

I. In Focus This Week

Uniform act on military and overseas voting discussed

Proposed act includes a number of improvements

By [Matthew Morse](#)

Legal experts from around the country recently discussed a uniform act on military and overseas voting as part of the annual Uniform Law Commission meeting in Santa Fe, New Mexico.

The [Military Services and Overseas Civilian Absentee Voters Act](#) proposes a number of improvements, including electronic transmission of voter registration, absentee ballot application, and unvoted ballots; increased use of the Federal Write-in Absentee Ballot (FWAB); tracking and confirmation of applications and ballots; and elimination of state witness and notary requirements.

The new provisions would apply to any general, special, primary, or runoff election for federal, state, or local government office.

The [Uniform Law Commission \(ULC\)](#), formerly known as The National Conference of Commissioners on Uniform State Laws, is comprised of lawyers, judges, legislators, legislative staff, and law professors who are dedicated to “enactment of uniform state laws in areas of state law where uniformity is desirable and practical.”

In order to create a uniform act, the law must be presented to all commissioners during at least two consecutive annual meetings. At the first reading before the ULC, members have the ability to make recommended changes or raise concerns with any piece of legislation. Drafting Sessions are then conducted throughout the year to make additional adjustments and prepare a uniform act for the following year’s annual meeting. If commissioners adopt the uniform act, then legislators return to their home states to build support for the act in state legislatures.

This detailed process ensures that experts from diverse backgrounds inform the drafting process, identifying subtle nuances in the language that could have a large impact on this important voting community.

Steve Wilborn, Chair of the Drafting Committee, explained that the process allows the commission to develop uniform acts that have been vetted, so when they reach a legislature, many of the issues have already been worked out.

“At one point, we benefited from the perspective of a former military JAG officer who offered insights on specific legislative language that should be used when discussing” military personnel and overseas deployment, Wilborn mentioned. “Without his background, and without also having election law experts all present in the same room, we would not have been able to produce such a strong product.”

The Reporter for the Drafting Committee, [Prof. Steven Huefner](#), recalled another specific example. “We discovered that when a military voter seeks to mail back an absentee ballot that has ‘USA’ in the address, rather than only the state and zip code, that can actually slow down the processing of that ballot” due to the nature of how absentee ballots are handled by Military Mail.

ULC commissioners closely scrutinize each uniform law while trying to balance the urgency of each individual legal topic.

“Due to the timing and significance of these issues with elections, we hope to have the final reading this coming summer,” said Wilborn.

The Question of Uniformity

Uniform acts have the benefit of addressing areas of inconsistent or outmoded state laws. For example, many states do not provide enough time for military and overseas citizens to vote or have inconsistencies in their acceptance of the FWAB or notary requirements.

The current uniform act would address these issues by making universal improvements across all 50 states and the District of Columbia. Other changes would require electronic transmission of blank ballots and voter registration materials via e-mail or the Internet.

Several of these changes have already been incorporated into a federal bill and would cover all elections for federal office. The legislation, known as the Military and Overseas Voter Empowerment (MOVE) Act, passed the Senate as part of the National Defense Authorization Act would make great improvements for American citizens living and stationed abroad, but cannot govern state or local elections. The bill is headed to conference following the August recess.

For this reason, the MOVE Act and Military Services and Overseas Civilian Absentee Voters Act have been described as “hand in glove” because of their complementary nature and ability to create improved, standardized election practices in all states for all levels of elections.

The past few weeks have also seen new research in the field of overseas and military voting, including many problems that could be addressed by better standards and increased uniformity. Just last week, the [Brennan Center for Justice](#) published [a new report](#) highlighting challenges facing military and overseas voters in the voter registration process.

“[E]arlier this year, the recently appointed Director of the Federal Voting Assistance Program in the Department of Defense, Bob Carey, testified before the United States Senate that the registration rate for military voters is almost 20 percentage points lower than that for all Americans,” the report discussed. The report also found, based on 2008 Cooperative Congressional Election Survey data, that military voters report registration problems nearly twice as much as non-military voters.

Support for the Military Services and Overseas Civilian Absentee Voters Act is provided by a grant from Pew Center on the States.

II. Election Reform News This Week

With support lacking from the county election commission, [convenience voting in Knox County, Tenn.](#) may be a thing of the past before it really became a thing of the present. At least two Knox County election commissioners say they're not likely to support convenience voting, which would leave the pilot project short of the necessary votes to get it off the ground. A supermajority of four votes among the five commissioners is needed to approve the plan, which is set for a final decision at a meeting this week. Elections Administrator Greg Mackay's proposal tentatively is set for the next Knoxville City Council primary and general elections. The approach would eschew the city's 52 precinct polls by allowing city voters to cast ballots at any one of 10 centrally located voting centers during a 20-day window culminating on Sept. 22 and Nov. 3 election days.

Democratic legislators and Ohio Secretary of State Jennifer Brunner proposed a [wide-ranging election reform package](#) that is the culmination of months of discussions following the 2008 presidential election, which largely went smoothly but was still marked by partisan bickering. A measure with some of the same provisions introduced by Republican lawmakers at the end of 2008 was vetoed by Democratic Gov. Ted Strickland, who said it was pushed with haste. Under the proposal, voters would be allowed to vote at more early voting locations, but for a shorter period of time. Brunner told *The Associated Press* early voting would begin 20 days before Election Day and end the weekend prior so local officials have time to

prepare. Voters in each county would have the option of choosing from as many as four early voting sites instead of one. The bill also addresses provisional balloting and voter identification.

Elections supervisors in Florida are calling for the state legislature to allow for [mail-in voting for special elections](#) to help reduce costs and hopefully increase turnout. "We've been supporting vote-by-mail for a long time, and we've been trying to convince the Legislature that that is something they should do," St. Lucie County Supervisor of Elections Gertrude Walker told the *Treasure Coast Palm*. "Maybe they could test the waters with that with a special election." State legislators rejected the idea of vote by mail only elections as they revised the state voting process following the 2000 election debacle. Martin County Supervisor of Elections Vicki Davis said she'd back Chandler, adding that the state should also include early voting in select locations up until the day of the election. "I think if we can show the numbers, and considering the economic climate we're currently in, and the budget they're having to deal with at the state level, it might encourage them to relook at how we conduct special elections," said Davis. Davis, who has already started to address the issue with area state legislators, has projected that Martin County will spend \$127,851 on the election, with the estimated cost districtwide at \$477,328.

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.

[Internet Access and Voter Registration](#) – Jody Herman and Doug Hess, Project Vote, July 31, 2009

In analyzing potential challenges for states using or considering online voter registration, Project Vote finds that those who need improved registration opportunities the most are the least likely to have Internet access at home. Using data from Nielsen surveys as well as the Current Population Survey they find that Blacks, Latinos, those with only a high school diploma or less education, are 55 or older, or make \$50,000 or less annually are less likely to have home Internet access. These demographic groups, except for those 55 or older, are also less likely to be registered to vote than the voter-eligible U.S. population.

IV. Opinion

National: [Voter registration](#); [Voting rights](#)

Alabama: [Hale County](#)

California: [Election delays](#)

New York: [Voting machines](#)

Pennsylvania: [Special election](#)

Tennessee: [Voting machines, II](#); [Voting process](#)

West Virginia: [Satellite voting](#)

Wisconsin: [Early voting](#)

***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