

Overseas Voting Reform

Americans abroad are proud of their citizenship and vigilant in guarding their constitutional right to help elect their President, Vice President and Members of Congress. For most overseas Americans, their right to vote is the primary means available to them to participate in the American democratic process. Civilian voter turnout overseas has increased steadily over the last few years, and overseas Americans have historically had much higher election participation rates than their stateside counterparts – typically 3+% of votes cast, although they comprise only about 2% of the electorate. Unfortunately – and despite some recent reforms – overseas voters continue to face a range of obstacles and bureaucratic pitfalls that all too frequently frustrate their efforts to exercise their cherished democratic rights.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 defines the rights of overseas U.S. citizens to vote in U.S. federal elections, and sets out the parameters for registering and voting by absentee ballot from overseas. UOCAVA was complemented by the Help America Vote Act of 2002 that addressed a plethora of problems in voting domestically and attempted to eliminate some of those faced by overseas absentee voters.

Nevertheless, overseas citizens still face a number of obstacles in casting their votes and having them counted. In the Overseas Vote Foundation 2006 Post Election Voter Survey, 20% of the respondents stated that they had tried to vote but could not do so for many reasons, but largely because they could not submit or receive their registration or balloting material in time.

The “Overseas Voting Practical Amendments Act of 2007” (H.R. 4237) and the “Overseas Vote Act” (H.R. 4173)

We are pleased that these two bills – which address most of our remaining concerns about voting from abroad – have been introduced by Carolyn Maloney (D-NY) and Michael Honda (D-CA), respectively. The Maloney bill, **H.R. 4237**, proposes to eliminate non-essential bureaucratic requirements that voters in many states are burdened with and resolves certain other remaining voting issues:

- The currently confusing name of the federal application (FPCA) form would be changed to “Federal Voter Registration and Ballot Application” (FVRBA).
- States could not refuse to accept voter registration and/or Federal Write-in Absentee Ballots for any reason that can disadvantage overseas voters, such as “non-standard” size, shape, weight or color of paper of the application, envelope or ballot (given that such materials are now often downloaded using non-American machines and paper); notary, witness or oath requirements (given the often prohibitive cost of access to notary services outside the United States); delivery of the application or ballot by a method other than the Post Office (to allow for hand delivery, courier or express mail services); or arbitrary requirements that are not necessary to prevent fraud.
- Permits voters to request absentee ballots in “all subsequent elections” and repeals the requirement for states to send absentee ballots in subsequent elections to individuals with invalid addresses.
- Gives American citizens who do not meet state residency requirements the right to vote in all states and the District of Columbia at the legal voting residence of their U.S. citizen parent(s). Today, only sixteen states explicitly enable such citizens to exercise their constitutional right to vote in federal elections.
- Provides for the use of State Department diplomatic pouches for the return of completed ballots.
- Requires prompt voter notification cases of rejection of a voter registration or absentee ballot request.



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The Honda Bill, **H.R. 4173**, incorporates most of the provisions of the Maloney bill and additionally:

- Prohibits the refusal of a ballot for lack of notarization on the envelope.
- Eliminates the requirement to apply for a state absentee ballot before casting a federal write-in ballot.
- Provides \$5 million in funding for non-partisan voter outreach efforts.
- Requires and funds the inclusion of voting information in passports.

Additional voting procedure reforms required

The deadline for the receipt of overseas ballots should be *uniformly fixed on Election Day*, and overseas ballots should be *counted simultaneously* with domestic ballots, ensuring that overseas votes are taken into account in the announcement of the results of the election. 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.

Postmark and date stamp requirements should be eliminated; all dated ballots should be accepted.

Timely expedition of ballots: All states should be required to publish a *Federal ballot* that can, if necessary, be distributed earlier than a full state ballot. Thirty days should be the *minimum interval between transmittal of ballots and the deadline* for voted ballots to be received by local election officials. New methods of *electronic transmission of electoral materials* should be further developed, including the possibility of faxing the federal application form and of downloading ballots from the Internet, to be completed and returned by mail.

The Help America Vote Act (HAVA) is of crucial importance to overseas voters

Voting assistance programs are to be expanded, under HAVA, for absent uniformed services voters. *The same should apply to civilian overseas voters.*

Statewide voter registration databases *must be fully implemented as quickly as possible.*

The single state office should provide information to overseas voters on registration and absentee ballot application procedures. Congress also *recommended* that this same office accept registration applications, absentee ballot applications, and absentee ballots (including Federal Write-In Absentee Ballots) for the entire state. *This recommendation can greatly facilitate and simplify voting from overseas.*

The Election Assistance Commission (EAC) is responsible for making recommendations to the President and the Congress about further actions to help overseas voters. *We fully support the EAC, call for its full funding and urge Congress to extend its mandate.*

Statistical reporting on the number of overseas absentee ballots transmitted and received. *We hope the EAC will extend these statistics* to 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.

Appropriations requirements: There was no 2005, 2006 or 2007 HAVA appropriation for funding to the states. Congress did appropriate \$115 million in 2008 but there remains a shortfall in total HAVA funding of close to \$700 million. *We join the National Association of Secretaries of State and the crafters of the Help America Vote Act in calling for its full funding.*

Conclusion

The pending legislation will address many of the problems encountered by Americans attempting to vote from abroad and is deserving of urgent support so that the changes can be implemented in time for the 2008 General Election in November.

Our organizations will continue to work with Congress and the Administration to find other appropriate and economically feasible ways to improve 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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