

Overseas Voting Reform

For most overseas Americans, the right to vote is their primary means of participating in the American democratic process. Civilian voter turnout overseas has increased steadily in recent years: overseas Americans have historically had higher voter participation rates than their state-side counterparts (typically 3+% of votes cast, for around 2% of the electorate).

In the wake of the first presidential election since the landmark Military and Overseas Voter Empowerment (MOVE) Act, however, military and overseas voters still face obstacles in casting their ballots and having them counted. Despite overall improvement in the ballot request and return process (most overseas voters used some form of electronic method to request their ballots), the Overseas Vote Foundation 2012 Post Election Voter Survey showed that 22% of respondents could not vote because they received their ballot too late or not at all; and confusion persists as to filing requirements (e.g. witness signatures) and process (e.g. use of the FWAB).

What still needs to be done?

Electronic transmission of voting materials / updating of registration information: *Faxing* should never be the only means of electronic transmission accepted, as it is a viable option for only a small proportion of military and overseas voters. Voters must also be able to *review and update their registration information online*, reducing the risk of incorrect or outdated addresses, and to *track the ballot-request and -return process online*. The newly-introduced *Voter Empowerment Act (HR 12)* addresses these problems.

Witness requirements: Just as MOVE eliminated any need for notarization, which is impossible or extremely costly for many military and overseas voters, it is necessary to clearly eliminate the need for a witness signature on a ballot request or envelope. A *declaration acceptable to the states* should be developed to be signed by the voter acknowledging that any material misstatement of fact in completing the ballot request/ballot may be grounds for a conviction of perjury. One such declaration can be found in the Uniform Military and Overseas Voter Act (UMOVA), which has now been adopted by 9 states and the District of Columbia.

Postmark and date stamp requirements should be eliminated; all dated ballots should be accepted from all military and overseas voters. Postmark requirements have been eliminated for the military but not explicitly for overseas voters, many of whom prefer the speed and security of entrusting their ballots to express mail or courier services. Cf. UMOVA model.

Overseas voters' ballot requests must clearly apply to all elections in the year. To avoid possible disenfranchisement in the event of *special emergency elections*, the period between announcement of the elections and receipt of *all* ballots should be uniformly fixed at 60 days.

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American citizens who do not meet state residency requirements should have *the right to vote* in federal elections in all states and the District of Columbia at the legal voting residence of their U.S. citizen parent(s). Today, twenty-four states and the District of Columbia explicitly enable Americans who cannot satisfy state residency requirements to exercise their constitutional right to vote in federal elections.

Statistical reporting is needed on the *number of overseas absentee ballots transmitted and received*. In order to track problems and continue to improve the UOCAVA voting process, information is needed for both military and overseas voters on the number of registration applications received, the number rejected, the number of ballots requested, the number of ballots rejected and the reasons for any rejection in all cases. To this end we urge Congress to *reauthorize the Election Assistance Commission* and enable it to carry out its mission.

In addition, attempts by the Federal Voting Assistance Program to obtain a clear picture of the overseas *voting population* should, in the absence of any other valid count or estimate, be encouraged.

Continuing to improve the process

Our organizations are all original members of the *Alliance for Military and Overseas Voting Rights (AMOVR)*, grouping domestic and overseas citizens' advocacy organizations; state, local and federal election officials; and all branches of the military including active and retired service members and their families. The stated goals of the Alliance are to ensure that absent military and overseas civilian voters enjoy an equal right and ability to vote. We all also support all current efforts for the adoption of *UMOVA* on state level. Together, we will continue to work with Congress and the Administration to find all appropriate and economically feasible ways to enhance the ability of absent uniformed service voters and overseas Americans in the private sector to register and vote absentee in U.S. federal elections.

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