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78th CONGRESS }
2d Session }

SENATE

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WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

Mr. CONNALLY, from the committee of conference, submitted the following

CONFERENCE REPORT ON THE BILL (S. 1285) TO AMEND THE ACT OF SEPTEMBER 16, 1942, WHICH PROVIDED A METHOD OF VOTING, IN TIME OF WAR, BY MEMBERS OF THE LAND AND NAVAL FORCES ABSENT FROM THE PLACE OF THEIR RESIDENCE, AND FOR OTHER PURPOSES

MARCH 9 (legislative day, FEBRUARY 7), 1944.—Ordered to be printed

44-40716
The committee of conference on the disagreeing votes of the two Houses on the amendments of the House Nos. 9, 11, and 12, and the amendment of the House No. 3, and the Senate amendment thereto, to the bill (S. 1285) to amend the Act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 9, 11, and 12.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House numbered 3 and agree to the same with an amendment as follows:

Omit the matter inserted by the amendment of the Senate to the amendment of the House numbered 3; and

Strike out all after the enacting clause of the Senate bill, as amended by the amendments of the House, and insert in lieu thereof the following: *That Public Law 712, Seventy-seventh Congress, be amended by inserting after the enacting clause the words "TITLE I" and by striking out sections 3 to 15, inclusive, and inserting in lieu thereof the following:*

"SEC. 3. Nothing in this Act shall be deemed to restrict the right of any member of the armed forces of the United States or of any other person to vote in accordance with the law of the State of his residence.

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"TITLE II

"USE OF STATE BALLOTS

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

"SEC. 202. It is recommended that the several States, when possible, waive the application for a ballot and authorize the proper election officials to send an official ballot to every voter serving in the armed forces of the United States or in the merchant marine of the United States, or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots or the United Service Organizations and attached to and serving with the armed forces of the United States. If an application is necessary then it is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws and as applications for registration under such States' election laws, the form of post card (when duly executed by a person to whom this Act is applicable) provided pursuant to section 203 of this title and section 3 of this Act prior to its amendment.

"POST CARDS

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

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

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

"(1) I am a citizen of the United States.

"(2) The date of my birth was _____

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

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

"(5) My voting district to the best of my knowledge is _____

"(6) My choice of party PRIMARY ballot is _____
"(Fill in only in case of primary ballot)

"Please send the ballot to me at the following address:

"-----
"(PRINT your name and serial number
plainly above)

"-----
"(WRITE your usual signature above)

"Subscribed and sworn to before me this _____ day of _____, 19____

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

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

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

"Secretary of state of _____,

"-----
"(City)

"-----
"(State)

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

"FUNCTION OF POST CARDS

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

"INFORMATION REGARDING ELECTIONS

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

"COOPERATION WITH STATES

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

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

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

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

"(c) It is recommended, so that the envelope in which the ballot is sent to the voter, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, that there be printed or stamped in a conspicuous place

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

"OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTION TO BE HELD IN 19__

"I do hereby swear (or affirm) that—

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

"(2) The date of my birth was -----;

"(3) For ----- years preceding this election my home residence has been in the State of -----;

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

"(5) I am (check appropriate blank)—

"(a) in the armed forces of the United States ----- ();

"(b) in the merchant marine of the United States ----- ();

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

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

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

"Subscribed and sworn to before me this ----- day of -----, 19__

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

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

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

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

"TITLE III

"USE OF SUPPLEMENTARY FEDERAL BALLOTS

"UNITED STATES WAR BALLOT COMMISSION

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

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

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

"APPLICATION OF THIS TITLE

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

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

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

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

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

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

"(2) *an individual referred to in paragraph (1) or (2) of subsection (a), if he is a citizen of a State whose Governor has certified, prior to July 15 of the year in which the election is to be held, that the use of ballots provided for by this title is authorized by the laws of such State, even though the Governor thereof does not make the certification referred to in clause (A) of paragraph (1), but only if such individual states in his oath that, prior to September 1, he made application for a State absentee ballot but, as of October 1, has not received it.*

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

“OFFICIAL FEDERAL WAR BALLOTS, ENVELOPES, AND EXPLANATIONS

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

“OFFICIAL FEDERAL WAR BALLOT

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

“ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

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

“Write in the name of your choice for President.

“UNITED STATES SENATOR

“(ONLY if a Senator is to be elected in your State)

“Write in the name of your choice for Senator.

“UNITED STATES SENATOR, UNEXPIRED TERM

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

“Write in the name of your choice for Senator.

“REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

“Write in the name of your choice for Representative in Congress for your district.

“REPRESENTATIVE AT LARGE IN CONGRESS

“(ONLY in the States entitled thereto)

“Vote for one or two as the case may be

“Write in the name or names of your choice for Representative at Large.

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

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

"OFFICIAL FEDERAL WAR BALLOT FOR GENERAL ELECTION

"Name of voter -----
 "(PRINT your name plainly here)

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

"City or town (if any) -----
 "(PRINT city or town plainly here)

"County -----
 "(PRINT county plainly here)

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

"OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 19----

"I do hereby swear (or affirm) that:

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

"(2) The date of my birth was -----

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

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

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

"(a) in the armed forces outside of the United States ----- ();

"(b) in the merchant marine outside of the United States ----- ();

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

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

"I have, prior to September 1, applied for a State ballot for this election, but, as of October 1, have not received it ----- (); and that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or regard for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

"-----
 "Voter MUST WRITE his usual signature here and oath MUST be administered and attested.

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

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

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

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

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

“Voter’s home residence:
 “Street and number (if any) or rural route ----- “(PRINT clearly)
 “City or town ----- “(PRINT clearly)
 “County ----- “(PRINT clearly)
 “State ----- “(PRINT clearly)

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

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

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

“BALLOTING

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

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

“ADMINISTRATION

“SEC. 305. (a) The Secretaries of War and Navy shall be responsible for the administration of this title with respect to members of the armed forces and civilians attached to and serving with the armed forces and entitled to vote thereunder. The Administrator of the War Shipping

Administration shall be responsible for the administration of this title with respect to members of the merchant marine of the United States entitled to vote thereunder.

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

“LISTS OF CANDIDATES

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

“DISTRIBUTION AND COLLECTION OF BALLOTS FOR MEMBERS OF THE ARMED FORCES AND OTHERS

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

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

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

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

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

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

"DISTRIBUTION AND COLLECTION OF BALLOTS FOR THE MERCHANT
MARINE

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

"TRANSMISSION OF BALLOTS

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

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

"REPORTS

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

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

"VALIDITY OF BALLOTS

"SEC. 311. (a) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States and this decision shall be final to the same extent as in the case of ballots cast by others in person. Votes cast under the provisions of this title shall be cast, canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

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

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

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

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

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

"VOTING SAFEGUARDS

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

"PENALTIES

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

"TAKING OF POLLS PROHIBITED

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

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

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

"APPROPRIATE STATE OFFICIALS

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

"OFFICIALS AND AGENCIES TO ACT FOR SECRETARY OF STATE

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

"ACT TO BE LIBERALLY CONSTRUED

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

"TITLE IV

"MISCELLANEOUS

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

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

"SEC. 403. As used in this Act—

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

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

"SEPARABILITY

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

"TITLE V

"AMENDMENTS TO ACT OF AUGUST 2, 1939, AS AMENDED

"SEC. 501. The Act of August 2, 1939, entitled 'An Act to prevent pernicious political activities', as amended, is hereby amended by adding hereto the following new sections:

"SEC. 22. It shall be unlawful for any officer of, or person employed in, the executive branch of the Federal Government, or any agency or department thereof, including the Army and Navy, to deliver or cause to be delivered to persons in the armed forces of the United States any general communication, Government magazine, Government newspaper, motion-picture film, or other literature or material, or to make, or cause to be made, any broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, or sponsored by the Government, or any officer, agency, or department thereof, including the Army and Navy, containing political argument or political propaganda of any kind designed or calculated to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, except as hereinafter provided:

"(1) Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must if requested be given for such purposes to representatives of each political party which has a candidate for President in at least six States in the current Presidential election.

"(2) Nothing herein shall prevent the distribution to members of the armed forces of books magazines, and newspapers which have a general circulation in the United States, or of servicemen's magazines or newspapers, or the presentation to members of the armed forces of motion-picture films, radio broadcasts, or rebroadcasts; but—

"(a) the list of such magazines and newspapers of general circulation shall be determined in accordance with the preference of the members of the armed forces in some reliable method to be determined by the Secretary of War and the Secretary of the Navy;

“(b) any such books of general circulation hereafter purchased shall be selected from books not containing political argument or political propaganda of any kind designed or calculated to affect the result of any election for the Federal offices above-mentioned; and

“(c) such motion-picture films, radio broadcasts or rebroadcasts, and servicemen's magazines or newspapers, sponsored or paid for by the Government, shall be nonpartisan and non-political: Provided, That this subparagraph shall not prohibit or curtail impartial coverage or presentation, as news or information, of public events, and persons in public life: And provided further, That if in any issue or presentation space or time is allotted to editorials, columns, or other argumentative matter supporting a political party which has a candidate for President in at least six States in the current Presidential election, an equal amount of space or time shall be allotted in the same issue or presentation to similar matter concerning each such other political party.

“(3) Nothing in this section shall prevent the sending of any letter, communication, magazine, newspaper, or other literature by any individual, corporation (other than a Government-owned or Government-controlled corporation), or political committee to any member of the armed forces, addressed personally to such member of the armed forces, and paid for by him, or by the individual, corporation, or committee sending the same.

“SEC. 23. It shall be unlawful for any censor or other member of the executive branch of the United States Government to remove from any letter or communication addressed to an individual member of the armed forces political literature or political arguments or other matter sent to such individual member of the armed forces by any individual, corporation, or political committee, unless such literature or other matter contains information which may be of value to the enemy in their prosecution of the war.

“SEC. 24. Any person who violates the provisions of section 22 or section 23 hereof either within or outside of the United States shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than one year, or both.”

And the Senate agree to the same.

Amend the title so as to read: “An Act to facilitate voting, in time of war, by members of the land and naval forces, members of the merchant marine, and others, absent from the place of their residence, and to amend the Act of September 16, 1942, and for other purposes.”

TOM CONNALLY,
WARREN R. AUSTIN,
HUGH BUTLER,

Managers on the part of the Senate.

EUGENE WORLEY,
J. E. RANKIN,
HERBERT C. BONNER,
K. M. Lecompte,
HARRIS ELLSWORTH,

Managers on the part of the House.

