

I. In Focus This Week

Military and overseas voting legislation nearly triples in 2009

Attention growing on state and federal levels

By [Kat Zambon](#)

Though most states aren't holding major statewide elections this year, state legislators have introduced a surprising amount of legislation to help voters covered by the [Uniformed and Overseas Citizen Absentee Voting Act](#) (UOCAVA).

More than 85 bills related to military and overseas voting have been introduced in state legislatures so far in 2009 compared to a total of 34 bills in 2008, Tom Intorcio, [National Conference of State Legislatures](#) (NCSL) policy specialist said.

"The legislation is moving rapidly towards the implementation of electronic ballot transmission," Intorcio said in [testimony](#) before the [U.S Election Assistance Commission](#).

Electronic transmission often means e-mail rather than fax, he said, calling Oregon's [HB 2511](#), a bill that would allow military and overseas voters to cast ballots by fax, an anomaly. Kate Brown, Oregon secretary of state praised the bill, which would change a rule requiring an original signature to verify the vote and was [approved](#) by a house panel in May.

However, online voting bills continue to face an uphill climb in legislatures.

Late night maneuvering led one bill that would have allowed overseas military voters to cast ballots online to crash and burn in Alabama. [HB 711](#) was killed on the last night of the legislative session by what [Beth Chapman](#), secretary of state called "political games," according to [The Birmingham News](#).

After the Alabama state house passed the overseas military voting bill, [Sen. Roger Bedford](#), D-Russellville amended the bill to prohibit a federal candidate or officeholder from transferring funds to a state race—an amendment critics said was aimed solely at a political rival. Although the bill was restored to its original form, Chapman said, it was too late for it to pass before the end of the session.

Chapman expressed her disappointment following HB 711's failure. "To attach something so partisan and political onto a military voting bill hurts the military. They are the ones that lose at the end of the day, and that's a shame," Chapman said.

[SB 171](#), a bill in Kansas that would have allowed federal employees including members of the military to vote by email [failed](#) because of a dispute over hand-delivered absentee ballots.

According to [The Wichita Eagle](#), voters would be required to sign and date a ballot envelope indicating that the voter authorized the deliverer to handle the ballot while the deliverer would have to sign a statement on the ballot affirming that the deliverer did not influence the voter's decision.

State Rep. Steve Huebert, R-Valley Center said that the signatures would increase the ballot's integrity while Democrats worried that the signature requirements were unnecessary roadblocks to voting that could ultimately threaten whether the ballot would be counted. Mark Parkinson, Kansas governor [vetoed](#) SB 171 on May 22, citing concerns that the signature requirements would discourage voters from casting early ballots.

States are also considering bills that would allow UOCAVA voters more leeway when their ballots need to be received. [AB 1367](#) in California would allow officials to count ballots cast by military voters that were postmarked by election day as long as they are received no more than 21 days after an election while [SB 370](#) would give military voters an extra 25 days after an election. In Colorado, [HB 1205](#), sent to the governor on May 6, would allow ballots cast by military voters outside the country be received no more than eight days after an election to be counted.

And in [Oklahoma](#), the legislature approved a bill that will extend the registration deadline for military members who are not registered to vote and return from overseas service after the registration deadline. Any military personnel who return home within ninety days of an election will be allowed to cast a provisional ballot, without being registered to vote prior to the deadline. The law applies to the service member and their spouse.

While actions on the state level seem to be meeting varying degrees of success, frustration on the federal level seems to be growing. Sen. Charles Schumer, D-N.Y., rules committee chair [released](#) a survey May 13 showing that one in four ballots requested by UOCAVA voters were not counted in the 2008 election.

"It is unacceptable that bureaucratic snafus could prevent our troops from exercising the very rights they are fighting to protect," Schumer said. He also encouraged Gail McGinn, Defense Department acting undersecretary for personnel and readiness to quickly hire a new [Federal Voting Assistance Program](#) director.

On the House side, Rep. Kevin McCarthy, R-Calif. reintroduced [H.R. 2393](#), the Military Voting Protection Act on May 13, which would allow military voters to send their ballots using express mail with tracking numbers to ensure their ballots are received and counted.

"In our last Congress we had a hearing as well [yet] voting procedures continue to fail UOCAVA voters," McCarthy said. "This has gone on too long."

II. Election Reform News This Week

- County officials across California are worried that state leaders whose budget-balancing ballot measures were rejected in last week's special election [will not reimburse local governments for the cost of the failed attempt, a bill that could reach \\$100 million](#). The state usually pays the 58 counties for the costs of special elections, but not always. With California's dire budget situation growing bleaker by the day, local officials are not holding their breath. "At this point, we anticipate it as a cost that we, once again, are going to have to absorb," Susan Muranishi, administrator for Alameda County, which spent almost \$3 million on the election told the *San Francisco Chronicle*. A statewide association of county elections officials believes the final bill will probably be \$68 million to \$70 million, while the secretary of state said the cost could be \$60 million to \$100 million. County officials say they paid the costs out of their general fund, the main source of money for day-to-day operations.
- After years of sometimes rancorous debate, the [Connecticut House approved election-day registration](#) this week by a vote of 81 to 65. "I find it very, very difficult to compare the plight of disenfranchised women or minority groups who have been left out of the electoral process with the group of people" who have failed to register until the last day, said House Republican leader Lawrence Cafero of Norwalk. Many Democrats say the bill would increase voter participation and improve democracy, but Republicans countered that it could lead to voter fraud at the last minute. The bill is bad public policy, they argued, because the fraud might not be detected until after the election's winner had already been declared. "We have new technology that allows us to have Election Day registration," Rep. Jamie Spallone told the *Hartford Courant*, adding that the state's centralized voter database has been vastly improved through the years. "The instances of fraud are few and far between" in other states. The battle has flared for years, dating back to even

before a veto in 2003 by then-Gov. John G. Rowland. Years later, some legislators said the issues still have not been resolved.

- According to officials, the nation's [first all-digital election, where people could vote over the Internet or by phone saw an 83 percent drop in the number of voters participating](#) in the Honolulu Neighborhood Board's recent election. For the first time, Oahu voters had to use computers or the telephone to vote for their neighborhood board candidates and many people did not bother. About 7,300 people voted this year, compared to 44,000 people who voted in the last neighborhood board race in 2007. "That is of great concern to me. It is disappointing, compared to two years ago," Joan Manke of the city Neighborhood Commission told KITV. Manke heads the commission that oversaw Internet voting. She said voters obviously did not know about or did not embrace the change to high-tech voting. "This is the first time there is no paper ballot to speak of. So again, this is a huge change and I know that, and given the budget, this is a best that we could do," Manke said. The city cut its expenses in half by using computers and phone technology by Everyone Counts. It cost about \$95,000.
- A northern New York school district must hold a special election to fill an open seat on its board after [the death of an absentee voter](#) left the race tied. It appeared candidate Vicky Peo had defeated John Wilson, the Ogdensburg school board president, by a single vote in last week's voting. But district officials discounted Franklin Bouchey's absentee ballot, leaving the contest tied at 388 votes. Bouchey, Peo's brother-in-law, died the Saturday before the election. School district lawyer Andrew Silver says state law invalidates an absentee ballot cast by a voter who isn't alive on the day of an election.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@pewtrusts.org.

[Eyes on the Vote Count: Non-partisan Observer Reports of Minnesota's 2008 Post-Election Audit and Recount](#) - Mark Halvorson and Sarah Martyn Crowell, Citizens for Election Integrity Minnesota, May 26, 2009: Citizens for Election Integrity Minnesota present their findings from observations of both the Minnesota 2008 post-election audit and recount. They found that the voting machines audited as well as the recount was accurate and that the processes were transparent. The average time to complete the audit was two hours and forty-five minutes and cost an estimated \$35,517 or \$9.14 per audited vote. Additionally, concern is expressed over the lack of uniformity in processing absentee ballots.

IV. Funding Resources

Help America Vote Act (HAVA) Training and Technical Assistance (T/TA) to Assist Protection and Advocacy Systems (P&As) to Establish or Improve Voting Access for Individuals with Disabilities. *Department of Health and Human Services (DHHS)* announces funds to provide T/TA to P&As in their promotion of full participation in the electoral process for individuals with disabilities, including: registering to vote; casting a vote; accessing polling places; developing proficiency in the use of voting systems and technologies as they affect individuals with disabilities; demonstrating and evaluating the use of such systems and technologies by individuals with disabilities (including blindness) in order to assess the availability and use of such systems and technologies for individuals with disabilities; and providing T/TA for non-visual access. **Eligibility:** Public and state controlled institutions of higher education, nonprofit organizations, and private institutions of higher education. **Deadline:** June 26, 2009. **Funds:** \$367,920 is available to fund 4 awards, ranging from \$91,980-\$183,960. **Information:** [Melvenia Wright](#) at (202) 690-5557 or; or go to the [DHHS Web site](#).

V. Opinion

National: [Voting Rights Act, II](#); [Universal voter registration](#); [Military voters](#)

International: [Electronic voting machines](#)
Alabama: [Overseas voters](#)
Arizona: [Voting rights](#)
California: [Elections calendar](#)
Connecticut: [Same-day registration](#)
Idaho: [Every vote counts](#)
Kansas: [Voter fraud](#)
Maryland: [Absentee ballots](#)
Minnesota: [Election reform, II, III, IV](#); [Voter registration](#)
Ohio: [Election reform](#)
Pennsylvania: [Improving elections](#)
South Carolina: [Instant-runoff voting](#)
Tennessee: [Shelby County](#)
Texas: [Voter ID](#)

***some sites require registration*

VI. Job Opportunities

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

Assistant Database Manager & Programmer—Franklin County, Ohio. The Franklin County Board of Elections seeks an experienced programmer and enterprise database administrator with demonstrated proficiency in Delphi, SQL and Microsoft Office products to assist in the maintenance and support of the county's voter registration system. In addition to technology related activities, the successful candidate will be required to assist in other election administration duties as assigned. The successful candidate will hold at least an associate's degree or equivalent from a two-year college or technical school with a four-year undergraduate degree highly preferred. Three to five years experience in comparable IT environment required. The abilities to reason, identify problems, find alternatives and quickly implement solutions, properly interpret directions, work independently, collaborate within teams, and effectively communicate through verbal conversation and written correspondence are required. Basic understanding of civics, government, and the voting process required. This is an unclassified, non-exempt position with exceptional health insurance and retirement benefits; the successful candidate will be required to work nights, weekends, and holidays to meet the duties and statutory requirements of holding elections, shall be held accountable to perform duties as a Clerk of the Board under penalty of law, and must be a registered voter in the State of Ohio during the period of employment. [Email resume](#) including employment and salary history.