viduals to vote who are not qualified electors, the Adminis-
 15 tration or a State official may request the Attorney General
 16 to bring action under this section. The Attorney General is
 17 authorized to bring a civil action in any appropriate dis-
 18 trict court of the United States or the United States District
 19 Court for the District of Columbia to secure an order to
 20 enjoin fraudulent registration, and any other appropriate
 21 order. Any such civil action shall be brought in the district
 22 court of the United States within the jurisdiction of which
 23 the fraudulent registration occurred.

24 (2) The district courts of the United States shall have

1 jurisdiction without regard to any amount in controversy of
2 proceedings instituted pursuant to this section.

3 PENALTIES

4 SEC. 9. (a) Whoever knowingly or willingly gives false
5 information as to his name, address, residence, age, or other
6 information for the purpose of establishing his eligibility to
7 register or vote under this Act, or conspires with another
8 individual for the purpose of encouraging his false registra-
9 tion to vote or illegal voting, or pays or offers to pay or ac-
10 cepts or offers to accept payment either for registration to vote
11 or for voting, or registers to vote with the intention of voting
12 more than once or votes more than once in the same Federal
13 election shall be fined not more than \$5,000, or imprisoned
14 not more than five years, or both.

15 (b) Any person who deprives, or attempts to deprive,
16 any other person of any right under this Act shall be fined
17 not more than \$5,000, or imprisoned not more than five
18 years, or both.

19 (c) The provisions of section 1001 of title 18, United
20 States Code, are applicable to the registration form prepared
21 under section 6 of this Act.

22 FINANCIAL ASSISTANCE

23 SEC. 10. (a) The Administration shall determine the
24 fair and reasonable cost of processing registration forms pre-
25 scribed under this Act, and shall pay to each appropriate

1 State an amount equal to such cost per card multiplied by
2 the number of registration cards processed under this Act
3 in that State.

4 (b) The Administration is authorized to pay any State
5 which adopts the registration form and system prescribed by
6 this Act as a form and system of registration to be a qualified
7 and registered elector for State elections in that State. Pay-
8 ments made to a State under this subsection may not exceed
9 30 per centum of the amount paid that State under subsection
10 (a) of this section for the most recent general Federal election
11 in that State.

12 (c) Payments under this section may be made in install-
13 ments and in advance or by way of reimbursement, with
14 necessary adjustments on account of overpayments or under-
15 payments.

16 REGULATIONS

17 SEC. 11. (a) The Administration is authorized to issue
18 rules and regulations for the administration of this Act. Such
19 rules and regulations may exclude a State from the provisions
20 of this Act if that State does not require a qualified applicant
21 to register prior to the date of a Federal election.

22 (b) (1) The Administration, before prescribing any rule
23 or regulation under this section, shall transmit a statement
24 with respect to such rule or regulation to the Congress
25 in accordance with the provisions of this subsection. Such

1 statement shall set forth the proposed rule or regulation and
 2 shall contain a detailed explanation and justification of such
 3 rule or regulation.

4 (2) If the Congress approve, through appropriate ac-
 5 tion, any rule or regulation transmitted by the Administration
 6 under paragraph (1) no later than thirty legislative days
 7 after receipt of such rule or regulation, then the Adminis-
 8 tration may prescribe such rule or regulation. The Adminis-
 9 tration may not prescribe any rule or regulation which is not
 10 approved by the Congress under this paragraph. If any rule
 11 or regulation is not approved by the Congress during such
 12 period of thirty legislative days, the Administration may
 13 modify or amend such rule or regulation and transmit it to
 14 both Houses of the Congress for consideration in accordance
 15 with the provisions of this subsection.

16 (3) For purposes of this subsection, the term "legisla-
 17 tive days" does not include any calendar day on which both
 18 Houses of the Congress are not in session.

19 EFFECT ON OTHER LAWS

20 SEC. 12. (a) Notwithstanding any other provision of
 21 this Act, any State that adopts the Federal assistance post
 22 card form recommended by the Federal Voting Assistance
 23 Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any
 24 category of its electors (1) shall, insofar as such electors
 25 are concerned, be deemed to be in full compliance with the

1 provisions of section 6 of this Act; and (2) shall be eligible
 2 to receive payments of financial assistance from the Adminis-
 3 tration, as provided in section 10 of this Act, on account of
 4 the simplified and greater voting opportunities thereby
 5 granted to such electors.

6 (b) Nothing in this Act shall be construed to prevent
 7 any State from granting less restrictive registration or voting
 8 practices or more expanded registration of voting opportuni-
 9 ties than those prescribed by this Act.

10 (c) Nothing in this Act shall be construed to limit or
 11 repeal any provision of (1) section 202 of the Voting
 12 Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),
 13 relating to expanded opportunities of registering to vote and
 14 voting for electors for President and Vice President; or (2)
 15 the Federal Voting Assistance Act of 1955 (50 U.S.C.
 16 1451 et seq.).

17 AMENDMENTS TO TITLE 39, UNITED STATES CODE

18 SEC. 13. (a) Section 3202(a) of title 39, United States
 19 Code, is amended—

20 (1) by striking out "and" at the end of clause (4);

21 (2) by striking out the period at the end of clause

22 (5) and inserting in lieu thereof "and"; and

23 (3) by adding at the end thereof the following new
 24 clause:

1 “(6) mail relating to voter registration pursuant
2 to sections 6 and 7 of the Voter Registration Act.”.

3 (b) Section 404 of title 39, United States Code, is
4 amended—

5 (1) by striking out “and” at the end of clause (8);

6 (2) by striking out the period at the end of clause
7 (9) and inserting in lieu thereof “; and”; and

8 (3) by adding at the end thereof the following new
9 clause:

10 “(10) to enter into arrangements with the Voter
11 Registration Administration of the Federal Election
12 Commission for the collection, delivery, and return
13 delivery of voter registration forms.”.

14 AMENDMENT TO TITLE 5, UNITED STATES CODE

15 SEC. 14. Section 5316 of title 5, United States Code, is
16 amended by adding at the end thereof the following new
17 paragraph:

18 “(137) Administrator and Associate Administra-
19 tors (2), Voter Registration Administration, Federal
20 Election Commission.”.

21 CONGRESSIONAL APPROVAL OF REGULATIONS

22 SEC. 15. (a) Section 316(c)(2) of the Federal Elec-
23 tion Campaign Act of 1971 (2 U.S.C. 438(c)(2)) is
24 amended—

1 (1) by striking out “disapprove” the first place it
2 appears therein and inserting in lieu thereof “approve”;

3 (2) by inserting “not” immediately after “the Com-
4 mission may” the first place it appears therein;

5 (3) by striking out “both the Senate and House”
6 and all that follows through “such proposed rule or
7 regulation” and inserting in lieu thereof “, any such
8 rule or regulation may not take effect unless it is ap-
9 proved by the Congress, through appropriate action”;

10 (4) by striking out “disapproved” and inserting in
11 lieu thereof “not approved”; and

12 (5) by adding at the end thereof the following new
13 sentence: “If any rule or regulation is not approved by
14 the Congress during the period of thirty legislative days
15 specified in this paragraph, the Commission may modify
16 or amend such rule or regulation and transmit it to the
17 Congress for consideration in accordance with the pro-
18 visions of this subsection.”.

19 (b)(1) The first sentence of section 9009(c)(2) of
20 the Internal Revenue Code of 1954 (relating to review of
21 regulations) is amended to read as follows: “If the Congress
22 approves, through appropriate action, any rule or regula-
23 tion transmitted by the Commission under paragraph (1)
24 no later than 30 legislative days after receipt of such rule or

1 regulation, then the Commission may prescribe such rule or
2 regulation.”.

3 (2) The second sentence of section 9009(c)(2) of the
4 Internal Revenue Code of 1954 (relating to review of reg-
5 ulations) is amended by striking out “disapproved by either
6 such House” and inserting in lieu thereof “not approved by
7 the Congress”.

8 (3) Section 9009(c)(2) of the Internal Revenue Code
9 of 1954 (relating to review of regulations) is amended by
10 adding at the end thereof the following new sentence: “If any
11 rule or regulation is not approved by the Congress during
12 such period of 30 legislative days, the Commission may
13 modify or amend such rule or regulation and transmit it to
14 the Congress for consideration in accordance with the provi-
15 sions of this subsection.”.

16 (c)(1) The first sentence of section 9039(c)(2) of the
17 Internal Revenue Code of 1954 (relating to review of regu-
18 lations) is amended to read as follows: “If the Congress ap-
19 proves, through appropriate action, any rule or regulation
20 transmitted by the Commission under paragraph (1) no
21 later than 30 legislative days after receipt of such rule or
22 regulation, then the Commission may prescribe such rule or
23 regulation.”.

24 (2) The second sentence of section 9039(c)(2) of the
25 Internal Revenue Code of 1954 (relating to review of regu-

1 lations) is amended by striking out “disapproved by either
2 such House” and inserting in lieu thereof “not approved by
3 the Congress”.

4 (3) Section 9039(c)(2) of the Internal Revenue Code
5 of 1954 (relating to review of regulations) is amended by
6 adding at the end thereof the following new sentence: “If any
7 rule or regulation is not approved by the Congress during
8 such period of 30 legislative days, the Commission may
9 modify or amend such rule or regulation and transmit it to
10 the Congress for consideration in accordance with the pro-
11 visions of this subsection.”.

12 AUTHORIZATION OF APPROPRIATIONS

13 SEC. 16. There are authorized to be appropriated such
14 sums, not to exceed \$50,000,000, as may be necessary to
15 carry out the provisions of this Act.

Amend the title so as to read: “A bill to establish a
Voter Registration Administration within the Federal Elec-
tion Commission for the purpose of administering a voter
registration program through the Postal Service, and for
other purposes.”.

Union Calendar No. 331

94TH CONGRESS
1ST SESSION

H. R. 1686

[Report No. 94-669]

A BILL

To establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service.

By Mr. HAYS of Ohio

JANUARY 20, 1975

Referred to the Committee on House Administration

NOVEMBER 17, 1975

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed