

THE
FEDERAL
VOTING
ASSISTANCE
PROGRAM

Ninth Report



September 1973

THE FEDERAL VOTING ASSISTANCE PROGRAM

NINTH REPORT

1973

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INTRODUCTION

This Ninth Report to the President and Congress on the Federal Voting Assistance Program reflects substantive progress in implementing provisions of the Federal Voting Assistance Act of 1955.

The Department of Defense Federal Voting Assistance Program, implemented in 1956 to carry out the law, is rapidly achieving its purpose. The 1972 program and its predecessors have formed a solid base from which continuing activities are conducted that effectively serve Armed Forces and civilian absentee voting communities.

During this reporting period, as in the past, DoD representatives cooperated closely with chief election officials of each State to achieve greater simplicity and uniformity in absentee voter registration and ballot request procedures. This cooperation had two favorable results. First, several States adopted provisions of the Federal Voting Assistance Act of 1955 to the direct benefit of persons covered by the Act. Second, continuous communication between DoD and State election officials permitted the Defense Department to make available up-to-the-minute voting information. Since voting information was under continuous change by State Legislatures, election officials and judicial decisions, a major effort was required to insure that factual, timely information was quickly made available to prospective voters. This was successfully accomplished.

Before the general election in November 1972, more than four million U.S. citizens, including three million Armed Forces personnel and their dependents, were estimated to be covered by the Act. Many of these people were overseas. This large number of U.S. citizens requiring both voting assistance and information presented a challenge and opportunity to administrators of the Federal Voting Assistance Program.

From a management viewpoint, program efforts were initially concentrated on gathering election information from each State, Territory, and other political subdivisions of the United States. Then this information was synthesized and disseminated to absentee voters. Finally, Defense Department officials worked closely with State officials to facilitate absentee registration and ballot obtainment for eligible electors.

Special surveys conducted after the 1972 general election provided a basis to judge the effectiveness of the Voting Assistance Program. These surveys revealed achievement in many areas--and pointed out areas where improvements could judiciously be made in future programs.

Voting participation of Armed Forces personnel in the 1972 general election approximated that of the national electorate. Nearly 48 percent of Service members of voting age cast ballots either by absentee process or at the polls. In terms of participation of other categories of persons covered by the Act, 54.1 percent of Federally employed civilians overseas voted; approximately 24 percent of non-Federally employed U.S. civilians overseas participated in the general election.

One principal objective of the Federal Voting Assistance Program is to aid persons covered by the Act to exercise their vote by providing necessary procedural information. Surveys indicated that more than 90 percent of the commissioned officers and nearly 65 percent of Armed Forces enlisted personnel reported their satisfaction with voting information disseminated by the Defense Department during the election year. Further, almost three-fourths of the Federally employed civilians serving overseas indicated their satisfaction with assistance and information provided.

Another essential voting program objective is to give personal assistance to individuals covered by the Act regarding registration and absentee voting. The Department of Defense and other participating Executive Branch departments and agencies furnished voting officers and counselors informative materials with which they provided prospective voters assistance in obtaining and voting absentee ballots. As a result, three out of every four Armed Forces members and over half of all Federally employed civilians overseas received voting assistance during 1972.

The combined efforts of the Department of Defense and more than 20 other Executive Branch departments and agencies, along with State legislative and administrative bodies, made significant contributions to the Federal Voting Assistance Program. Further, voting methods recommended by the Act provided an effective means of absentee voting for persons covered by the Act. Nevertheless, a large body of eligible persons chose neither to vote by this system nor at the polls. At the same time, substantial numbers of other citizens--particularly non-Federally employed persons temporarily residing overseas--were unaware of their absentee voting privileges.

A firm conclusion can be drawn from the comprehensive data in this Report: the Federal Voting Assistance Program renders an essential service to absentee voters in support of the democratic election process of the United States. Further, this vital program must continue to reach more persons under the Act to provide them assistance in exercising their voting franchise through the absentee process.

ORGANIZATION OF THE NINTH REPORT

The Ninth Report on the Federal Voting Assistance Program covers the period from September 1, 1971, through August 31, 1973. Its submission is required by the Federal Voting Assistance Act of 1955 (hereinafter referred to as the "Act"), Chapter 30, Title 50, United States Code, Section 1451-1476.

The Act requires this Report to cover the administration of Federal responsibilities authorized under the Act; progress of the States in carrying out the Act's recommendations contained in its Title I; statistical data related to absentee voting; and such other information as the Presidential designee, the Secretary of Defense, may consider appropriate.

Part I of this Report defines Federal responsibilities set forth by law and administrative progress made during the reporting period in the discharge of such responsibilities.

During the 18 years since the passage of the Act, which period was marked by the formal establishment of the Federal Voting Assistance Program, the States have proceeded to incorporate the Act's recommendations into their own election laws. Part II of this Report defines the extent to which the States have taken legislative or administrative action to implement these Congressional recommendations. It also reflects the excellent cooperation maintained between the Department of Defense and State Governments along with the continuing progress made in simplifying absentee registration and voting rules for the several million U.S. citizens covered by the Act.

One of the principal objectives of the Federal Voting Assistance Program is to assist those persons covered by the Act in exercising their right to vote by furnishing them the necessary information to fulfill this responsibility of citizenship. While it is clear that the decision to vote rests with the individual, the Federal Voting Assistance Program is designed to ensure that eligible individuals can obtain a ballot and vote once the decision to vote is made. To achieve this objective, a vigorous voting information program was conducted throughout the 1972 election year. Information contained in Part III of this Report shows statistical results of the 1972 voting assistance effort.

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PART I

ADMINISTRATION OF FEDERAL RESPONSIBILITIES

Background

Title II of the 1955 Act specifies certain requirements for the Federal Government to fulfill. These concern coordination and facilitation of such action that may be required to discharge Federal responsibilities under the Act. Moreover, the President is authorized to designate the head of any department or agency of the Executive Branch to serve as Presidential designee to oversee the fulfillment of the Act's purposes.

In November 1955, by means of Executive Order 10646, the President named the Secretary of Defense the Presidential designee to "effectuate the purposes" of the Act. The Secretary was further authorized to delegate any functions regarding the discharge of Federal responsibilities under the Act to any person or persons within the Department of Defense. Since January 1956, the Assistant Secretary of Defense, Manpower and Reserve Affairs (ASD/M&RA) has been authorized and empowered by the Presidential designee to carry out the purpose of the Act. The Federal Voting Assistance Program continues to be managed by the ASD(M&RA) who is its Coordinator.

Federal Responsibilities

The Presidential designee and other Federal officers have specific responsibilities that each is required to fulfill. These obligations have brought about a Federal effort to aid absentee voters in exercising their franchise and to assist the States in carrying out the Act's recommendations.

Specifically, the Presidential designee is required to:

- Coordinate and facilitate such actions as may be required to discharge Federal responsibilities under the Act.

- Request from other Federal departments and agencies such assistance deemed necessary to effectuate the purposes of the Act.

- Submit a report to the President and to the Congress in odd-numbered years.

- Request annually, or as appropriate, each State to furnish him current absentee registration and voting information. He shall then furnish this information to the departments and agencies of the Executive Branch affected by the Act.

Conduct of the Federal Voting Assistance Program--1972

The Federal Voting Assistance Program conducted during 1972 fulfilled the Federal requirements specified in the Act and by Executive order. The objectives of informing and assisting eligible voters who were covered by the Act were supported vigorously throughout the general election year. Also, the program reflected an awareness of the informational needs of the many young men and women in the 18-to-20-year-old age group who were newly enfranchised as the result of the ratification of the 26th Amendment to the U.S. Constitution in 1971.

●-Execution and Initiatives

A number of positive steps were initiated by the Department of Defense and the Military Departments to provide Armed Forces personnel and their families with necessary materials and personal assistance to enable those who so desired to register and vote by absentee process.

1. To ensure that command attention was focused upon the various voting assistance efforts being made in the field, a senior officer of general or flag rank was named by each Service to manage its respective voting assistance program. The Secretary of Defense issued specific guidance that he considered essential to the success of the 1972 program to these program managers. These initiatives covered a wide range of requirements, such as the designation of voting representatives at every command level; scheduling command voting information programs for all personnel; training of voting counselors and volunteers; and establishing an effective line of communication from the Senior Military Voting Representative of each Service down to unit voting officers and counselors.

2. February 1972 was designated Military Voter Registration Month by the Secretary of Defense. This action created an early opportunity, well ahead of the primary elections that began in March, to intensify the existing, active program to inform eligible personnel about their right to vote and to inform them of the means by which they could vote absentee.

3. Voting directives and general information on voting were distributed on a continuing basis through every available outlet of Armed Forces command channels and internal news media. This information included State absentee registration and voting procedures, primary election dates, election deadlines, and guidance for voting officers and counselors regarding their provision of personal assistance to potential absentee voters. This practice allowed voting officers and counselors to be informed quickly of changes in State voting rules and procedures that occurred during the election year. Further, through American Forces Radio and Television Service (AFRTS) facilities overseas, potential Service voters received voting information of national and

Statewide importance comparable to that available to Armed Forces members and their families within the continental limits of the United States through commercial news media. In addition, Voting Information -- 1972, the basic Department of Defense document on absentee voting, was published and distributed to Armed Forces voting officers and counselors for use in advising potential electors. This publication was also made available to departments and agencies of the Executive Branch for use in counseling their eligible voters overseas.

●-Liaison Activities

Continuing liaison was maintained between the Department of Defense and State election officials during the election year to ascertain changes in election laws, procedures, and deadlines, in order to disseminate such information to absentee voters.

Conferences were held between representatives of the Secretary of Defense and other departments and agencies within the Executive Branch to formulate plans to enhance the Federal Voting Assistance Program and to aid these organizations in providing voting information to their Federal employees overseas. These discussions were also designed to ensure timely, in-depth distribution of voting information materials to users at each organizational level.

By means of an agreement with the Department of State, voting information was made available to non-Federally employed U.S. citizens overseas through the facilities of U.S. Embassies and Consulates.

PART II

PROGRESS OF THE STATES IN ADOPTING THE RECOMMENDATIONS OF THE FEDERAL VOTING ASSISTANCE ACT OF 1955

Background

The Federal Voting Assistance Act of 1955 was originally enacted to permit and assist Federal employees to vote when they are away from their place of voting. Members of the Armed Forces and their families were the largest group of these persons affected and it was their voting difficulties that dramatized the need for some assistance to these persons. For many years, the Federal Government and the State Governments had attempted to assist these persons -- a detailed discussion of which was contained in President Truman's 28 March 1952 message to Congress on "Voting in the Armed Forces."

The first Federal law was passed to facilitate absentee voting for members of the Armed Forces in 1942. This law utilized Congressional war powers to mandate that States permit absentee voting for the military. The 1942 law was amended for a more elaborate system for the 1944 Presidential election. After the end of the hostilities in 1946, the 1942 law and its amendments were to expire; however, the law was amended again. Since the Nation was no longer considered to be in time of war, the 1946 amendments took another path of simply recommending to the States that persons in the Armed Forces be permitted to vote absentee under State law. This course of action was consistent with the long tradition of allowing the States to conduct elections in the United States -- both for Federal and State offices.

President Truman's 1952 message to Congress pointed out that some States at that time were still not providing adequate absentee voting rights to members of the Armed Forces, their families and other Federal employees. This fact prompted the passage of the Federal Voting Assistance Act of 1955. This Act again merely recommended that the States take action to solve the problem, but presented a more detailed plan for the States to adopt.

Since the passage of the Act of 1955, there have been some definite improvements for the absentee voters covered. Most notable is that all States allow members of the Armed Forces and their spouses to register and vote by absentee process. Most States allow Federal employees to vote when they are abroad and non-Federally employed persons (a category of persons added to the Act in 1963) are steadily being recognized as a voting group.

Much of the improvement for absentee voters is directly attributed to State adoption of the Act of 1955 recommendations. The next section will outline current State implementation in detail. The persons under the Act have also benefited from other changes in election law since 1955. These have occurred in the legislative bodies such as the 26th Amendment to the U.S. Constitution and in the judicial forums such as abolition of the durational residency requirements.

State Adoption of the Recommendations of the Act

There are four sections in the Act which make recommendations to the States. In the following analysis, each of these sections is printed verbatim from the United States Code. An outline of the extent to which the States have adopted the recommendation follows the text of the Act.

SECTION 1451

§ 1451. State enactment of absentee voting legislation

The Congress expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

Aug. 9, 1955, c. 656, Title I, § 101, 69 Stat. 584, amended June 18, 1968, Pub.L. 90-343, § 1, 82 Stat. 180.

THIS SECTION OF THE ACT RECOMMENDS THAT THE STATES TAKE LEGISLATIVE OR ADMINISTRATIVE ACTION

Some of the recommendations of the Act must be adopted by a State legislative body to become a part of State law. Provisions like who may vote absentee generally fall within this category. Other recommendations such as those concerning envelope design for ballot materials and the content of absentee voting instructions may be adopted at the direction of State election officials.

TO ENABLE THE CATEGORIES OF PERSONS COVERED UNDER THE ACT

The original Act of 1955 covered the persons in 1451(1) & (2) of the present version of the Act shown above and the following persons:

"(3) Civilian employees of the United States in all categories serving outside the territorial limits of the several States of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them," and

"(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, and their spouses and dependents."

In 1968, Section 1451 was amended by deleting subparagraphs (3) & (4) and substituting a new subparagraph (3) as shown in the insert above. The effect of this amendment was to bring all non-Federally employed citizens temporarily residing abroad under the Act. It also removed the former 1451(4) persons from coverage under the Act unless they could meet the requirements of the new 1451(3).

TO VOTE IN ANY PRIMARY, SPECIAL, OR GENERAL ELECTION

In adopting the recommendations of the Act, the States have generally extended absentee registration and voting rights to any election in the State. There is one exception. The State of New York does not permit any of its qualified voters to vote absentee in primary elections.

Under the plan of the Act, Section 1451 takes the first step to assist absentee voters. It simply recommends that the States enable the persons covered under the Act to vote by absentee ballot. Section 1452 takes a second step by recommending that the States permit the persons covered to register and vote by certain simplified procedures. The degree to which the States have adopted the second step is examined under the 1452 analysis in this report. The extent to which the States have adopted the first step of Section 1451 is as follows:¹

1. This analysis does not reflect the extent to which States may allow U.S. citizens to register and vote in compliance with the "1970 Amendments to the Voting Rights Act of 1965." Those amendments require States to enable all qualified persons to register and vote absentee for the offices of President and Vice President of the United States.

a. The election laws of the States listed below contain statutory provisions which cover all the categories of persons covered under the amended Act of 1955. Each of these States permits such eligible persons to register and vote absentee.

Alaska	Massachusetts
Arkansas	Minnesota
California	Mississippi
Colorado	Montana
Connecticut	Nebraska
Delaware	New Mexico
District of Columbia	North Dakota
Florida	Oklahoma
Georgia	Oregon
Hawaii	Tennessee
Idaho	Texas
Iowa	Washington
Kansas	Wyoming
Maryland	

b. The election laws of the States below do not contain specific statutory provisions enabling all the categories of persons under the Act to vote absentee.² However, these States do have what may be labeled "general" absentee voting and absentee registration statutes. These statutes ordinarily allow any eligible person, who will be or expects to be absent from his or her place for voting or registration, to register and vote absentee. Persons who are presently covered under the Act of 1955, but are not covered by specific statutory provisions under State law, may register and vote under these general absentee statutes provided they can satisfy all the standard eligibility requirements.³

2. The laws of the following States contain specific statutory provisions which enable all the persons covered by the Federal Voting Assistance Act of 1955 prior to its amendment in 1968 to Register and vote absentee: Maine, Missouri, Nevada, New Hampshire, Utah, Vermont, West Virginia, and Wisconsin. The four States that follow have specific statutory provisions for the pre-1968 persons except for the categories noted:

- Arizona (the former 1451(4) persons)
- Indiana (the former 1451(3) & (4) persons)
- South Dakota (the 1451(2) persons)
- New York (the 1451(2) and the former 1451(3) & (4) persons)

3. To be eligible to vote under State law, a person must normally be a U.S. citizen, 18 years of age or older, registered, a resident of the State, and not disqualified for reasons such as mental incapacity or confinement for a felony conviction.

Arizona
Indiana
Kentucky
Maine
Michigan
Missouri
Nevada
New Hampshire

New York
South Dakota
Utah
Vermont
West Virginia
Wisconsin

c. The election laws of the States below have general absentee voting statutes like those States in paragraph b, but unlike those States, they do not have general absentee registration statutes. These States, as a rule, require that eligible persons must register in person unless the law provides otherwise.⁴

Illinois
New Jersey
North Carolina
Ohio

Pennsylvania
Rhode Island
South Carolina
Virginia

d. Alabama and Louisiana do not have specific statutory provisions covering all the categories of persons covered under the Act. Both require that eligible persons must register and vote in person unless provided otherwise. Alabama election law provides that members of the Armed Forces, members of the Merchant Marine, persons employed outside the United States, and spouses and dependents of such persons may register and vote absentee. Louisiana law provides that all the pre-1968 covered persons may register and vote absentee.

4. The laws of Illinois, Pennsylvania, and Rhode Island contain specific statutory provisions which enable all the persons covered by the Federal Voting Assistance Act of 1955 prior to its amendment in 1968 to register and vote absentee. The States that follow have specific statutory provisions for the pre-1968 persons except for the categories noted:

New Jersey (the former 1451(3) persons and 1451(2) persons),

North Carolina (dependents of Armed Forces members, spouses and dependents of members of the Merchant Marine, the former 1451(3) and 1451(4) persons),

South Carolina (dependents of Armed Forces members).

Ohio and Virginia have statutory provisions which cover only members of the Armed Forces and their spouses. Virginia will allow registered voters who are outside the continental limits of the United States to vote absentee.

SECTION 1452

§ 1452. Balloting procedures

To afford ample opportunity for persons covered by section 1451 of this title to vote for Federal, State, and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

This section of the Act recommends that States adopt certain registration and voting procedures for the categories of persons covered. To the extent indicated in the succeeding analysis, the States have incorporated these recommendations into their law. It should be kept in mind that while a State may not utilize the recommended procedures, it does not necessarily fail to permit a category of persons covered to register and vote absentee. This is illustrated under the subsection on Absentee Registration Methods.

There are 12 subsections under 1452 which for the purpose of this Report are discussed under the following subject headings:

Applications for Absentee Ballots	50 U.S.C. 1452(1)
Absentee Registration Methods	50 U.S.C. 1452(2)(3)(4)
Late Returnee Provision	50 U.S.C. 1452(5)
Balloting Materials	50 U.S.C. 1452(6)(7)(8)(9)(10)
Oaths	50 U.S.C. 1452(11)
Ballot Round-Trip Time	50 U.S.C. 1452(12)

APPLICATIONS FOR ABSENTEE BALLOTS

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 1451 of this title) provided pursuant to this chapter;

Every State and the District of Columbia complies with this recommendation for members of the Armed Forces and their spouses. Dependents of members of the Armed Forces may use the FPCA under State law in every State except North Carolina, Ohio, South Carolina, and Virginia. Members of the Merchant Marine and their spouses and dependents may use the FPCA under State law in every State except Michigan, New York, Ohio, and Virginia. All U.S. citizens temporarily residing outside the territorial limits of the United States and the District of Columbia may use the FPCA under State law in every State and the District of Columbia except:

Alabama	•New York
Arizona	•Ohio
•Illinois	•Pennsylvania
Indiana	Rhode Island
Louisiana	South Carolina
Maine	South Dakota
Missouri	Utah
Nevada	Vermont
New Hampshire	Virginia
•New Jersey	Wisconsin

Most of these States do allow Federally employed persons overseas to use the FPCA -- see the 1452 analysis.

ABSENTEE REGISTRATION METHODS

(2) waive registration of persons covered by section 1451 of this title, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this chapter as a simultaneous application for registration and for ballot;

(4) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

Forty-three States and the District of Columbia have adopted a registration procedure recommended by the Act for members of the Armed Forces and their spouses. The States of Alabama, Georgia, Kentucky, Louisiana, Mississippi, Nevada, and West Virginia allow members of the Armed Forces to register absentee, but not exactly in a manner recommended by the Act. These States require that State registration forms be completed. The forms cannot be sent with the absentee ballot. A form will be mailed to an unregistered person who submits a Federal Post Card Application for absentee ballot and indicates that he wants to register. The forms must be completed and received by election officials before the registration books close.

Every State and the District of Columbia have adopted a recommended registration method for the other categories of persons covered by the Act except the seven States that have not adopted one for members of the Armed Forces and the States listed below.

a. Dependents of Members of the Armed Forces.

North Carolina
Ohio

South Carolina
Virginia

b. Members of the Merchant Marine and Their Spouses and Dependents.

New Jersey
Ohio
Virginia

c. United States Citizens Temporarily Residing Outside the Territorial Limits of the United States and the District of Columbia.

Arizona	Ohio
Louisiana	Pennsylvania
Maine	Rhode Island
Missouri	South Carolina
Nevada	South Dakota
New Hampshire	Vermont
New Jersey	Virginia
New York	Wisconsin
North Carolina	

LATE RETURNNEE PROVISION

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination;

The registration systems in the States have changed since this provision was written into the Act. Most States now have permanent registration systems in contrast to the old yearly or periodic registrations. Most States now register qualified voters up to and in some States fewer than 30 days prior to an election. The majority of the States now provide their voters with the opportunity to register absentee. Most States have eliminated or sharply reduced the period of time a person must reside in a State to be eligible to vote.

These changes have significantly reduced the number of persons who could take advantage of this recommended provision. Twenty-four States and the District of Columbia have adopted this provision or one with the equivalent effect. The States of Alabama, Arizona, Arkansas, Florida, Hawaii, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Kentucky, Nebraska, New Mexico, Nevada, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, and Washington do not have such a provision.

BALLOTING MATERIALS

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this chapter, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

The administrative details of this subsection have been adopted in some form in every State and the District of Columbia. Voting instructions are included with absentee ballot and the States generally use envelopes designed as recommended by the Act in order to take advantage of the free postage provision.

OATHS

(10) for the purposes of this chapter, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States.

The oath provisions of many State statutes do not reflect the exact language of the recommendation. However, every State and the District of Columbia provide that any commissioned officer and any civilian official empowered by State or Federal law may execute any oaths required to vote absentee.

BALLOT ROUND-TRIP TIME

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

There is no exact standard to measure the degree of adoption of this recommendation. This section does not provide a definite number of days prior to an election that a ballot must be made available to satisfy this provision. It is evident from Department of Defense surveys that some persons in the Armed Forces are not receiving their ballots in time to return them by the absentee voting deadline.

There are many factors which may contribute to this occurrence. One of these may be that States do not or are unable to mail ballots far enough in advance. Others might be the failure of voters to request ballots in time, to send the FPCA to the proper election official, or to fill out the FPCA completely, accurately or legibly. Another might be an unexpected delay in transmission of the ballots from the election official to the voters.

SECTION 1453

§ 1453. Statistical data

It is recommended that each of the several States make available to the officer designated by the President under section 1461 of this title appropriate statistical data to assist him in compiling comprehensive information of operations under this chapter.

Aug. 9, 1955, c. 656, Title I, § 103, 69 Stat. 585.

The Department of Defense has received excellent cooperation from the State election officials. Were it not for their fine efforts, the Voting Information Guides and pamphlets could not be published for the use of the persons covered under the Act.

SECTION 1454

§ 1454. Personnel residing on military installations; acquisition of legal residence for voting purposes

It is recommended that each of the several States permit any person covered by section 1451(1) of this title who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections.

Aug. 9, 1955, c. 656, Title I, § 104, as added June 18, 1968, Pub.L. 90-344, § 1(2), 82 Stat. 181.

This recommendation of the Act was added to the original Act in 1968. A recent survey of the chief election officials of all the States indicated that every State had a policy of following this recommendation except Oklahoma and Virginia, which indicated that they do not follow this recommendation; and Alabama and North Carolina, which showed that they had no definite policy in regard to this recommendation.

PART III

STATISTICS RELATED TO THE 1972 GENERAL ELECTION

Introduction

Title II of the Act requires the Presidential designee to provide, biennially, statistical data and other information regarding absentee voting to the President and to the Congress. To obtain information for this Report, the Department of Defense conducted post-election studies with the assistance of the Military Departments, other Federal departments and agencies of the Executive Branch, and State election officials. During November and December 1972, a sample survey was taken of the following categories of persons covered by the Act:

- Members of the Armed Forces on active duty and their spouses and dependents (including the U.S. Coast Guard).
- Civilian employees of departments and agencies of the Federal Government, and their spouses and dependents, who were serving outside the territorial limits of the United States and the District of Columbia at the time of the general election.
- Non-Federally employed citizens of the United States residing outside the territorial limits of the United States and the District of Columbia.

In addition to the Military Departments, the following Departments and Agencies participated in the 1972 post-election survey:

Department of Agriculture
Department of Commerce
Department of Health, Education, and Welfare
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of Treasury
ACTION
Agency for International Development
American Battle Monuments Commission
Atomic Energy Commission
General Services Administration
Maritime Administration
Panama Canal Zone Company
Smithsonian Institution
Veterans Administration

The survey of non-Federally employed persons overseas was conducted for the Department of Defense with the cooperation of the Department of State.

Scope and Survey Results

The purpose of this survey was to determine if the Federal Voting Assistance Program, as conducted during the period of this Report, achieved its objectives of informing and assisting persons covered by the Act with regard to registering and voting either at the polls or by absentee process.

The results of the survey have been reduced to a minimum number of tables for use in this Report. They are intended to present data that will give some indication of how successful the program was in achieving its objectives. Specifically, they will depict:

1. The number of eligible voters in the groups surveyed and their ages.
2. The number of eligible persons covered by the Act who voted and an age breakout of these voters.
3. An examination of the success attained in reaching several objectives of the Federal Voting Assistance Program designed to inform potential absentee voters of and assist them in the 1972 elections.
4. The reasons given by survey participants as to why they did not vote.

Estimated Population and Voting Participation of Persons Covered by the Act

Table 1 gives an approximation of the number of persons covered by the Act on the date of the 1972 general election.

TABLE 1

Estimated Federal Voting Assistance Program Population Eligible To Vote in November 1972

Army	764,618
Navy	531,911
Air Force	659,931
Marine Corps	181,106
Coast Guard	32,725
Military Spouses	1,228,492
Federal Civilian Overseas	42,958
U.S. Citizens Temporarily Overseas	<u>630,300</u>
Total:	4,072,041

The tables below are concerned with the level of participation by persons covered by the Federal Voting Assistance Program, as measured by the number of eligible voters who cast their ballots in the 1972 general election.

Table 2 gives the number and percent of the eligibles from the Armed Forces and other categories who voted in the 1972 general election.

TABLE 2

Number and Percent of Eligible Persons, By Service, Voting in 1972
General Election

	<u>Eligible</u>	<u>Voted</u>	<u>Percent</u>
Army	764,618	315,310	41.3
Navy	531,911	275,069	51.8
Air Force	659,931	348,650	52.9
Marine Corps	181,106	76,357	42.2
Coast Guard	32,725	16,935	51.8
DoD Total:	<u>2,170,291</u>	<u>1,032,321</u>	<u>47.6</u>
Federal Employees	49,958	23,240	54.1
Non-Federally Employed			
U.S. Citizens			
Overseas	630,300	151,000	24.0

Table 3 shows the percentage of eligible voters that fall within several age groupings. It can be seen that 56 percent of eligibles attached to the Military Departments are between the ages of 18 and 25; more than half of the civilians who are employed by the Federal Government and serving overseas are 41 years of age or older.

TABLE 3

Age on Election Day of Military Personnel and Federally Employed
Civilians Overseas

	<u>Under 18</u>	<u>18-20</u>	<u>21-25</u>	<u>26-30</u>	<u>31-40</u>	<u>41 & Over</u>
Department of Defense						
Officers	--	.8	25.7	28.7	29.9	14.9
Enlisted	<u>1.1</u>	<u>23.2</u>	<u>35.5</u>	<u>12.7</u>	<u>20.8</u>	<u>4.7</u>
Total	1.0	20.1	35.9	15.0	22.1	6.1
Federal Civilians	.2	2.8	7.8	11.0	25.7	52.6

Table 4 suggests that the greatest incidence of voting occurred among persons over 25 years of age.

TABLE 4

Percentage of Voting Participation in the 1972 General Election by Age Distribution

Department of Defense	<u>18-20</u>	<u>21-25</u>	<u>26-30</u>	<u>31-40</u>	<u>41 & Over</u>
Officers	79.6	76.1	77.6	80.0	82.2
Enlisted	33.7	39.8	50.5	48.5	55.6
Total:	33.9	43.6	58.1	54.8	64.9
Federal Civilians	30.3	60.7	55.9	54.9	53.4

According to U.S. Bureau of the Census' sources, 18.4 percent of the national voting age population were under 25 years of age.¹ It is significant to note that both the Bureau of the Census' data and Table 4 show that the 18-25 age group voted at a lower percentage rate than did any other age group.

Table 5 summarizes Armed Forces participation in general elections since the passage of the Act of 1955. It will be noted that the participation figures for Presidential election years are greater than those given for non-Presidential election years. The average difference between percentages of eligibles voting in the two types of elections is approximately 19 percent.² That difference parallels the average difference of 14 percent for all voters³ in the United States during the same period of time.

TABLE 5

Armed Forces Voting Participation From 1956 Through 1972

Type Election	Year	Total Eligible	Number Voted	Percent Voted
Presidential	1956	1,873,880	661,926	35.2
Congressional	1958	2,016,148	377,867	18.7
Presidential	1960	1,866,597	735,019	39.4
Congressional	1962	1,986,664	398,634	20.1
Presidential	1964	1,967,520	1,009,311	51.3
Congressional	1966	2,274,056	623,292	27.4
Presidential	1968	2,473,000	1,142,600	46.2
Congressional	1970	2,194,406	583,518	26.5
Presidential	1972	2,170,291	1,032,321	47.6

1. Current Population Reports No. 353, October 1973, U.S. Department of Commerce, Bureau of the Census.

2. First through Eighth Biennial Reports.

3. Pocket Data Book, USA 1971, U.S. Department of Commerce, Bureau of the Census.

Personal Assistance

An important function of the Federal Voting Assistance Program is to make available personal assistance to potential absentee voters. Voting officers, counselors or departmental voting representatives were provided with the materials to render the following services to their constituents:

- Explanation of absentee registration and voting procedures for every State.
- Special information on Presidential and State primary elections.
- Registration and ballot-receipt deadlines.
- Dissemination of FPCAs and assistance in preparing the forms for registration and ballot request functions.

Table 6 provides percentages of persons reporting the receipt of some type of assistance with regard to voting absentee. For Armed Forces personnel and Federally employed civilians the question was asked:

"Did your organizational unit or employer, through a voting officer, or by other means, provide you assistance, before the November 1972 election, in exercising your right to vote?"

TABLE 6

A Comparison of Percentages of Armed Forces Personnel and Federal Employees (Overseas) Receiving Voting Assistance in 1972 and in 1970 (Affirmative Answers)

Military Departments	<u>1972</u>	<u>1970</u>
Army	70.9	54.9
Navy	68.4	60.0
Air Force	76.6	60.2
Marine Corps	75.2	62.8
Coast Guard	<u>54.7</u>	<u>49.9</u>
Total:	72.1	57.9
Federal Employees	52.9	56.1

A review of previous voting assistance program results revealed the need for a greater effort to be made in providing individual assistance to potential voters. Comparing the 1972 percentages with those of 1970, it would appear that measures to improve this service were effective.

Sufficiency of Voting Information and Assistance

Several indications of the extent to which voting information materials were utilized in the field and assistance made available to potential voters were the incidence of issuance of the Federal Post Card Application (FPCA); the extent to which voting assistance was rendered to personnel; and the degree of potential voters' satisfaction that was expressed concerning the voting information received.

Table 7 summarizes the answers to the survey questionnaire:

"Were you issued or given, prior to the November 1972 general election, a Federal Post Card Application (FPCA) (SF 76) for an absentee ballot?"

TABLE 7

Percent of Eligible Persons Reporting the Receipt of SF 76 in 1972 as Compared With 1970

Department of Defense	<u>1972</u>	<u>1970</u>
Officers	83.5	*
Enlisted	<u>63.8</u>	<u>*</u>
Total:	66.6	41.3
Federally Employed Civilians Overseas	53.6	*

Table 8 depicts the degree of satisfaction with the types of voting information provided by the Department of Defense and other departments and agencies of the Executive Branch to members of the Armed Forces and civilians employed by the Federal Government. The questions asked these persons with regard to this service were:

"Do you feel you were furnished, or had available to you, sufficient information concerning the proper procedures for voting?"

"Do you feel you were furnished, or had available to you, timely information concerning election dates and application deadlines?"

TABLE 8

Percentages of Armed Forces Personnel and Federal Civilian Employees Satisfied With Voting Information Provided During 1972

Department of Defense	<u>Satisfied</u>
Officers	92.3
Enlisted	<u>74.8</u>
Total:	77.3
Federally Employed Civilians Overseas	73.6

Since the percentages given for answers to these two questions are almost identical, only one set of figures need be given.

Table 9 depicts the level of interest that Armed Forces personnel had in the 1972 general election.

TABLE 9

Interest Level of Armed Forces Personnel and Federally Employed Civilians
in the 1972 General Election

	<u>Very Interested</u>	<u>Somewhat Interested</u>	<u>No Interest</u>	<u>No Opinion</u>
Department of Defense				
Officers	67.6	30.3	1.1	1.0
Enlisted	<u>39.8</u>	<u>42.1</u>	<u>7.8</u>	<u>10.3</u>
Total:	43.7	40.4	6.9	9.0
Federal Civilian				
Employees	52.9	39.3	3.1	4.7

Table 10 indicates the percentage of persons who voted by different level-of-interest categories. For example, of those persons who said that they were "very interested" in the election, 73.3 percent also indicated that they voted.

TABLE 10

Percentage of Eligible Persons Voting as a Function of Interest in the
1972 General Election

	<u>Very Interested</u>	<u>Somewhat Interested</u>	<u>No Interest</u>	<u>No Opinion</u>
Department of Defense				
Officers	88.0	61.3	10.9	16.2
Enlisted	<u>69.1</u>	<u>31.0</u>	<u>5.9</u>	<u>10.0</u>
	73.3	34.3	6.0	10.1
Federal Civilian				
Employees	69.8	38.6	6.9	9.5

Table 11 indicates that there were significant numbers of military personnel and Federally employed civilians who applied for absentee ballots and subsequently voted. However, delays on the part of applicants in sending ballot requests to election officials in sufficient time to obtain ballots, errors made in completing ballot applications - particularly the Federal Post Card Application (FPCA), and delays in printing ballots and mailing them to applicants, may have accounted for approximately 13 and 15 percent, respectively, of the applicants not receiving ballots in time to vote them, or not receiving ballots at all.

TABLE 11

Voting Outcome of Persons Making Application for Absentee Ballots for
the November 1972 General Election (Percentage)

	<u>Received Ballot and Voted</u>	<u>Received Ballot and Did Not Vote</u>	<u>Received Ballot Too Late to Vote</u>	<u>Never Received Ballot</u>
Department of Defense				
Officers	90.7	3.3	2.2	3.8
Enlisted	<u>75.7</u>	<u>9.4</u>	<u>5.5</u>	<u>9.5</u>
Total:	79.0	8.0	4.7	8.2
Federal Civilian				
Employees	82.6	2.6	5.3	9.2

U.S. Citizens Temporarily Residing Overseas

In 1968, the 90th Congress recognized that a substantial number of non-Federally employed Americans are frequently away from their voting residences on election day. The Federal Voting Assistance Act was amended to recommend that the States permit U.S. citizens temporarily residing outside the territorial limits of the United States and the District of Columbia to utilize the same absentee voting processes available to Armed Forces personnel, members of the U.S. Merchant Marine, and Federally employed civilians.

The post-election survey of 1972 sought, for the first time, to gain some insight into possible effects the 1968 amendments had on absentee voting for this new category of persons. Part II of this Report indicates that the States have not fully adopted the recommendations of Congress which brought this category of Americans under the terms of the Act.

The 1972 survey related to these U.S. citizens sought to determine essentially the same information as obtained from the survey of military personnel and Federal employees overseas.

Eligibility and Participation

One of the purposes of the survey was to determine the number of U.S. citizens residing outside the territorial limits of the United States and the District of Columbia. It was determined that the most accurate and comprehensive count known to be available was kept by the Department of State; these figures indicated that there were approximately 1,049,000 U.S. citizens overseas. Of these, the sample survey showed that approximately 1,005,000 were both U.S. citizens and 18 years of age or older. Because all States require as a qualification for voting that voters be a resident of a State, the figure of 1,005,000 was further reduced to indicate the number of these citizens who were eligible to vote on the basis of age, citizenship, and legal residence (630,300).

The number of persons considered ineligible to vote because they were not legal residents was determined from the survey questionnaire. If the respondent indicated an affirmative answer to the question, "Do you have a legal residence for voting?", he was included in the eligible category. Those persons who indicated that they did not have a State of legal residence were asked why they felt that they did not. (Table 13). *what about eligibility as a function of state adoption of the '68 amendments?*

The survey found that the voting participation of U.S. citizens residing abroad is directly related to the length of time these persons have lived abroad. Nearly 400,000 (38.6 percent of the more than one million Americans abroad) have lived abroad for more than 10 years. The incidence of voting among these Americans in the 1972 general election was about five percent. On the other hand, nearly one-half (47.3 percent) of Americans who have been residing abroad for less than six months voted. This was to be expected since the Federal Voting Assistance Act of 1955 and its recommendations to the States cover only those persons who are "temporarily residing outside the United States."

Table 12 gives the number and percent of persons that voted who were considered eligible on the basis of age, citizenship and legal residence.

TABLE 12

Voting Participation of non-Federally Employed U.S. Citizens Temporarily Residing Overseas

<u>Eligible to Vote</u>	<u>Number</u>	<u>Percent</u>
Voted	151,000	24.0
Did Not Vote	471,400	74.8
No Answer	<u>7,900</u>	<u>1.2</u>
Total	630,300	100.0

TABLE 13

Number of U.S. Citizens Residing Overseas Who Reported No State of Legal Residence for Specific Reasons

<u>Reasons</u>	<u>Number</u>
No Permanent Home	119,100
No Intent to Return to U.S.	81,800
Haven't Lived in U.S. in Many Years	39,100
Never Lived in U.S.	23,500
Haven't Lived in States Long Enough	21,800
Possible Effect on Tax Obligations	7,300
Many Changes of U.S. Address	5,700

Voting Assistance

Table 14 below examines the question of use of the FPCA which is the instrument recommended by Congress for persons covered by the Act to seek to register to vote and request their ballots. During 1972, as Table 15 will show, U.S. Embassies and Consulates, military installations, and employers were cited as major sources of the document; 72.6 percent of persons using FPCAs obtained them from representative offices of the Department of State, and more than 60 percent of these FPCA users actually cast their ballots. The survey question related to FPCA usage was:

"Please indicate whether or not you used a Federal Post Card Application for Absentee Ballot (Standard Form 76) in a request for registration to vote and/or a request for an absentee ballot in the 1972 election."

TABLE 14

Number and Percent of Eligibles Who Used the FPCA in 1972

<u>Response</u>	<u>Number</u>	<u>Percent</u>
Used FPCA (SF 76)	71,900	11.4
Did Not Use FPCA	442,600	70.2
No Answer	<u>115,800</u>	<u>18.4</u>
Total:	630,300	100.0

TABLE 15

Reported Major Sources of the FPCA (SF 76) and Voting Outcome of FPCA Users Expressed in Percent

<u>Source</u>	<u>Percent Per Source</u>	<u>Percent Voted</u>
U.S. Embassies/Consulates	72.6	62.9
U.S. Military Installations	8.8	81.0
Employers	4.6	51.5
County Courthouses	9.2	69.4

The above tables imply that although the Federal Post Application is capable of fulfilling its designed purpose, it is not being used to the maximum extent possible. An examination of some of the dominant reasons which the survey respondents offered for not voting may lead to positive measures to encourage greater usage of the authorized system of absentee voting for this category of Americans overseas.

Reasons for Not Voting

The results of the survey imply that the Federal Post Card Application is not being used to the greatest extent possible, but plays an important potential role in assisting Americans overseas in their registration, application, and ballot request procedures. Of those answering the questions, less than 12 percent indicated that they did use the Federal Post Card Application in a request for registration to vote and/or a request for an absentee ballot in the 1972 election. Of the projected 71,900 Americans who indicated the use of the Federal Post Card Application, more than 6 out of 10 (62.9 percent) voted. Of the projected 442,600 Americans indicating non-use of the FPCA, only one in five (20.7 percent) voted. It is clear that while users of the Federal Post Card Application had a significantly higher incidence of voting than non-users of the FPCA, still a substantial number of Americans who used the FPCA did not receive a ballot in time, did not receive a ballot at all, or were refused a ballot.

Table 16 indicates the number and percent of eligibles who requested absentee ballots and did not vote.

TABLE 16

Number and Percent of Eligibles Who Requested Absentee Ballots and Did Not Vote

<u>Outcome of Request</u>	<u>Number</u>	<u>Percent</u>
Received Ballot, but Not in Time	27,400	12.7
Received Ballot in Time, but Did Not Vote	8,300	3.8
Did Not Receive Ballot	36,900	17.1

The majority of the non-Federally employed U.S. citizens temporarily residing overseas who participated in the post-election survey cited the lack of some type of voting information as a reason for not voting. Table 17 below categorizes these informational considerations.

TABLE 17

Number and Percent of Eligibles Who Did Not Vote For Specified Reasons

<u>Reasons for Not Voting</u>	<u>Number</u>	<u>Percent</u>
Lack of Procedural Information on Registration/Ballot Request	197,200	41.8
Lack of Application Deadlines Information	142,900	30.3
Lack of Candidate/Issue Information	36,000	7.6
Lack of Election Dates Information	28,800	6.1
Various Other Reasons	66,500	15.2
Total:	<u>471,400</u>	<u>100.0</u>

Public Law 296 - 84th Congress
Chapter 656 - 1st Session
H. R. 4048

AN ACT

All 69 Stat. 584.

Making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Federal Voting Assistance Act of 1955".

The Federal
Voting As-
sistance Act
of 1955.

TITLE I

RECOMMENDATIONS OF THE CONGRESS TO THE SEVERAL STATES

SEC. 101. The Congress hereby expresses itself as favoring, and recommends that the several States take, immediate legislative or administrative action to enable every person in any of the following categories who is absent from the place of his voting residence to vote by absentee ballot in any primary, special, or general election held in his election district or precinct, if he is otherwise eligible to vote in that election:

Absentee
ballot.

(1) Members of the Armed Forces while in the active service, and their spouses and dependents.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the territorial limits of the several States of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

63 Stat. 954.
5 USC 1071
note.

(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

SEC. 102. To afford ample opportunity for persons covered by section 101 of this Act to vote for Federal, State, and local officials and to use the absentee balloting procedures to the greatest extent possible, it is recommended that each of the several States—

Procedures.

(1) accept as applications for absentee ballots under such States' absentee balloting laws, as applications for registration under such States' election laws, and as sources of information to implement State absentee balloting laws, the form of post card (when duly executed by a person covered by section 101 of this Act) provided pursuant to this Act;

(2) waive registration of persons covered by section 101 of this Act, who, by reason of their service, have been deprived of an opportunity to register;

(3) accept the post card application provided pursuant to this Act as a simultaneous application for registration and for ballot;

(4) if a special application is required for registration by mail, provide that the necessary forms will be sent with the absentee ballot and may be returned with it;

(5) make provision for persons eligible to register and qualified to vote, who have been honorably discharged from the Armed Forces, or have terminated their service or employment, too late to register at the time when, and at the place where, registration is required, to vote at the election next ensuing after such discharge or termination.

(6) authorize and instruct the State or local election officials, upon receipt of the post card application provided pursuant to this Act, to mail immediately to the applicant a ballot, instructions for voting and returning the ballot, and a self-addressed envelope;

(7) provide that there be printed across the face of each envelope in which a ballot is sent two parallel horizontal red bars, each one-quarter inch wide, extending from one side of the envelope to the other side, with an intervening space of one-quarter inch, the top bar to be one and one-quarter inches from the top of the envelope, and with the words "Official Election Balloting Material—via Air Mail", or similar language, between the bars; that there be printed in the upper right corner of each such envelope, in a box, the words "Free of U. S. Postage, Including Air Mail"; that all printing on the face of each such envelope be in red; and that there be printed in red in the upper left corner of each State ballot envelope an appropriate inscription or blanks for return address of sender;

(8) provide that the gummed flap of the State envelope supplied for the return of the ballot be separated by a wax paper or other appropriate protective insert from the remaining balloting material and that there be included in State voting instructions a procedure to be followed by absentee voters, such as notation of the facts on the back of the envelope duly signed by the voter and witnessing officer, in instances of adhesion of the balloting material;

(9) reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure;

(10) for the purposes of this Act, authorized oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, or any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, or any civilian official empowered by State or Federal law to administer oaths;

(11) include in State voting instructions express information concerning the type or types of writing instruments which may be used to mark the absentee ballot, preferably pen or indelible pencil; and

(12) provide that absentee ballots will be available for mailing to the applicant as soon as practicable before the last date on which such ballot will be counted.

Statistical
data.

SEC. 103. It is recommended that each of the several States make available to the officer designated by the President under section 201 of this Act appropriate statistical data to assist him in compiling comprehensive information of operations under this Act.

TITLE II

FEDERAL RESPONSIBILITIES

Presidential
designee.

SEC. 201. The President is hereby authorized to designate, with provision for redelegation, the head (hereinafter referred to as the Presidential designee) of any executive department or agency to coordinate and facilitate such actions as may be required to discharge Federal responsibilities under this Act. The Presidential designee is authorized to request from other executive departments and agencies such assistance as he deems necessary to effectuate the purposes of this Act, and shall submit a report to the President and to the Congress in odd-numbered years. Such report shall cover the administration of Federal responsibilities authorized under this title, the progress of the States in carrying out the recommendations contained in title I, sta-

Report.

tistical data relating to absentee voting, and such other information as the Presidential designee may consider appropriate.

Sec. 202. The Presidential designee shall request, annually or more often when appropriate, each State to furnish him with current absentee voting information for such State. Such information shall include election dates, officers to be elected, constitutional amendments, and other proposals to be voted on, absentee registration and voting procedures, and other relevant data. As soon as possible after receipt of such information, he shall furnish it to the departments and agencies of the executive branch affected by this Act. Such departments and agencies are authorized to reprint and distribute such information to the extent necessary.

Sec. 203. All Government officials shall, to the extent practicable and compatible with their primary responsibilities, cooperate with the Presidential designee in carrying out the purposes of this Act. All such officials shall, as far as practicable, take all reasonable measures to expedite, transmit, deliver, and return post cards, ballots, envelopes, and instructions for voting procedures mailed to or by persons to whom this Act is applicable. In addition, and as requested by the Presidential designee, it shall be the duty of—

(1) the Attorney General to cooperate and advise with the Council of State Governments in the formulation of drafts of State legislation designed to implement the recommendations for State action contained in this Act;

(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this Act. Such post cards shall, wherever practicable and compatible with other operations, be made available by the department or agency concerned to persons to whom this Act is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections post cards shall be made available outside the territorial limits of the United States not later than August 15 prior to the election and within the territorial limits of the United States not later than September 15 prior to the election. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and

(3) the Postmaster General and the heads of the departments and agencies concerned, where practicable and compatible with their operations, to facilitate the transmission of balloting material to and from persons to whom this Act is applicable. Ballots executed outside the United States by persons to whom this Act is applicable shall be returned by priority airmail wherever practicable, and such mail may be segregated from other forms of mail and placed in special bags marked with special tags printed and distributed by the Postmaster General for this purpose.

Sec. 204. The form of the Federal post card application shall be as follows:

(a) The cards shall be approximately nine and one-half by four and one-eighth inches in size.

(b) Upon one side, perpendicular to the long dimension of the card, there shall be printed in black type the following:

FILL OUT BOTH SIDES OF CARD
POST CARD APPLICATION FOR ABSENTEE BALLOT

State or Commonwealth of -----
(Fill in name of State or Commonwealth)

(1) I hereby request an absentee ballot to vote in the coming election:
(GENERAL) (PRIMARY)* (SPECIAL) ELECTION
(Strike out inapplicable words)

(2) * If a ballot is requested for a primary election, print your political party affiliation or preference in this box:
(If primary election is secret in your State, do not answer)

(3) I am a citizen of the United States, eligible to vote in above State, and am:

a. A member of the Armed Forces of the United States

b. A member of the merchant marine of the United States

c. A member of a religious or welfare organization assisting servicemen

d. A civilian employed by the United States Government outside the United States (continental)

e. A spouse or dependent of a person listed in (a), (b), or (c) above

f. A spouse or dependent residing with a person described in (d) above

(4) I was born on -----
(Day) (Month) (Year)

(5) For ----- years preceding the above election my home (not military) residence in the above State has been -----
(Street and number or rural route, etc.)

The voting precinct or election district for this residence is -----
(Enter if known)

(6) Remarks: -----

(7) Mail my ballot to the following official address:

(Unit (Co., Sq., Trp., Bn., Etc.), Governmental Agency, or Office)

(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

(Street No., APO, or FPO No.)

(City, Postal Zone, and State)

(8) I am NOT requesting a ballot from any other State and am not voting in any other manner in this election, except by absentee process, and have not voted and do not intend to vote in this election at any other address.

(9) -----
(Signature of person requesting ballot)

(10) -----
(Full name, typed or printed, with rank or grade, and service number)

(11) Subscribed and sworn to before me on -----
(Day, month, and year)

(Signature of official administering oath) (Typed or printed name of official administering oath)

(Title or rank, service number, and organization of administering official)

INSTRUCTIONS

- A. Before filling out this form see your voting officer in regard to the voting laws of your State and absentee registration and voting procedure.
- B. Type or print all entries except signatures. FILL OUT BOTH SIDES OF CARD.
- C. Address card to proper State official. Your voting officer or commanding officer will furnish you his title and address.
- D. Mail card as soon as your State will accept your application.
- E. NO postage is required for the card.

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

FILL OUT BOTH SIDES OF THE CARD

(Name)

(Unit, Gov. Agency, or Office)

(Mil. Base, Station, Ship or Office)

(Street No., APO, or FPO No.)

(City, Postal Zone, State)

FREE OF U. S. Postage
Including Air Mail

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: -----
(Title of Election Official)

(County or Township)

(City or Town, State)

SEC. 205. The previously authorized Federal post card form shall be utilized prior to and in connection with the election for Members of Congress next ensuing after the date of enactment of this Act, and the Presidential designee shall initiate action to make such forms available to departments and agencies having a need therefor. Thereafter only the post card form authorized in this Act shall be utilized.

TITLE III

DEFINITIONS AND MISCELLANEOUS PROVISIONS

SEC. 301. As used in this Act—

(1) The term "Armed Forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended. Election for Members of Congress.

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

(3) The term "dependent" means any person who is in fact a dependent.

SEC. 302. Official post cards, ballots, voting instructions, and envelopes referred to in this Act, whether transmitted individually or in bulk, shall be free of postage, including air-mail postage, in the United States mails.

SEC. 303. Every individual concerned with the administration of this Act shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast.

Acts in good faith, etc. SEC. 304. No act done in good faith under this Act by a person serving in or with the Federal or military service of the United States in the exercise of his judgment as to what was practicable and compatible with military, merchant marine, or other Federal governmental operations, shall constitute a violation of any provision of law relating to the elective franchise.

SEC. 305. It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the Armed Forces (1) to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate, or (2) to require any member of the Armed Forces to march to any polling place or place of voting, but nothing in this Act shall be deemed to prohibit free discussion regarding political issues or candidates for public office.

Separability. SEC. 306. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Repeal. SEC. 307. The Act entitled "An Act to provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence", approved September 16, 1942 (56 Stat. 753), as amended, is repealed.

50 USC 301-355.

Appropriation. SEC. 308. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Approved August 9, 1955.



Public Law 90-343
 90th Congress, S. 2884
 June 18, 1968

An Act

To amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof a new paragraph (3) as follows:

“(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.”

Absentee
 voting.
 69 Stat. 584.
 82 STAT. 180
 82 STAT. 181

SEC. 2. Section 204(b) of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1464) is hereby amended by striking out subparagraphs (3) c., d., e., and f. and inserting in lieu thereof new subparagraphs (3) c., d., and e. as follows:

Post card
 application.

“c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia

“d. A spouse or dependent of a person listed in (a) or (b) above

“e. A spouse or dependent residing with or accompanying a person described in (c) above”.

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Approved June 18, 1968.



Public Law 90-344
90th Congress, S. 1581
June 18, 1968

An Act

To amend the Federal Voting Assistance Act of 1955 (69 Stat. 584).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Voting Assistance Act of 1955 (69 Stat. 584) is amended as follows:

(1) Clause (10) of section 102 is amended to read as follows:

“(10) for the purposes of this Act, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States.”

(2) The following new section is inserted after section 103:

“SEC. 104. It is recommended that each of the several States permit any person covered by section 101(1) of this Act who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections.”

(3) Clause (2) of section 203 is amended to read as follows:

“(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this Act. Such post cards shall be delivered by the department or agency concerned to persons to whom this Act is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and”.

(4) Clause (b) of section 204 is amended by amending item (5) of the Federal post card application to read as follows:

“(5) For ---- years preceding the above election my home (not military) residence in the above State has been-----
(Street and number or rural route, etc.)
in the county or parish of ----- The voting precinct or election district for this residence is-----
(Enter if known)”

(5) Clause (b) of section 204 is amended by amending item (7) of the Federal post card ballot to read as follows:

“(7) Mail my ballot to the following official address:

For those assigned in the U.S.:

(Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office)

(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

For those assigned elsewhere:

(APO or FPO number)

Federal Voting Assistance Act of 1955, amendment. Oaths. 50 USC 1452.

50 USC 1453. Personnel residing on military installations. 50 USC 1451.

Administrative responsibility. 50 USC 1463.

82 STAT. 181
82 STAT. 182

Federal post card application. 50 USC 1464.

June 18, 1968

82 STAT. 182

69 Stat. 588.
50 USC 1464.

(6) Clause (c) of section 204 is amended to read as follows:
“(c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

----- ----- ----- ----- -----	FREE of U.S. Postage Including Air Mail
	Official Mailing Address

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To: -----
 (Title of Election Official)

 (County or Township)

 (City or Town, State)

Approved June 18, 1968.