

I. In Focus This Week

Military and overseas voting bill on the MOVE

Senators praise newly-amended bill

By [Kat Zambon](#)

Earlier today, S. 1415, the Military and Overseas Voter Empowerment (MOVE) Act (now: S.AMDT. 1764) passed the Senate by voice vote to amend the National Defense Authorization Act (S.1390). The final vote for the NDAA is expected next week, and, assuming it passes, a conference between the House and Senate will manage details of the final bill.

The Senate Rules Committee hasn't wasted any time on the legislation. When they met July 15 to discuss it, within 30 minutes, the committee members had adopted amendments introduced by Sen. Robert Bennett, R-Utah, ranking member, added Sen. Tom Udall, D-N.M., and Bennett as cosponsors (currently there are 59) and adjourned.

"We believe that this cannot wait," Sen. Charles Schumer, D-N.Y., Senate Rules Committee chair said. "S. 1415 will amend the 1986 [Uniformed and Overseas Citizens Absentee Voting Act \[UOCAVA\]](#) and bring it into the 21st century. We will use the Internet and other methods to speed up the process for voters outside the U.S. and to make sure their votes count. It's an urgent priority and I hope that we can move it quickly."

In his [statement](#), Schumer also praised the [Pew Center on the States](#) for their work on "[No Time to Vote](#)," a report that found one-third of states do not afford enough time to vote for military voters stationed overseas.

S. 1415 would require states to allow uniformed and overseas voters to send and receive voter registration applications, absentee ballot requests and blank ballots by mail, electronically and facsimile, ensure UOCAVA voters have time to vote and allow the use of the federal write-in absentee ballot (FWAB) in general, special and runoff elections for federal office.

"What we're marrying is the desire to vote with new technology, that's all. We're not changing any of the rules, we're just making it quicker and easier. If you have email and if you have fax machines, why not use them?" Schumer said.

It would also prohibit election officials from rejecting otherwise valid voter registration forms, absentee ballot applications, voted absentee ballots and FWAB's for failure to meet technical requirements, increase the voter registration opportunities for uniformed service members and revamp the voting assistance officer (VAO) program.

"Far too many returned ballots are thrown out for technicalities that are not election related, being on the wrong paper or not being notarized," Schumer added. "Now how does someone in Fallujah go find a notary for his or her absentee ballot?"

"We want to get all of the folks in the military to vote but at the same time we don't want to put undue burdens on the people who actually run the machinery," Bennett said, "and it's my understanding that we've pretty well resolved all of the issues and all of the tensions."

Bennett's amendments would allow states to delegate the obligations imposed by the bill to local jurisdictions, require 45 days rather than 55 days of ballot transit time and eliminate the requirement in

[Help America Vote Act](#) (HAVA) Section 704 that election officials send ballots to UOCAVA voters for the next two federal election cycles after the voters initially request absentee ballots.

For UOCAVA voters, it's "hard to register, hard to vote, hard to count votes," Sen. Ben Nelson, D-Neb. said. "...so for the men and women in uniform, we're all pleased that their right to vote will be further honored by this legislation and I am very anxious to see it come to the floor, very anxious to get the kind of commitment and support that I know it will get."

"I can't think of anything more important than having military have the right to vote when serving overseas," Udall said when asking to be added as a cosponsor.

Several senators praised the collaborative way in which the bill was written. "In my mind we have an issue that we needed a solution to and we found a common solution through conversation, negotiation and being commonsense senators in trying to make sure that the men and women that are out there giving us the right to vote in free and open elections also have the right to vote," Sen. Saxby Chambliss, R-Ga., said.

"We appreciate the opportunity to voice our concerns with S. 1415," Chris Thomas, Michigan election director said on behalf of the [Election Center](#) legislative committee. "We also appreciate the changes that were made as a result of election officials' input. If enacted, we can implement this bill."

"We believe that S.1415 clears the way for much needed modernization of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and that it will infuse new momentum into the program," Susan Dzieduszycka-Suinat, [Overseas Vote Foundation](#) president and CEO said.

The senators behind the bill "have clearly listened to the concerns of UOCAVA voters," a letter from [Operation BRAVO](#) read. "Your bill proposes new solutions for a wide range of systemic problems that have prevented large numbers of these citizens from voting."

However, a letter from Beth Fraser, governmental affairs director for Mark Ritchie, Minnesota secretary of state encouraged senators to consider changing Section 6, which "requires that presidential designee to establish procedures to collect marked ballots of absent overseas uniformed services voters" to apply to all voters covered by UOCAVA.

"Civilians overseas are also serving our country – many are doing so in a role that is just as dangerous as our uniformed voters," Fraser wrote. "Given the number of contractors overseas supporting our military, we should not be drawing artificial distinctions between the two when it comes to allowing them to exercise their fundamental right to vote."

II. Election Reform News This Week

- Although this may be a relatively quiet time for many in the election administration field, turmoil continues in Tennessee over the hiring/firing of election administrators and the switch to paper ballots by 2010. On the election administrator front, [Rutherford County](#) administrator Hooper Penuel will keep his job pending a full hearing later this week; [Unicoi County](#) administrator Sarah Bailey was retained by the county election commission on a 3 to 0 vote; questions arose about the friendship between one [Hawkins County](#) election commissioner and a candidate for the administrator's position; Kathie Wittner was chosen to serve as administrator in [Rusk County](#); in [Hawkins County](#), after contemplating replacing the county's administrator, the three GOP members instead tried to replace the deputy administrator at the last minute; and the [Putnam County](#) election commission has hired its own attorney to defend it against a lawsuit filed by the former administrator. On the paper ballot front, it was a war of words this week over the [type of voting machines](#) the state will use in the 2010 elections, which could determine who controls the state for a generation. Democrats want all counties to use machines that tally votes by scanning paper ballots, as called for under the Tennessee Voter Confidence Act of 2007. But Tre Hargett, Tennessee's

Republican secretary of state, is resistant to the change. He says no rules are in place to certify optical-scan machines.

- The [Arizona Court of Appeals has rejected arguments](#) by attorneys for the Secretary of State's Office and county election officials that the decision to certify machines manufactured by Diebold Elections Systems and Sequoia Voting Systems cannot be challenged. Judge Philip Hall, writing for the court, said it is proper for courts to consider the issue of whether the machines comply with Arizona law. According to The East Valley Tribune, potentially more significant, Hall said there is a legitimate question of whether the machines are accurately counting votes. He said if the plaintiffs can prove not all votes are being counted, they are constitutionally entitled to seek a court order blocking use of the machines. Tuesday's ruling, unless overturned by the Arizona Supreme Court, sends the case back to a trial judge who three years ago threw the case out of court.
- While some counties and states are fighting over what sort of voting machines to use in upcoming elections, [officials in Hawaii are concerned that there may not be enough money](#) to actually hold upcoming elections. In a letter sent last week to Gov. Linda Lingle and legislative leaders, Election Officer Kevin Cronin outlined his office's problems, which stem from a series of budget cuts mandated by the governor. "The Office of Elections has virtually no funds at this time to continue preparations for the 2010 elections based on the latest information," Cronin wrote on July 7. Since then, Cronin told the *Honolulu Star Bulletin* that he has not heard from Lingle. There was no immediate comment from the Governor's Office. After paying for salaries and contracts, the office had \$166,209 left, but \$113,346 was taken in cuts that reflected the money that would have been saved by state furloughs, Cronin explained. That remaining balance of \$52,863 was reduced when the administration took money that would have gone to reimburse the counties for 2008 election work. "The net operation funds remaining is now reduced to \$14,884," Cronin wrote. "This amount is enough to pay for electricity, water and other building maintenance that runs about \$7,000 a month for two months -- July and August."

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.

[The State of Elections in the 50 States: Evaluating the Process Where it Counts](#) - Center for Democracy and Election Management, America University School of Public Affairs, July 15, 2009: Examining state laws, this report uses recommendations made by the [Carter-Baker Commission on Federal Election Reform](#) to create and index of state election processes. Specifically voter registration, voter identification and provisional voting, voting technology, voter access and education, and election management are analyzed. Additionally the report is supplemented by [Election Administration Profiles of All Fifty States](#) as well as [draft model legislation](#) to establish state independent, nonpartisan, professional election commissions.

[The NVRA AT Fifteen: A Report to Congress](#) – Estelle H. Rogers, Esq., Project Vote, July 2009: A new report by project Vote takes a look back at the successes and failures of the National Voter Registration Act after 15 years. Four sections are examined in detail – registration at motor vehicle offices, mail registration, registration at public assistance agencies, and administration and list maintenance. Recommendations are made for each section to improve the enforcement and implementation of the law.

IV. Opinion

National: [Voting Rights Act](#)
Alabama: [Military and overseas voting](#)
Florida: [Hillsborough County](#)
Indiana: [Automatic registration](#)
Maine: [Vote centers](#)

Tennessee: [Voting system](#), [II](#), [III](#), [IV](#), [V](#), [VI](#), [VII](#); [Minor parties](#)

Texas: [Voter ID](#)

Washington: [Ranked choice voting](#); [Voting system](#)

Wisconsin: [Early voting](#), [II](#), [III](#)

***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

Assistant Registrar, Orange County, Va. — must be a qualified voter of the Commonwealth of Virginia and will be responsible for the successful implementation of elections within the county, including administration and maintenance of the voting equipment, precinct locations, recruitment, training of Election Officials, and will work under the direction of the General Registrar. **Salary** \$27,381.00 - \$35,595. Candidates interested in this position are invited to review the specific job description at orangecountva.gov, click on the link to *County Employment Opportunity*, and apply, or pick up an application 8:00 AM to 5:00 PM at the Orange County Administrator's Office, 112 W. Main Street, Orange, VA 22960; (540) 672-3313. Applications will be accepted and considered until the position is filled. EEO. As of July 16, 2009, there are 21,520 registered voters in Orange County, Virginia, (including the Town of Gordonsville and the Town of Orange). To learn more about Orange County, Virginia, please visit orangecountyva.gov or visitorangevirginia.com.