

1 except for a state residency requirement, otherwise
2 satisfies this State's voter eligibility requirements;

3 (4) An overseas voter who, before leaving the United
4 States, would have been last eligible to vote in this
5 State had the voter then been of voting age and,
6 except for a state residency requirement, otherwise
7 satisfies this State's voter eligibility requirements;
8 or

9 (5) An overseas voter who was born outside the United
10 States, is not described in paragraph (3) or (4), and,
11 except for a state residency requirement, otherwise
12 satisfies this State's voter eligibility requirements,
13 if:

14 (A) The last place where a parent or legal guardian
15 of the voter was, or under this chapter would
16 have been, eligible to vote before leaving the
17 United States is within this State; and

18 (B) The voter has not previously registered to vote
19 in any other state.

20 "Dependent" means an individual recognized as a dependent
21 by a uniformed service.



1 "Federal postcard application" means the application
2 prescribed under section 101(b) (2) of the Uniformed and Overseas
3 Citizens Absentee Voting Act, 42 U.S.C. section 1973ff(b) (2).

4 "Federal write-in absentee ballot" means the ballot
5 described in section 103 of the Uniformed and Overseas Citizens
6 Absentee Voting Act, 42 U.S.C. section 1973ff-2.

7 "Military-overseas ballot" means:

- 8 (1) A federal write-in absentee ballot;
- 9 (2) A ballot specifically prepared or distributed for use
10 by a covered voter in accordance with this chapter; or
- 11 (3) A ballot cast by a covered voter in accordance with
12 this chapter.

13 "Overseas voter" means a United States citizen who is
14 outside the United States.

15 "State" means a state of the United States, the District of
16 Columbia, Puerto Rico, the United States Virgin Islands, or any
17 territory or insular possession subject to the jurisdiction of
18 the United States.

19 "Uniformed service" means:

- 20 (1) Active and reserve components of the Army, Navy, Air
21 Force, Marine Corps, or Coast Guard of the United
22 States;



1 (2) The Merchant Marine, the commissioned corps of the
2 Public Health Service, or the commissioned corps of
3 the National Oceanic and Atmospheric Administration of
4 the United States; or

5 (3) The National Guard and state militia.

6 "Uniformed-service voter" means an individual who is
7 qualified to vote and is:

8 (1) A member of the active or reserve components of the
9 Army, Navy, Air Force, Marine Corps, or Coast Guard of
10 the United States who is on active duty;

11 (2) A member of the Merchant Marine, the commissioned
12 corps of the Public Health Service, or the
13 commissioned corps of the National Oceanic and
14 Atmospheric Administration of the United States;

15 (3) A member on activated status of the National Guard or
16 state militia; or

17 (4) A spouse or dependent of a member referred to in this
18 definition.

19 "United States", used in the territorial sense, means the
20 several states, the District of Columbia, Puerto Rico, the
21 United States Virgin Islands, and any territory or insular
22 possession subject to the jurisdiction of the United States.



1 § -3 Elections covered. The voting procedures in this
2 chapter apply to:

- 3 (1) A general, special, presidential preference, or
4 primary election for federal office;
- 5 (2) A general, special, or primary election for statewide
6 or state legislative office or state ballot measure;
7 and
- 8 (3) A general, special, recall, primary, or runoff
9 election for local government office or local ballot
10 measure conducted under section 11-91.5 for which
11 absentee voting or voting by mail is available for
12 other voters.

13 § -4 Role of chief election officer. (a) The chief
14 election officer shall be the state official responsible for
15 implementing this chapter and the State's responsibilities under
16 the Uniformed and Overseas Citizens Absentee Voting Act, 42
17 U.S.C. section 1973ff et seq.

18 (b) The chief election officer shall make available to
19 covered voters information regarding voter registration
20 procedures for covered voters and procedures for casting
21 military-overseas ballots. The chief election officer may
22 delegate the responsibility under this subsection only to the



1 state office designated in compliance with section 102(b)(1) of
2 the Uniformed and Overseas Citizens Absentee Voting Act, 42
3 U.S.C. section 1973ff-1(b)(1).

4 (c) The chief election officer shall establish an
5 electronic transmission system through which a covered voter may
6 apply for and receive voter registration materials, military-
7 overseas ballots, and other information under this chapter.

8 (d) The chief election officer shall:

9 (1) Develop standardized absentee-voting materials,
10 including privacy and transmission envelopes and their
11 electronic equivalents, authentication materials, and
12 voting instructions, to be used with the military-
13 overseas ballot of a voter authorized to vote in any
14 jurisdiction in this State; and

15 (2) To the extent reasonably possible, coordinate with
16 other states to carry out this subsection.

17 (e) The chief election officer shall prescribe the form
18 and content of a declaration for use by a covered voter to swear
19 or affirm specific representations pertaining to the voter's
20 identity, eligibility to vote, status as a covered voter, and
21 timely and proper completion of an overseas-military ballot.

22 The declaration shall be based on the declaration prescribed to



1 accompany a federal write-in absentee ballot, as modified to be
2 consistent with this chapter. The chief election officer shall
3 ensure that a form for the execution of the declaration,
4 including an indication of the date of execution of the
5 declaration, is a prominent part of all balloting materials for
6 which the declaration is required.

7 § -5 Overseas voter's registration address. In
8 registering to vote, an overseas voter who is eligible to vote
9 in this State shall use and be assigned to the voting precinct
10 of the address of the last place of residence of the voter in
11 this State, or, in the case of a voter described by paragraph
12 (5) of the definition of "covered voter," the address of the
13 last place of residence in this State of the parent or legal
14 guardian of the voter. If that address is no longer a
15 recognized residential address, the voter shall be assigned an
16 address for voting purposes.

17 § -6 Methods of registering to vote. (a) To apply to
18 register to vote, in addition to any other approved method, a
19 covered voter may use a federal postcard application, or the
20 application's electronic equivalent.

21 (b) A covered voter may use the declaration accompanying a
22 federal write-in absentee ballot to apply to register to vote



1 simultaneously with the submission of the federal write-in
2 absentee ballot, if the declaration is received not later than
3 thirty days prior to the election pursuant to section 11-16. If
4 the declaration is received after that date, it must be treated
5 as an application to register to vote for subsequent elections.

6 (c) The chief election officer shall ensure that the
7 electronic transmission system described in section -4(c) is
8 capable of accepting both a federal postcard application and any
9 other approved electronic registration application sent to the
10 appropriate election official. The voter may use the electronic
11 transmission system or any other approved method to register to
12 vote.

13 § -7 Methods of applying for military-overseas ballot.

14 (a) A covered voter who is registered to vote in this State may
15 apply for a military-overseas ballot using the regular absentee
16 ballot application in use in the voter's jurisdiction under
17 section 11-16 or the federal postcard application or the
18 application's electronic equivalent.

19 (b) A covered voter who is not registered to vote in this
20 State may use a federal postcard application or the
21 application's electronic equivalent to apply simultaneously to



1 register to vote under section -6 and for a military-overseas
2 ballot.

3 (c) The chief election officer shall ensure that the
4 electronic transmission system described in section -4(c) is
5 capable of accepting the submission of both a federal postcard
6 application and any other approved electronic military-overseas
7 ballot application sent to the appropriate election official.
8 The voter may use the electronic transmission system or any
9 other approved method to apply for a military-overseas ballot.

10 (d) A covered voter may use the declaration accompanying a
11 federal write-in absentee ballot as an application for a
12 military-overseas ballot simultaneously with the submission of
13 the federal write-in absentee ballot, if the declaration is
14 received by the appropriate election official by the fifth day
15 before the election.

16 (e) To receive the benefits of this chapter, a covered
17 voter shall inform the appropriate election official that the
18 voter is a covered voter. Methods of informing the appropriate
19 election official that a voter is a covered voter include:

20 (1) The use of a federal postcard application or federal
21 write-in absentee ballot;



1 holiday, not later than the business day preceding the forty-
2 fifth day, the election official in each jurisdiction charged
3 with distributing a ballot and balloting materials shall
4 transmit a ballot and balloting materials to all covered voters
5 who by that date submit a valid military-overseas ballot
6 application.

7 (b) A covered voter who requests that a ballot and
8 balloting materials be sent to the voter by electronic
9 transmission may choose facsimile transmission or electronic
10 mail delivery, or, if offered by the voter's jurisdiction,
11 internet delivery. The election official in each jurisdiction
12 charged with distributing a ballot and balloting materials shall
13 transmit the ballot and balloting materials to the voter using
14 the means of transmission chosen by the voter.

15 (c) If a ballot application from a covered voter arrives
16 after the jurisdiction begins transmitting ballots and balloting
17 materials to voters, the official charged with distributing a
18 ballot and balloting materials shall transmit them to the voter
19 not later than two business days after the application arrives.

20 § -10 Timely casting of ballot. To be valid, a
21 military-overseas ballot shall be received by the appropriate
22 local election official not later than the close of the polls,



1 or the voter shall submit the ballot for mailing or other
2 authorized means of delivery not later than 12:01 a.m., at the
3 place where the voter completes the ballot, on the date of the
4 election.

5 § -11 Federal write-in absentee ballot. A covered voter
6 may use a federal write-in absentee ballot to vote for all
7 offices and ballot measures in an election described in
8 section -3.

9 § -12 Receipt of voted ballot. (a) A valid military-
10 overseas ballot cast in accordance with section -10 shall be
11 counted if it is delivered by the end of business on the
12 business day before the election day to the address that the
13 appropriate state or local election office has specified.

14 (b) If, at the time of completing a military-overseas
15 ballot and balloting materials, the voter has declared or
16 affirmed under penalty of unsworn falsification to authorities
17 that the ballot was timely submitted, the ballot may not be
18 rejected on the basis that it has a late postmark, an unreadable
19 postmark, or no postmark.

20 § -13 Declaration. A military-overseas ballot shall
21 include or be accompanied by a declaration or affirmation signed
22 by the voter that a material misstatement of fact in completing



1 the ballot may be grounds for a conviction of perjury or related
2 offenses under the laws of the United States or this State.

3 § -14 Confirmation of receipt of application and voted
4 ballot. The chief election officer, in coordination with local
5 election officials, shall implement an electronic free-access
6 system by which a covered voter may determine by telephone,
7 electronic mail, or Internet whether:

8 (1) The voter's federal postcard application or other
9 registration or military-overseas ballot application
10 has been received and accepted; and

11 (2) The voter's military-overseas ballot has been received
12 and the current status of the ballot.

13 § -15 Use of voter's electronic-mail address. (a) The
14 local election official shall request an electronic-mail address
15 from each covered voter who registers to vote after the
16 effective date of this chapter. An electronic-mail address
17 provided by a covered voter may not be made available to the
18 public or any individual or organization other than an
19 authorized agent of the local election official and is exempt
20 from disclosure under chapter 92F. The address may be used only
21 for official communication with the voter about the voting
22 process, including transmitting military-overseas ballots and



1 election materials if the voter has requested electronic
2 transmission, and verifying the voter's mailing address and
3 physical location. The request for an electronic-mail address
4 must describe the purposes for which the electronic-mail address
5 may be used and include a statement that any other use or
6 disclosure of the electronic-mail address is prohibited.

7 (b) A covered voter who provides an electronic-mail
8 address may request that the voter's application for a military-
9 overseas ballot be considered a standing request for electronic
10 delivery of a ballot for all elections held through December 31
11 of the year following the calendar year of the date of the
12 application or another shorter period the voter specifies,
13 including for any runoff elections that occur as a result of
14 those elections. An election official shall provide a military-
15 overseas ballot to a voter who makes a standing request for each
16 election to which the request is applicable. A covered voter
17 who is entitled to receive a military-overseas ballot for a
18 primary election under this subsection is entitled to receive a
19 military-overseas ballot for the general election.

20 § -16 Publication of election notice. (a) At least one
21 hundred days before a regularly scheduled election and as soon
22 as practicable before an election not regularly scheduled, an



1 official in each jurisdiction charged with printing and
2 distributing ballots and balloting material shall prepare an
3 election notice for that jurisdiction, to be used in conjunction
4 with a federal write-in absentee ballot. The election notice
5 must contain a list of all of the ballot measures and federal,
6 state, and local offices that as of that date the official
7 expects to be on the ballot on the date of the election. The
8 notice also must contain specific instructions for how a voter
9 is to indicate on the federal write-in absentee ballot the
10 voter's choice for each office to be filled and for each ballot
11 measure to be contested.

12 (b) A covered voter may request a copy of an election
13 notice. The official charged with preparing the election notice
14 shall send the notice to the voter by facsimile, electronic
15 mail, or regular mail, as the voter requests.

16 (c) As soon as ballot styles are finalized pursuant to
17 section 11-119, and not later than the date ballots are required
18 to be transmitted to voters under section 15-4, the official
19 charged with preparing the election notice under subsection (a)
20 shall update the notice with the certified candidates for each
21 office and ballot measure questions and make the updated notice
22 publicly available.



1 (d) A local election jurisdiction that maintains an
2 internet website shall make the election notice prepared under
3 subsection (a) and updated versions of the election notice
4 regularly available on the website.

5 § -17 Prohibition of nonsubstantive requirements.

6 (a) If a voter's mistake or omission in the completion of a
7 document under this chapter does not prevent determining whether
8 a covered voter is eligible to vote, the mistake or omission
9 shall not invalidate the document. Failure to satisfy a
10 nonsubstantive requirement, such as using paper or envelopes of
11 a specified size or weight, shall not invalidate a document
12 submitted under this chapter. In a write-in ballot authorized
13 by this chapter if the intention of the voter is discernible
14 under this State's uniform definition of what constitutes a
15 vote, an abbreviation, misspelling, or other minor variation in
16 the form of the name of a candidate or a political party shall
17 be accepted as a valid vote.

18 (b) Notarization is not required for the execution of a
19 document under this chapter. An authentication, other than the
20 declaration specified in section -13 or the declaration on
21 the federal postcard application and federal write-in absentee
22 ballot, shall not be required for execution of a document under



1 this chapter. The declaration and any information in the
2 declaration may be compared with information on file to
3 ascertain the validity of the document.

4 § -18 Equitable relief. A court may issue an injunction
5 or grant other equitable relief appropriate to ensure
6 substantial compliance with, or enforce, this chapter on
7 application by:

8 (1) A covered voter alleging a grievance under this
9 chapter; or

10 (2) An election official in this State.

11 § -19 Relation to electronic signatures in global and
12 national commerce act. This chapter modifies, limits, and
13 supersedes the Electronic Signatures in Global and National
14 Commerce Act, 15 U.S.C. section 7001 et seq., but does not
15 modify, limit, or supersede section 101(c) of that act, 15
16 U.S.C. section 7001(c), or authorize electronic delivery of any
17 of the notices described in section 103(b) of that act, 15
18 U.S.C. section 7003(b)."

19 SECTION 2. This Act shall take effect on July 1, 2011.

20

INTRODUCED BY: 

Report Title:

Military and Overseas Voters Act

Description:

Enacts Uniform Military and Overseas Voters Act to ensure ability of members of the military and others eligible voters who are overseas to participate in all elections for federal, state, and local offices. Authorizes ballots and balloting materials to be transmitted by facsimile or electronic mail.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

