

77TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT  
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ABSENTEE VOTING IN TIME OF WAR BY MEMBERS OF  
THE LAND AND NAVAL FORCES SERVING IN THE  
UNITED STATES

JUNE 22, 1942.—Committed to the Committee of the Whole House on the state  
of the Union and ordered to be printed

*U. S. Congress. House.*

Mr. HUNTER, from the Committee on Election of President, Vice Presi-  
dent, and Representatives in Congress, submitted the following

REPORT

[To accompany H. R. 7223]

The Committee on Election of President, Vice President, and Representatives in Congress, to whom was referred the bill (H. R. 7223) to provide a method of voting, in time of war, by members of the land and naval forces absent from the States of their residence and serving within the continental United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

NEED FOR LEGISLATION

A substantial proportion of the voters of the country are now under arms. It is anticipated that with the growth of our forces the number of men in the Army alone will approximate 7 to 10 million men. In our fight to preserve democratic institutions, it is essential that our Government remain responsive to the people. This can only be done if the great body of the electorate in the armed forces are afforded a practical means of voting.

While many of the States have made special provision for absentee voting, some States have not made such provision. Even in those States which have provided for such voting there are in some instances requirements as to personal registration, or other pre-election conditions, which will as a practical matter operate to make it impossible for many of our soldiers and sailors to vote under State law.

The committee is of the opinion that the bill here reported provides for a simple and practical means by which all absentee voters in the armed forces, stationed within the United States, will be able to exercise their privilege of voting, and is of the opinion that its early enactment into law is urgently desirable.

## EXPLANATION OF THE BILL

## SCOPE OF BILL

The bill provides that members of the land and naval forces of the United States, serving in the continental United States (exclusive of Alaska) but absent from the States of their residence, may, in time of war, vote for electors of President and Vice President of the United States, United States Senators and Representatives.

It is intended to afford every opportunity to such members in our armed forces to vote, although they are necessarily away from their homes, by removing those procedural requirements established by State law which in practical operation would tend to disenfranchise soldiers and sailors. The bill does not, however, attempt to prescribe the substantive qualifications of voters, such as length of residence and literacy.

In the case of those voters whose States of residence have made provision for absentee voting, the bill will provide an alternative method of voting. The voter will be able to exercise his choice as to which method he uses.

The bill has been limited to those members in the armed forces serving within the continental United States (exclusive of Alaska), although it was with reluctance that this decision was made. Members of the armed forces are primarily concerned with training for and fighting the war in which we are now engaged. It was desirable, therefore, to avoid interfering with these essential functions and to devise a voting procedure which would impose as slight an administrative burden as possible upon the Army and Navy. For this reason, it was decided to make use of the secretary of state of each of the several States, and, to the extent practicable, the other election officials of the States, to administer the provisions of the bill. This would be impossible, of course, with respect to soldiers and sailors stationed outside of the continental United States. In addition, it would be difficult to provide for voting thousands of miles across the oceans, and the time which would necessarily elapse would tend to unduly delay the determination of the results of elections.

Although the bill seeks only to provide a method of voting for electors of President and Vice President, United States Senators and Representatives, it would permit the States to include on the ballots candidates for State, county, and other local offices, and any proposition or question which is to be submitted to a vote in the State.

## METHOD OF VOTING PROVIDED FOR

The procedure for voting provided by the bill requires the secretary of state of each State to prepare the necessary ballots, envelopes, instructions, and other material for use in the other States where the voters are stationed. This material will be sent to the secretary of state of each of such other States. The number of ballots and other material which it will be necessary to send to each of such other States is to be determined from information furnished by the War and Navy Departments.

The secretary of state to whom the material is sent is then to arrange for the holding of elections at appropriate polling places and, so far as is practical, the military and naval authorities are to lend assistance

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by making available appropriate buildings and other facilities. He is also required to appoint inspectors of elections and other persons qualified to supervise elections. The inspectors of elections must be equally representative of the two major political parties, and they may be members of the armed forces.

While it was not practicable to consult the officials of the several States who will be called upon to exercise functions and duties in connection with the carrying out of the legislation, the committee feels it is safe to assume that all will cooperate to the best of their ability in the effort to afford to the great mass of our citizens in the armed forces a practical means of participating in the country's elections. The committee is of the opinion that Congress has the power, under the Constitution, to impose these functions and duties on State officials.

The bill provides in detail as to the procedure to be followed—the duties of inspectors of elections, the conduct of the voting, the handling and disposition of ballots, the procedure to be followed in connection with the canvassing of votes after the ballots are returned to the States of residence of the voters, and other necessary matters.

Appropriate provisions have been included to insure secrecy of voting, to guard against fraud and error, and otherwise to guarantee the proper conduct of the elections. For example, each voter is required to take an oath, to be subscribed before an inspector of election, setting forth the salient facts with respect to his qualifications to vote. Such oath is to constitute prima facie evidence that he is qualified to vote, except as the statements made therein show on their face that he is not qualified. The prima facie presumption may of course be rebutted by a showing that the voter is not qualified. One purpose of this provision is in connection with literacy requirements. It was felt that in view of the literacy requirements for membership in the land and naval forces it is justifiable for the oath to constitute prima facie evidence of compliance with State literacy requirements.

With a view to making it possible to check on the qualifications of voters, the names and addresses of those voting under the bill are required to be published, prior to the canvassing of the votes, in the election district or precinct in which the voter resides. This will provide a means, analogous to registration, for ascertaining the qualifications of individuals voting pursuant to the bill.

To insure that the votes cast in the elections to be held under the bill will be available for canvassing within a reasonable time in the State of the voters' residence, it is provided that such elections shall be held on the twenty-first day preceding the first Tuesday after the first Monday in November (or within 4 days thereafter if it is impracticable to hold any election on that day). The canvassing of the votes is to be by the appropriate canvassing boards in the State of the voters' residence, not later than the first Tuesday after the first Monday in November.

ABSENTEE VOTERS STATIONED IN THE DISTRICT OF COLUMBIA

In order that voters absent from their States of residence and stationed in the District of Columbia may have the same opportunity to vote, under the bill, as voters stationed in the several States, it is provided that the President of the Board of Commissioners of the

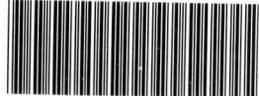
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District of Columbia shall perform the same functions and duties with respect to the holding of elections and the return of ballots as are to be performed by the secretaries of state of the States in which elections under the bill are to be conducted. This provision does not, of course, grant to citizens of the District of Columbia the right to vote in such elections.

PAYMENT OF EXPENSES

In order that the method of voting provided for by the legislation will not fail because of lack of funds, the bill provides a method, similar to the method provided by certain provisions of the Social Security Act, by which the Federal Government will bear the expense of carrying out its provisions. Otherwise the successful operation of this legislation might be dependent upon the enactment of State laws making the necessary funds available. Since this bill establishes a Federal procedure for voting, and since most of the State legislatures will not be in session before the next election, the necessary funds are authorized to be appropriated in this bill.

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