

Moving Toward a Better Election System for Military and Overseas Voters

The Pew Center on the States supports policies, practices and technology to improve the accuracy, convenience, efficiency and security of U.S. elections. Pew's Military and Overseas Citizen Voting Initiative aims to remove the obstacles facing military and overseas citizens to ensure they can exercise their right to vote—even from a distance.

Millions of Americans—uniformed service members, their spouses and dependents and overseas civilians—are ensured the right to vote in federal elections under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). However, UOCAVA relies on states for implementation. Through the years, outdated voter registration systems and a patchwork of state absentee ballot laws and procedures have presented significant impediments for UOCAVA voters.

Based on a survey of seven states by the Congressional Research Service, an average of 27.95 percent of military and overseas ballots in the 2008 elections

were returned as undeliverable, lost or rejected.¹ One state in the survey, West Virginia, counted less than 40 percent of federal UOCAVA ballots. Additionally, compared with the general public, members of our armed forces were almost twice as likely to experience registration problems.² Many overseas voters give up on the process because they do not receive voter information or ballots in time and they are unaware of alternatives such as the Federal Write-in Absentee Ballot.



Obstacles to UOCAVA Voting

In January 2009, Pew published the report *No Time to Vote: Challenges Facing America's Overseas Military Voters*, which found that 25 states and the District of Columbia provide insufficient time for overseas service members to vote and have their votes count. Pew identified major factors contributing to this problem and introduced a set of key recommendations to remove obstacles from the process and ensure that states provide time to vote:

- Mail ballots faster—a minimum of 45 days round-trip transit time
- Transmit unvoted ballots electronically, including by e-mail
- Eliminate burdensome witness and notary requirements
- Expand the use of the Federal Write-in Absentee Ballot as a backup ballot for all elections

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The current election system, in many states, relies on antiquated methods and fails to leverage technology that has significantly enhanced other aspects of our lives. When combined with inconsistent state laws and absentee ballot procedures, states too often fail to allow overseas voters sufficient time to vote, provide the voting information they need or locate them accurately. As a result, too many of those who are defending and representing our democracy from a distance do not get a say in it.

The MOVE Act

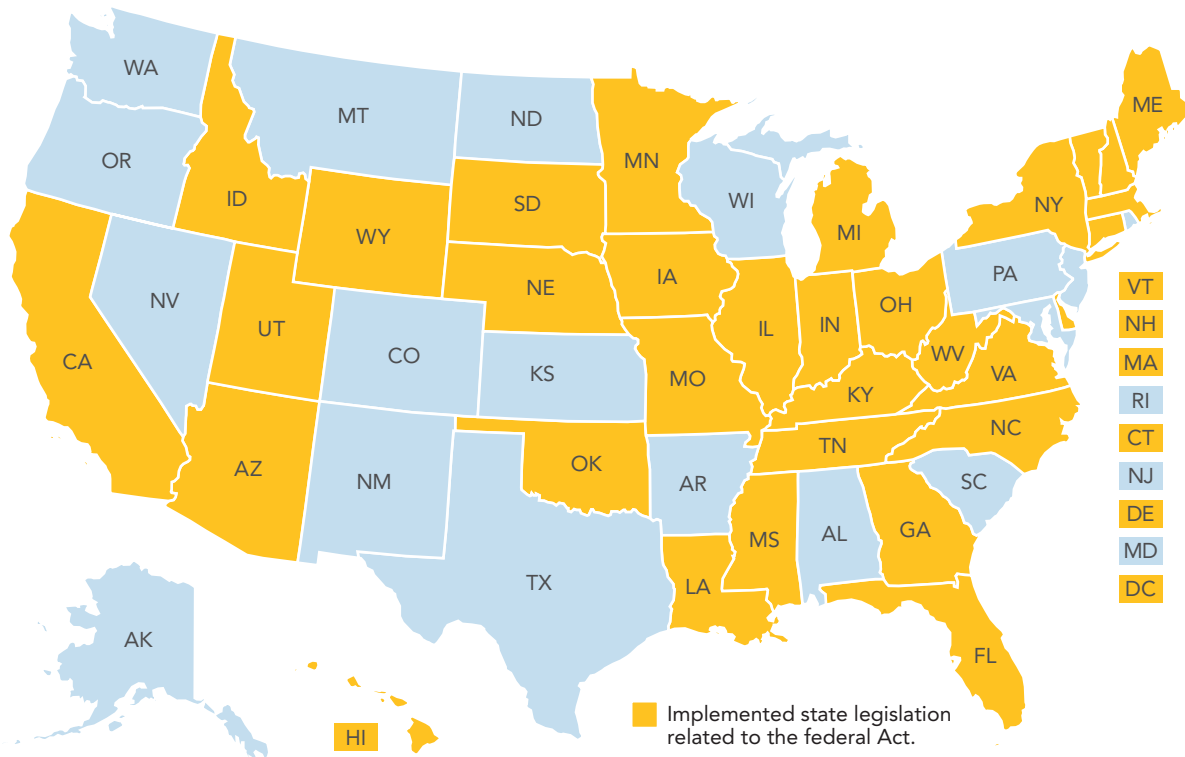
Nearly 60 years after President Truman urged Congress to ensure that members of the military and Americans overseas can participate in democracy, Congress and the states are taking steps to answer his call. In October 2009, Congress passed the Military and Overseas Voter Empowerment (MOVE) Act, which removed many of the obstacles to voting and provided more time for overseas and military voters to participate in federal elections.

The MOVE Act encompasses all federal elections and includes a number of recommendations from *No Time to Vote*, including:

- Mandating that absentee ballots for all elections be sent at least 45 days in advance
- Requiring electronic transmission of voting materials, including unvoted absentee ballots and registration materials, upon request

States MOVE to Improve

Thirty-two states and the District of Columbia have enacted legislation in response to the federal MOVE Act.



SOURCE: Pew Charitable Trusts, 2010.

- Eliminating the requirement for notarization for military and overseas ballots
- Expanding acceptance of the Federal Write-In Absentee Ballot for all federal elections

States Move to Improve

At the beginning of the 2010 legislative session, several states had laws in place that addressed various provisions of the MOVE Act. Throughout 2010, 32 states and the District of Columbia enacted

laws, which ranged from sweeping reforms to minor changes and pilot projects, in response to the federal Act. Those states include: Arizona, California, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia and Wyoming.³



Since the MOVE Act's enactment, Pew has been working with states—particularly those with significant military populations—to implement and expand key provisions to state and local elections, which would help to further enfranchise military and overseas voters. Each of the following states passed bipartisan legislation in 2010 that included many of the needed reforms.

Virginia

HB 1235 and SB 55 provided for electronic transmission of blank ballots, 45-day ballot transmittal time and expansion of the Federal Write-in Absentee Ballot for all federal, state and local elections.

Florida

HB 131 provided for 45-day minimum ballot transmittal time and electronic transmission of unvoted ballots for all federal, state and local elections.

Georgia

HB 1073 required 45 days for ballot transmittal and electronic transmission of unvoted ballots for all federal and state elections. It also expanded the use of the Federal Write-in Absentee Ballot.

Other states failed to pass any legislation or hope to enact more comprehensive reforms, and will likely take up the issue again in 2011. States that were unable to comply with the MOVE Act requirement to send ballots at least 45 days in advance for the November 2010 federal election requested one-time waivers by the Federal Voting Assistance Program⁴ or may have entered into consent decrees by the Department of Justice.

Uniform Law Commission

During the past two years, Pew also worked closely with the Uniform Law Commission (ULC) to inform the drafting of the Uniform Military and Overseas Voters Act (UMOVA), which was adopted by the ULC in July. The model act is designed to bring uniformity to all state military and overseas voting laws while universally improving the system and expanding protections to cover state and local elections. The ULC will be working with states to adopt the legislation during the upcoming legislative session.

Additional Reforms

In addition to its efforts to help states remove obstacles and streamline the voting process, Pew is working on an array of election system reforms for military personnel and civilians abroad.

Develop 21st Century Technology to Inform Voters

Pew's Voting Information Project (VIP), developed in partnership with state and

local election officials and Google, Inc., aims to improve the election system for military personnel and civilians abroad. VIP makes official voting information, such as polling locations, registration status, and candidate and issue information on the ballot, available on-demand online. These same data and software applications include a tool that will automatically populate a customized Federal Write-in Absentee Ballot based on a voter's address. Additional tools will leverage mobile technology and social networking, and help voters with disabilities. VIP harnesses modern technologies to provide voters with the election information they need, no matter where they reside.

Modernize the Voter Registration System

Election officials, private sector technical experts, election scholars and Pew are working together to research and design

a modernized voter registration system that would enable more accurate and automated updates of voter files with the most current address information, an essential service for highly mobile groups such as military and overseas voters. This system, using secure, innovative technology, will increase efficiency and lower costs while greatly reducing the possibility for fraud.

Contact Us

We welcome your advice and participation in our efforts to improve the elections process for military and overseas voters—and for all Americans. For more information on Pew's Election Initiatives, please visit www.pewcenteronthestates.org or contact:

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Endnotes

1 "Information for the Upcoming Senate Rules and Administration Committee Hearing on the Uniformed and Overseas Absentee Voting Act" (Congressional Research Service, May 11, 2009).

2 *Cooperative Congressional Election Study* (Washington, D.C.: Pew Charitable Trusts content, 2008).

3 In a survey of laws passed since the implementation of the Military and Overseas Voter Empowerment Act, Pew found that 32 states and the District of Columbia had improved their laws and procedures for military and overseas voters in response to the MOVE Act.

4 Federal Voting Assistance Program, <http://www.fvap.gov/reference/laws/waivers.html>, last updated October 19, 2010.

Election Initiatives seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public and stimulate civic life.

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