

I. In Focus This Week

MOVE Act efforts parallel Armed Forces and Overseas Civilians Voters Week

Flurry of state activity aims to support voters, meet November deadline

By [Matthew Morse](#)

Amongst the parades, fireworks and cookouts that mark the celebration of our country's independence, another event designed to highlight our democracy is taking place this week as well.

This week marks [Armed Forces Voters Week and Overseas Citizens Voters Week](#), an observance whose primary goal is to bring awareness to the issue of military and overseas voting and encourage these groups to register and request absentee ballots.

This year, the event is especially relevant because the upcoming November election will be the first to require protections of last year's federal [Military and Overseas Voter Empowerment \(MOVE\) Act](#).

The MOVE Act's changes include requiring the mailing of ballots 45 days in advance, allowing for electronic transmission of voting materials to voters, elimination of notary requirements, and expansion of the [Federal Write-in Absentee Ballot \(FWAB\)](#), a backup ballot for those who do not receive a full ballot in time.

These provisions strive to reach goals laid out over 50 years ago by President Harry S. Truman, who stated, "the least we at home can do is make sure [young people defending our country] are able to enjoy the rights they are being asked to fight to preserve."

Legislation Adopts, Expands MOVE Act

Since the enactment of the MOVE Act in October 2009, states have been racing to pass legislation and promulgate rules to comply with its provisions. With the November deadline rapidly approaching, many took advantage of spring legislative sessions to reform state voting laws and comply with the MOVE Act.

A number of states have gone above and beyond the MOVE Act to extend its protections to state and local elections. Many organizations, including the Pew Center on the States and other members of the [Alliance for Military and Overseas Voting Rights](#), have advocated for this approach.

As of this publication, over 40 states have introduced legislation in response to the MOVE Act, with well over a dozen having passed or become law. A number of additional states, including Texas and Wisconsin, are working to promulgate rules to comply with the Act or provide a stopgap measure until more complete legislation can be passed.

Recently enacted bills include [Florida HB 131](#), [Georgia HB 1073](#), [Missouri HB 1524](#), and [Louisiana HB 1200](#). These bills establish a 45-day ballot mailing deadline, provisions for e-mail transmission of blank ballots, expand the use of the FWAB, and take steps to extend these protections to state and local elections.

Many states will be in full compliance with the MOVE Act thanks to their legislation, although others are still are not, despite having passed laws to reform their military and overseas voting provisions. New York, for example, passed a law ([AB 10681](#)) allowing for electronic transmission of some voting materials, but failed to require ballots be ready 45-days in advance.

States taking the route of promulgating regulations also face challenges, often unable to fully comply with the MOVE Act without changes in statute. These states and those like New York have the opportunity, however, to seek a waiver from the [Federal Voting Assistance Program \(FVAP\)](#) to receive a one-time exemption from the 45-day ballot requirement. FVAP for its part has provided guidance on the issue through its recent release of [interim guidelines for seeking a waiver](#).

Primary Schedules Shift to Ensure Time to Vote

In addition to codifying MOVE's provisions in law, some states are taking the additional step of moving their primaries to ensure they will have ballots ready 45 days before the general election. Among them, Hawaii, Vermont, and Minnesota have moved primaries earlier into the year.

Some states have other tools that help to avoid moving primary or runoff elections to meet time to vote requirements. For example, Louisiana and North Carolina use instant runoff voting for their military and overseas ballots, a system that allows voters to rank their choices once and have the ballot count for primary, general, and runoff elections. This eliminates the need to mail additional ballots or change election dates.

FVAP launches online voter registration assistant

Also in conjunction with Armed Forces Voters Week and Overseas Citizens' Voters Week, FVAP launched an online voter registration assistant to help more than six million military, their voting age dependents and overseas voters better navigate the registration process.

The online FVAP Voter Registration Assistant guides users through voter registration, avoiding the confusion of navigating the state-by-state instructions to fill out the registration forms. Guiding voters step-by-step ensures that all information is filled out completely before moving on. At the end of the process, the assistant provides the completed form for signature and the appropriate address and delivery information for their voting district (mail, fax or email).

Even with these changes to streamline the process and add time to the calendar, states and localities will be hard at work in the months ahead to comply with the changes of the MOVE Act. Those serving our country – the men and women we acknowledge and thank during Armed Forces Voters Week and Overseas Citizens Voters Week – will ultimately benefit from these efforts by ensuring they have every opportunity to register, vote their ballot, and have their vote counted.

II. Election Reform News This Week

- In a 4-1 decision, the [Indiana Supreme Court upheld the state's voter ID](#) law this week. The state's high court said the law — passed by the Indiana General Assembly in 2005 and subject to challenges since then — is regulatory in nature and does not change who is eligible to vote. The court rejected the League of Women Voters' argument that the law adds a "substantive qualification to the right to vote." According to the *Evansville Courier Press*, Justice Brent Dickson, writing for the majority, said since voters already were required to identify themselves at polling places by stating and signing their names, the law is regulatory in nature. "The burdens occasioned by the voter ID law serve numerous substantial interests relating to the use of technology to modernize and to protect the integrity and reliability of the electoral process," Dickson wrote. The court left the door open for future challenges, but it said if elderly and impoverished Hoosiers are being disenfranchised by the law, they should be named as plaintiffs.
- The [Riverside County, Calif. Democratic Party and three voters sued the registrar of voters this week](#) urging a judge to order officials to count more than 12,500 late-arriving ballots from the June 8 election. The registrar of voters did not receive the vote-by-mail ballots by the time the polls closed at 8 p.m. on Election Day due to what officials have described as a miscommunication with the U.S. Postal Service. Instead, the county picked up the ballots June 9 during a routine visit to the Chicago Avenue post office, past the legal deadline to count them. As a result, the three voters say their right to vote was violated. In the lawsuit, they said they mailed

their ballots June 3 and June 6. Riverside County officials delayed certifying the election results to provide time for a legal challenge. According to *the Press-Enterprise*, supervisors welcomed news of Wednesday's lawsuit. "We hoped the question would get before a judge," County Supervisor John Benoit told the paper. County Executive Officer Bill Luna said in a statement that the county's lawyers assisted in filing documents to expedite a hearing, set for press time.

- [Michigan has agreed to scrap two voter-purge programs to end a lawsuit](#) that accused it of disenfranchising thousands of voters in violation of federal law. "This is a true victory for Michigan voters," said Bradley Heard, an attorney who sued the state on behalf of the American Civil Liberties Union of Michigan, the United States Student Association Foundation and the Michigan NAACP. "Voter removal procedures like those at issue in this lawsuit, which allow eligible and registered voters to be suddenly stricken from the rolls without notice, are bad for democracy," Heard told the *Detroit Free Press*. "We are happy that the State of Michigan finally agreed to right these wrongful practices." State officials said a settlement entered late last week in the 2008 suit is "old news." "The practices were discontinued over two years ago," said Kelly Chesney, spokeswoman for Secretary of State Terry Lynn Land, a defendant in the suit. "In neither case did the plaintiffs produce a single person who was disenfranchised by these practices." Chesney said the voter purge programs had a negligible impact on voter registration and to continue the legal fight would have been costly.
- Once again [voter ID legislation has gone down to defeat in South Carolina](#). During the last day of the legislative session, the Senate was unable to pass the bill, Sen. Kevin Bryant of Anderson told the *Independent Mail*. However, unlike in years past when the debate has included walk-outs, this time the Senate simply seemed to run out of time. "According to the sine die resolution, we were not allowed to take up the bill," Bryant said. "So we sent the House a resolution to allow us to do that, but they had already adjourned." Since the Senate was unable to take the legislation up, the bill dies. If legislators want to take it up, they will have to start over and reintroduce the bill in the next legislative session.
- The [U.S. Election Assistance Commission](#) (EAC) recently launched a new and improved [website](#). According to the EAC, the new site features leading-edge search, navigation and content-delivery tools that transform the site into a more modern, dynamic and transparent source of information for the public and election officials. The new tools will enhance users' ability to find information more efficiently through a powerful search device that provides more qualified, relevant results as well as options for sorting and filtering results. Site searches are also enhanced by the new streamlined mouse-over navigation bar, which allows users to quickly scan the contents of the site without clicking through to subsequent pages. EAC's most commonly requested materials, such as the National Mail Voter Registration Form, voter guides, election management guidelines, and National Voter Registration Act reports are just one click away. The new Election Resource Library now holds all of these materials for easy searching, sorting and browsing.

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.

[Voter Registration List Quality Pilot Studies: Report on Detailed Results](#) – Stephen Ansolabehere, Eitan Hersh, Department of Government, Harvard University, Alan Gerber, David Doherty, Department of Political Science, Yale University, June 8, 2010: Between August 2008 and July 2009 researchers from Harvard and Yale conducted targeted audits in two major U.S. jurisdictions—the state of Florida and Los Angeles County, California—to assess the accuracy of state and local voter registration data.

The [study](#), funded by the Pew Center on the States, finds that twelve percent of Florida voters surveyed found a serious discrepancy in their registration record – such as name, birth date or address – that might preclude them from casting a ballot. In Los Angeles County, slightly less than 10 percent of voters reported at least one significant error in their record. The study also found that mobile voters, those who

have moved recently before an election, are the most likely to report a problem with their registration data.

The report provides a [detailed description of the methodology and practices](#) applied that are potentially replicable across the country.

[Hope and Experience: Election Reform through the Lens of the AEI-Brookings Election Reform Project](#) – AEI – Brookings Election Reform Project, John Fortier, Thomas Mann, & Norman Ornstein, June 29, 2010: As the AEI – Brookings Election Reform Project comes to a close, the group has issued a final report reflecting on the state of U.S. election administration. They suggest how further changes in technology, election law and administrative practices might continue to strengthen American elections.

IV. Opinion

Alabama: [Recount](#)

California: [Riverside County, II](#); [Imperial County](#)

Florida: [Flagler County](#); [Precinct partners](#)

Montana: [Open primaries](#)

Nebraska: [Primary ballots](#)

New York: [Dutchess County](#); [National popular vote, II](#)

North Carolina: [Polling places](#)

Oklahoma: [Voting machines](#); [Felon voting rights](#)

South Carolina: [Voter ID](#)

Vermont: [Secretary of state race](#)

***some sites require registration*

V. 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