

Fixing the Federal Voting Assistance Program Act of 2009 (Introduced in House)

HR 1659 IH

111th CONGRESS
1st Session
H. R. 1659

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

IN THE HOUSE OF REPRESENTATIVES

March 23, 2009

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Fixing the Federal Voting Assistance Program Act of 2009'.

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF PRESIDENTIAL DESIGNEE.

(a) In General- Section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)) is amended to read as follows:

`(a) Presidential Designee-

`(1) APPOINTMENT- The Federal functions under this title shall be carried out by an individual appointed by the President by and with the advice and consent of the Senate, who shall be known for purposes of this title as the `Presidential designee'.

`(2) QUALIFICATIONS- The President may not appoint any individual to serve as the Presidential designee unless the individual has prior experience in election administration that includes oversight of voter registration and absentee ballot distribution.'

(b) Transition for Current Presidential Designee- Notwithstanding section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act, as amended by subsection (a), the individual serving as the Presidential designee under such Act as of the date of the enactment of this Act may continue to serve as the Presidential designee without meeting the appointment and qualifications requirements of section 101(a) of such Act, but only until the expiration of the 6-month period which begins on the date of the enactment of this Act.

SEC. 3. OVERSEAS VOTING ADVISORY BOARD.

(a) Establishment; Duties- There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the `Board').

(b) Duties-

(1) IN GENERAL- The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

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

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

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

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

(3) COMMITTEE HEARINGS ON ANNUAL REPORT-

(A) IN GENERAL- During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules

and Administration of the Senate shall each hold a hearing on the annual report submitted by the Board under paragraph (2).

(B) EXERCISE OF RULEMAKING AUTHORITY- The provisions of subparagraph (A) are enacted--

(i) as an exercise of the rulemaking power of the House of Representatives and Senate, and, as such, they shall be considered as part of the rules of the House or Senate (as the case may be), and such rules shall supersede any other rule of the House or Senate only to the extent that rule is inconsistent therewith; and

(ii) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate.

(c) Membership-

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

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

(B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate; and

(D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate.

(2) QUALIFICATIONS- An individual may serve as a member of the Board only if the individual has experience in election administration and resides or has resided for an extended period of time overseas (as a member of the uniformed services or otherwise), except that the President shall ensure that at least one member of the Board is a citizen who resides overseas while serving on the Board.

(3) TERMS OF SERVICE-

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

(B) VACANCIES- A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(4) PAY-

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

(B) REIMBURSEMENT OF TRAVEL EXPENSES BY PRESIDENTIAL DESIGNEE- Upon request of the Chairperson of the Board, the Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act shall, from

amounts made available for the salaries and expenses of the Presidential designee, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

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

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

(d) Staff-

(1) AUTHORITY TO APPOINT- Subject to rules prescribed the Board, the chairperson may appoint and fix the pay of such staff as the chairperson considers necessary.

(2) APPLICATION OF CIVIL SERVICE LAWS- The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

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

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

(e) Powers-

(1) HEARINGS AND SESSIONS- The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA- The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board.

(3) MAILS- The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES- Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) Authorization of Appropriations- There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.

END

Summary:H.R.1659

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