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Time for Act II of the MOVE Act ***Five Proposed Overseas and Military Voting Reforms***

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7.1—Election officials must get the absentee ballots out in time for the service member to vote.
7.7—Proposed Reforms for Military Voters

Rarely does the first iteration of a law translate legislative intent into implementation flawlessly and durably. The legislative process allows us to correct, improve or update laws as needed in our changing times. It's an ongoing process, and one we should embrace!

A new round of legislative reform is needed to ensure that the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and its progeny continue to play a vital role. In 2009, the *Military and Overseas Voter Empowerment Act* (MOVE) was passed as a much-needed, bipartisan reform to UOCAVA; and it has served as a mechanism to modernize key aspects of UOCAVA. The MOVE Act's creation was informed by years of research, including work by U.S. Vote Foundation's (US Vote) Overseas Vote initiative (formerly Overseas Vote Foundation), and it has been demonstrably successful in accelerating the transition to online methods for most overseas and military voting processes across all states.

Four general elections have been conducted since the MOVE Act was originally enacted and there is considerable data to examine regarding its effects. Since then, overseas voting has been streamlined to the point that one can say that it rivals domestic absentee voting in its

¹I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about very specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

ease. US Vote's Election Day Voter Experience Survey² indicated that 72% of overseas voters are receiving their blank ballots through online methods. That's progress.

In contrast, and despite improved online services, the UOCAVA voter turnout numbers since the Act's passage have not changed dramatically. In fact, as reported by the Federal Voting Assistance Program,³ turnout has remained unacceptably low.

Further reforms are needed to improve the voting prospects for both military and overseas voters, and ultimately do what the MOVE Act has been unable to do: boost overseas and military voter turnout. With the MOVE Act we gained ground, but it did not go far enough to simplify the complex UOCAVA voting process.

It's Time for Act II of the MOVE Act.

US Vote and its Overseas Vote initiative call for a new round of overseas and military voting reforms to include the following provisions:

1. Automatic Registration for Military Voters

The fact that a uniformed services member is not automatically a registered voter upon enlistment is, on its face, absurd. As it stands, every uniformed services member must repeatedly register as a voter, year after year while serving his/her country.

US Vote recommends this process be changed to establish automatic registration for enlisted service members with the clear possibility to opt-out, if desired. All registered uniformed services members should automatically receive their ballots online for every election in which they are eligible.

Indeed, UOCAVA currently places the burden on the uniformed service member to file and re-file a ballot request each calendar year, and again in the event of changing locations. It is a repetitive and unnecessary requirement that assures a drop-off in participation. This occurs despite the fact that the Department of Defense (DOD) knows the location of each service member at all times. What does matter is the service member's legal voting residence (address of domicile), as that determines the voting district and subsequently what is on the ballot.

The DOD should instead send the name, the voting residence address and email address of each service member to their state or voting jurisdiction upon enlistment, unless the

²US Vote Announces 2016 Election Day Voter Experience Survey Highlights, U.S. VOTE FOUNDATION (Jan. 16, 2017), <https://www.usvotefoundation.org/2016-Election-Day-Voter-Survey-Highlights>.

³U.S. Overseas Voter; What We Know, FEDERAL VOTING ASSISTANCE PROGRAM <https://www.fvap.gov/uploads/FVAP/Reports/FVAP-OCPSummarybrief.pdf> (last visited Jan. 2017).

service member deliberately opts out, and should notify the election office again when the service member is discharged.

Under the provisions of the MOVE Act, local election officials no longer need to send postal ballots to UOCAVA voters: The MOVE Act requires all states to send ballots online to UOCAVA voters when requested. Military members have a DOD- provided email address with which to receive their blank ballot. Whether the service members choose to vote in a particular election is their prerogative and should have no bearing on whether or not they receive their next ballot.

2. “Permanent” Status Option for Qualified Overseas Voters

Many overseas voters are indefinitely overseas at a stable address. US Vote recommends that for US citizens who are civilian voters and indefinitely overseas, all states should offer "permanent" overseas absentee voter status.

UOCAVA requires that overseas voters file and re-file a ballot request each calendar year, even if none of their personal information has changed, as long as they wish to continue to receive ballots. For long-term overseas voters and election administrators, it is a repetitive and unnecessary requirement that perpetrates a drop-off in participation. The “permanent” status option for qualified electors would remedy this situation.

3. Single, Simultaneous, Uniform, Federal Overseas Voter Registration + Ballot Request + Ballot Package

As of 2009, with the passage of the MOVE Act, states are required to send requested ballots to UOCAVA voters *45 days prior to the election*. The candidates are known and ballots are available as of that same deadline. This assures adequate time to vote from abroad.

It should therefore be possible to offer a single combined form, which functions as a simultaneous voter registration + ballot request + ballot for use across all states starting six weeks prior to the election. This should dramatically expedite the voting process.

This standard federal level application + ballot could be used in manner similar to domestic Same Day Registration. It will eliminate at least two form transmissions by the prospective voter and greatly simplify the UOCAVA voting process.

The implementation would be relatively straightforward, as this form already exists: it is the Federal Write-in Absentee Ballot (FWAB). A provision in UOCAVA is needed to require this “expanded” use of the FWAB across all states. This type of voting process reform favors enhanced levels of voter participation.

4. State Department to Inform Overseas Citizens of Voting Rights

The American Citizens Abroad (ACA) organization has worked for years to convince the U.S. State Department to give U.S. citizens information regarding their overseas voting rights upon the issuance of each new or replacement passport. Inclusion of a one-page flyer with each passport summarizing both voting rights and other pertinent overseas citizen information would be a low-cost measure to improve overseas voter participation.

U.S. Citizens should travel *knowing* they carry with them their right to vote. Too many do not, further exacerbating dismal voter turnout rates. This simple action would encourage voter participation while abroad. ACA's advocacy on this issue deserves consideration.

5. Uniform Election Dates and Deadlines

Voter registration and ballot request deadlines vary across all states and have become increasingly complicated to follow. Different deadlines often depend on the method used to return a registration form, ballot request or ballot. Specifically, the deadline may change depending on whether an application or ballot is sent by mail, email, fax or delivered in-person, with no correlation from one state to the next. This is the kind of non-uniformity that confuses voters. US Vote recommends one single set of federal voting deadlines for all overseas and military voters across all states. Simplification supports voter participation.

About U.S. Vote Foundation

In 2016, U.S. Vote Foundation (US Vote) and its Overseas Vote initiative (formerly Overseas Vote Foundation) passed a milestone of twelve years in service including seven general election cycles and 6.5 million voters served directly, with tens of millions served indirectly through licensed data services.

In the 2016 General Election alone, 2.6 million voters were served directly through US Vote's web services, and tens of millions with US Vote's data through associated licensed data services. 700,000 voter registrations and ballot requests were generated, of which 410,000 were specifically for overseas and military voters in accordance with the requirements of the Federal Voting Assistance Program (FVAP) guidelines.

Much progress has been made since the Foundation's original pilot in 2004, as well as the groundbreaking debut of the Foundation's online voter registration/ballot request *wizard* for

military and overseas voters whose voting rights are protected under the *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA).

In its commitment to advancing the rights and services enjoyed by UOCAVA voters, the Foundation has judiciously analyzed the UOCAVA voter experience through a Post-Election Voter Survey following each general election. The results of the 2016 survey will be published in April 2017.

These surveys and the consistent, comparative information they provide have helped develop the institutional knowledge behind US Vote's Overseas Vote initiative and support its ability to contribute information, support and insight to the Military and Overseas Voter Empowerment (MOVE) Act of 2009 effort, as well as enabling the Foundation to contribute to the Presidential Commission on Election Administration in 2013-14.

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