



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 in recent years, and overseas Americans have historically had higher election participation rates than their state-side counterparts - typically 3+% of votes cast, although they comprise only about 2% of the electorate.

In October 2009, the landmark Military and Overseas Voter Empowerment (MOVE) Act was signed into law, bringing important changes to the voting process. Among other provisions, MOVE:

- provides for electronic transmission of voting materials (halving the time needed by many voters to get their ballots back to be counted).
- ensures that states send out ballots 45 days before the election.
- prohibits states from rejecting a marked ballot solely on the basis of a missing notary signature, paper size, and other restrictions.

In the wake of MOVE, however, military and overseas voters still face a number of obstacles in casting their ballots and having them counted. Despite overall improvement in the ballot request and return process (a great majority of overseas voters used some form of electronic method to request their ballots), the Overseas Vote Foundation 2010 Post Election Voter Survey showed that close to 20% of the respondents did not receive the official ballot they expected; 16.5% received their ballot too late, i.e. after the middle of October; and confusion persists among voters and election officials as to filing requirements (e.g. witness signatures).

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 a rapidly decreasing number of voters. Voters should also be able to *review and update their registration information on line*, reducing the risk of incorrect or outdated addresses, and to *track the ballot-request and -return process online*.

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 acknowledg-

ing that any material misstatement of fact in completing the ballot request/ballot may be grounds for a conviction of perjury.

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.

No election should be certified until all military and overseas ballots have been counted. No voted ballots should be required to be received before the official Election Day. 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.

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, only eighteen states explicitly enable Americans who cannot satisfy state residency requirements to exercise their constitutional right to vote in federal elections, though some states are introducing new initiatives.

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 civilian 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. *Funding should be ensured for the Election Assistance Commission* to 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 recently formed *Alliance for Military and Overseas Voting Rights (AMOVR)*, grouping 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 effect real change in voting procedures for UOCAVA voters before the 2012 elections and 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 the *Uniform Military and Overseas Voter Act (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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