

SB 1080

TESTIMONY



STATE OF HAWAII
OFFICE OF ELECTIONS
802 LEHUA AVENUE
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON SENATE BILL NO. 1080
RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT
February 7, 2011

Chair Hee and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify on Senate Bill No. 1080. The purpose of this bill is to implement and expand beyond the required provisions of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 USC §§ 1973ff et seq.), concerning absentee voting by military and overseas voters.

The Office of Elections respectfully opposes the bill as the State of Hawaii's laws are already in compliance with UOCAVA and the bill unnecessarily expands statutory requirements beyond what is required by federal law.

As background, President Barack Obama signed into law the National Defense Authorization Act for Fiscal Year 2010 on October 28, 2009. Subtitle H of that law, which may be cited as the Military and Overseas Voter Empowerment Act (MOVE), amended various parts of the UOCAVA. Among these amendments was a provision requiring states to transmit absentee ballots to uniformed and overseas voters no later than 45 days prior to a federal election. 42 USC § 1973ff-1(a)(8)(a).

Shortly after the passage of the MOVE Act, the Office of Elections promulgated administrative rules that addressed all mandatory parts of the Act. The rules went into effect on January 9, 2010.

§3-174-22 Voting, registration, and counting of absentee ballots of overseas citizens. (a) The general purpose of the Uniformed and Overseas Citizens Absentee Voting Act (hereinafter referred to as "UOCAVA" or 42 USC §1973ff et seq.) is to:

- (1) Permit absent uniformed services citizens and overseas citizens to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office; and
 - (2) Permit overseas citizens to use a "federal write-in" absentee ballot in general elections for federal office.
- (b) The term "federal election" means any presidential, U.S. senatorial, or congressional election.
- (c) Citizens shall be regarded as residing overseas if they reside anywhere except the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.
- (d) The clerk may maintain a separate register for overseas citizens who apply to vote under the provisions of 42 USC §§1973ff et seq., as amended.
- (e) An overseas citizen may use the federal postcard (SF-76) form to register to vote and to request an absentee ballot. A federal postcard form used by an overseas citizen to request an absentee ballot which is received in the year of the election will be held and processed sixty days prior to the election.
- (f) A duly registered overseas citizen voter who wishes to vote the federal election ballot in person at the clerk's office may do so upon presentation of proper identification.
- (g) An overseas citizen who makes timely application for, and does not receive the State's absentee ballot, may use the federal write-in absentee ballot in general elections. In completing the ballot the overseas voter may write-in the name of a qualified candidate or political party and any abbreviation, misspelling, or other minor variation shall be disregarded if the intent of the voter can be ascertained.
- (h) The federal election absentee ballot may be a paper ballot or electronic ballot card. The federal election absentee ballot shall be received by the clerk not later than closing of the polls on election day. A federal write-in absentee ballot will be processed according to established procedures for regular absentee ballots only if:
- (1) A request for the state absentee ballot was received at least thirty days prior to the election;
 - (2) A state absentee ballot has not been received; and
 - (3) There is a valid affirmation signature and no evidence of tampering.
- (i) A voter covered by UOCAVA shall be able to request voter registration applications and absentee ballot applications by mail or electronically for general, special, primary, and runoff elections for Federal office. This includes the ability of the voter to designate if the

voter wishes to receive the application by mail or electronically. The voter registration application or absentee ballot application will be transmitted based on the preference selected by the voter. If the voter does not indicate a preference, the application shall be delivered as otherwise required by state law. To the extent practicable, election officials must: (1) protect the security and integrity of the voter registration and absentee ballot application request process and (2) protect the privacy of the identity and personal data of the UOCAVA when the voter requests, and is sent a voter registration application or absentee ballot application.

(j) Election officials shall designate at least one means of electronic communication for the following purposes: (1) for use by UOCAVA voters to request voter registration applications and absentee ballot applications; (2) for use by election officials to send voter registration and absentee ballot applications to voters; and (3) for providing UOCAVA voters with election and voting information. In addition to the means of electronic communication designated by election officials. Finally, election officials must include the designated means of electronic communication on all information and instructional materials that accompany balloting materials sent by election officials to UOCAVA voters.

(k) Election officials shall provide for transmitting blank ballots to UOCAVA voters by mail and electronically for general, special, primary, and runoff elections for Federal office. Voters will be able to designate if they wish to receive the blank ballot by mail or electronically. Election officials must transmit the ballot based on the preference selected by the voter. If the voter does not indicate a preference, the ballot must be delivered in accordance with state law. To the extent practicable, election officials must: (1) protect the security and integrity of absentee ballots and (2) protect the privacy of the identity and personal data of the UOCAVA voter throughout the transmission process.

(l) Election officials will have a free access system that allows a UOCAVA voter to determine whether his/her absentee ballot was received by the election officials.

(m) Election officials will allow for the use of the federal write-in absentee ballot in accordance with UOCAVA.

(n) Election officials will comply with the provisions regarding adequate ballot transmittal time for UOCAVA voters, unless a waiver regarding the ballot transmittal time is granted by the federal government. [Eff. JAN 09 2010] (Auth: HRS §11-4, 42 USC §§1973ff et seq.) (Imp: HRS §11-16, 42 USC §§1973ff et seq.)

As indicated in the rule, the State of Hawaii, permits UOCAVA voters, among other things, to do the following: (1) utilize federal write-in absentee ballots; (2) use the federal postcard form to register to vote and to request an absentee ballot; (3) vote in person at the clerk's office; (4) request voter registration applications and absentee ballot applications by mail or electronically; and (5) receive blank ballots by mail or electronically.

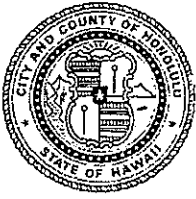
The only other issue was to ensure that absentee ballots for UOCAVA voters were mailed out at least forty five days prior to any election in which a federal office was on the ballot. As the State of Hawaii's Primary Election was forty five days prior to the General Election it would be impossible to mail ballots out in the required time frame, without a statutory change in the date of the election.

During the 2010 legislative session, an act was passed to change the date of the Primary Election to the second Saturday in August, beginning with the 2012 Primary Election, in order to ensure that the requirement to mail ballots to voters covered by UOCAVA at least forty five days prior to an election containing federal offices was met. Act 126, Session Laws of Hawaii 2010.

Given the short notice in relation to the passage of the MOVE Act and it being an election year, it was deemed unworkable to consider moving the 2010 Primary Election. Ultimately, a memorandum of agreement was worked out with the federal government in which the State of Hawaii agreed to pay for expedited mailing of ballots, as the earliest the ballots could be mailed out was September 24, 2010 (i.e. thirty nine days prior to the General Election and six days after the Primary Election).

At no time in our dealings with the federal government were we ever told that our statutes, administrative rules, or procedures were out of compliance with UOCAVA or the MOVE Act, other than the forty five day mailing requirements, which as noted we agreed to resolve through the use of expedited mailing.

Thank you for the opportunity to testify in opposition to Senate Bill No. 1080.



E L E C T I O N S
OFFICE OF THE CITY CLERK
530 SOUTH KING STREET, ROOM 100
HONOLULU, HAWAII 96813-3099
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BERNICE K.N. MAU
City Clerk

COMMENTS ON SB 1080
RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT
Committee on Judiciary & Labor
Rm. 016
10:00 a.m. February 7, 2011

Chair Hee and Committee Members:

We wholeheartedly support improving the accessibility of election services for our uniformed and overseas voters. However, we respectfully inform the Committee that this measure creates inconsistencies within Hawaii's election laws and additional requirements beyond what was enacted by Congress in the federal Military and Overseas Voters Empowerment (MOVE) Act.

We are unaware of whether the additional requirements were intentional, but suspect that this measure may have been based upon model legislation developed shortly after the federal MOVE Act was enacted. We maintain that this bill is not necessary and that Hawaii's election laws adequately enfranchise uniformed and overseas voters.

Sections of the bill appear to be intended for States whose election laws still contain stringent and restrictive practices relating to uniformed and overseas voters. However, we are providing a draft for the Committee's consideration that maintains the additional requirements, corrects the technical inconsistencies, and eliminates unnecessary or redundant provisions.

We provide the following examples to illustrate the inconsistencies and unnecessary provisions contained within:

- Chapter 15, Hawaii Revised Statutes allows local residents a seven (7) day deadline to request an absentee ballot. Provisions on page 10 create a five (5) day deadline for the voters covered under this act.
- Provisions on page 12 specify that a ballot cast by a covered voter shall be counted if mailed by the close of business on the day prior to the election. This requirement appears to be out of concert with HRS 15-9 that stipulates receipt of the ballot by election day to be counted. The section also stipulates that an absentee ballot may not be rejected for lacking or illegible postmarks. If the intent of the provision is to create a bifurcated absentee ballot deadline, it will have the effect of delaying the finality of the Hawaii's election results.

- Section 17 prohibits notarization requirements for the declarations on election documents. Hawaii law does not require any such notarizations.

We are most willing to work with the Legislature to ensure that the bill's provisions are harmonious with existing Hawaii election law. However, we maintain that the measure is not be necessary in light of Hawaii's progressive laws and practices governing uniformed and overseas voters.

Thank you for the opportunity to comment on this matter.

A BILL FOR AN ACT

RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 **UNIFORM MILITARY AND OVERSEAS VOTERS ACT**

6 § -1 **Short title.** This chapter may be cited as the
7 Uniform Military and Overseas Voters Act.

8 § -2 **Definitions.** In this chapter:

9 "Covered voter" means:

10 (1) A uniformed-service voter or an overseas voter who is
11 registered to vote in this State;

12 (2) A uniformed-service voter defined in paragraph (1) of
13 that definition whose voting residence is in this State and who
14 otherwise satisfies this State's voter eligibility requirements;

1 (3) An overseas voter who, before leaving the United
2 States, was last eligible to vote in this State and, except for a
3 state residency requirement, otherwise satisfies this State's
4 voter eligibility requirements;

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

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

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

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

19 "Dependent" means an individual recognized as a dependent by
20 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:

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

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

6 (3) The National Guard and state militia.

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

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

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

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

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

1 "United States", used in the territorial sense, means the
2 several states, the District of Columbia, Puerto Rico, the United
3 States Virgin Islands, and any territory or insular possession
4 subject to the jurisdiction of the United States.

5 **§ -3 Elections covered.** The voting procedures in this
6 chapter apply to:

7 (1) A general, special, or primary election for federal
8 office;

9 (2) A general, special, or primary election for statewide
10 or state legislative office or state ballot measure; and

11 (3) A general, special, recall, primary, or runoff election
12 for local government office or local ballot measure conducted
13 under section 11-91.5 for which absentee voting or voting by mail
14 is available for other voters.

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

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

5 (c) The chief election officer shall develop standardized
6 absentee-voting materials, including privacy and transmission
7 envelopes and their electronic equivalents, authentication
8 materials, and voting instructions, to be used with the military-
9 overseas ballot of a voter authorized to vote in any jurisdiction
10 in this State; and

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

1 **§ -6 Methods of registering to vote.** (a) To apply to
2 register to vote, in addition to any other approved method, a
3 covered voter may use a federal postcard application, or the
4 application's electronic equivalent.

5 (b) A covered voter may use the declaration accompanying a
6 federal write-in absentee ballot to apply to register to vote
7 simultaneously with the submission of the federal write-in
8 absentee ballot, if the declaration is received not later than
9 thirty days prior to the election pursuant to section 11-16.

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

17 **§ -7 Methods of applying for military-overseas ballot.**

18 (a) A covered voter who is registered to vote in this State may
19 apply for a military-overseas ballot using the regular absentee
20 ballot application in use in the voter's jurisdiction under

1 section 15-4 or the federal postcard application or the
2 application's electronic equivalent as appropriate.

3 (b) The chief election officer shall ensure that the
4 electronic transmission system described in section -4(b) 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 other
9 approved method to apply for a military-overseas ballot.

10 (c) 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 seventh day
15 before the election.

16 **§ -8 Federal write-in absentee ballot.** A covered voter
17 may use a federal write-in absentee ballot to vote for all
18 offices and ballot measures in an election described in
19 section -3.

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

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

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

1 office and ballot measure questions and make the updated notice
2 publicly available.

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

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

19 **§ -11 Relation to electronic signatures in global and**
20 **national commerce act.** This chapter modifies, limits, and
21 supersedes the Electronic Signatures in Global and National

1 Commerce Act, 15 U.S.C. section 7001 et seq., but does not
2 modify, limit, or supersede section 101(c) of that act, 15 U.S.C.
3 section 7001(c), or authorize electronic delivery of any of the
4 notices described in section 103(b) of that act, 15 U.S.C.
5 section 7003(b)."

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

**TESTIMONY OF THE
COMMISSION TO PROMOTE UNIFORM LEGISLATION**

ON S.B. NO. 1080

RELATING TO MILITARY AND OVERSEAS VOTERS.

BEFORE THE SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Monday, February 7, 2011 at 10:00 a.m.
Conference Room 016, State Capitol

PERSON(S) TESTIFYING: KEVIN SUMIDA, Commissioner
Commission to Promote Uniform Legislation

Emailed to: JDLTestimony@Capitol.hawaii.gov

To Chair Hee, Vice-Chair Shimabukuro, and Members of the Committee:

My name is Kevin Sumida and I am testifying on behalf of the Commission to Promote Uniform Legislation, which supports passage of the **UNIFORM MILITARY AND OVERSEAS VOTERS ACT (“UMOVA”)**.

Military personnel and overseas civilians face a variety of challenges to their participation as voters in U.S. elections, despite repeated congressional and state efforts to facilitate their ability to vote. These include difficulty in registering abroad, frequent address changes, slow mail delivery, ballots and ballot applications that never arrive, difficulty in obtaining information about candidates or issues, the inability to comply with notarization or verification procedures, or the voter’s failure to properly comply with non-essential requirements for absentee materials.

Unfortunately, the federal **Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA)** and **Military and Overseas Voter Empowerment Act of 2009 (MOVE)**, as well as the various state efforts, have not been wholly effective in overcoming difficulties that these voters face, and the federal laws do not encompass state and local elections. Further, American elections are conducted at the state and local levels under procedures that vary dramatically by jurisdiction, and many are conducted independent of the federal elections to which UOCAVA and MOVE do apply. Lack of uniformity and consistency between jurisdictions, and lack of application of the federal statutes (and some state statutes on military and overseas voting) to state and local elections, complicate efforts to fully enfranchise these voters and represent a major impediment to their ability to vote.

At its 2010 Annual Meeting, the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission, promulgated the Uniform Military and Overseas Voters Act (UMOVA) to address these issues, with the benefit of expertise and input from a wide array of interested parties and observers. UMOVA extends to state elections the assistance and protections for military and overseas voters currently found in federal law. It seeks greater harmony for the military and overseas voting process for all covered elections, over which the states will continue to have primary administrative responsibility.

UMOVA simplifies and expands the class of covered voters and covered elections, and establishes reasonable, standard timetables for application, registration, and provision of ballots and election information for covered voters. The act implements the federal requirement of a 45-day minimum window between providing ballot materials to covered voters and the election, and expands use of the FPCA and FWAB for registration, application for materials, and voting. It settles the issue of which address to use for active-duty military and overseas voters. UMOVA requires creation of electronic transmission methods for applications and receipt of registration and balloting materials, and tracking the status of submissions. It requires ballots to be counted where non-essential requirements are not complied with, and obviates notarization requirements where the proper declaration is made under penalty of perjury. The new UMOVA uses and builds upon the key requirements of UOCAVA and MOVE, and makes these important protections and benefits applicable to federal, state, and local elections.

The National Conference of the Council of State Governments (CSG) adopted a resolution in December 2010 urging all states to adopt UMOVA. Similar resolutions in favor of UMOVA had previously been adopted by the CSG Southern Legislative Conference, with 15 member states, as well as the CSG-West, with 13 member states. The National CSG also approved UMOVA as "Suggested State Legislation," which means it is part of a compilation of legislation on topics of current interest and importance to the states.

The Act is also supported nationally by the American Bar Association's Standing Committee on Election Law and Standing Committee on Armed Forces Law.

This Act has already been introduced before the legislatures of three other states, Connecticut, North Dakota, and Oklahoma.

I am attaching to my testimony a copy of the Resolution by the Council of State Governments, supporting this proposed legislation.

THE COUNCIL OF STATE GOVERNMENTS

RESOLUTION SUPPORTING THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT

Resolution Summary

Military personnel and overseas civilians face a variety of challenges to their participation as voters in U.S. elections, despite repeated congressional and state efforts to facilitate their ability to vote. These include difficulty in registering abroad, frequent address changes, slow mail delivery, ballots and ballot applications that never arrive, difficulty in obtaining information about candidates or issues, the inability to comply with notarization or verification procedures, or the voter's failure to properly comply with non-essential requirements for absentee materials. The federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and Military and Overseas Voter Empowerment Act of 2009 (MOVE), as well as the various state efforts, have not been wholly effective in overcoming difficulties that these voters face, and the federal laws do not encompass state and local elections. Further, American elections are conducted at the state and local levels under procedures that vary dramatically by jurisdiction, and many are conducted independent of the federal elections to which UOCAVA and MOVE do apply. Lack of uniformity, and lack of application of the federal statutes to state and local elections, complicates efforts to fully enfranchise these voters.

At its 2010 Annual Meeting, the national Uniform Law Commission promulgated the Uniform Military and Overseas Voters Act (UMOVA) to address these issues. UMOVA extends to state elections the assistance and protections for military and overseas voters currently found in federal law. It seeks greater harmony for the military and overseas voting process for all covered elections, over which the states will continue to have primary administrative responsibility.

UMOVA simplifies and expands the class of covered voters and covered elections, and establishes reasonable, standard timetables for application, registration, and provision of ballots and election information for covered voters. The act implements the federal requirement of a 45-day minimum window between providing ballot materials to covered voters and the election, and expands use of the FPCA and FWAB for registration, application for materials, and voting. It settles the issue of which address to use for active-duty military and overseas voters. UMOVA requires creation of electronic transmission methods for applications and receipt of registration and balloting materials, and tracking the status of submissions. It requires ballots to be counted where non-essential requirements are not complied with, and obviates notarization requirements where the proper declaration is made under penalty of perjury. The new UMOVA uses and builds upon the key requirements of UOCAVA and MOVE, and makes these important protections and benefits applicable to federal, state, and local elections.

At the 2010 annual meetings of the Southern and Western Legislative Conferences of the Council of State Governments, those regions adopted policy positions supporting their member states' enactment of UMOVA. Both regions are supportive of the national Council of State Governments adopting a similar resolution.

This policy resolution:

- Asserts that military personnel and overseas civilians experience a wide variety of obstacles in exercising their right to vote;
 - Asserts that the national Uniform Law Commission has promulgated a new uniform law to comprehensively address individual as well as systemic obstructions to military and overseas civilian voting, as a matter of state law;
 - Asserts that the Southern and Western Legislative Conferences of the Council of State Governments have adopted policy positions in support of the Uniform Military and Overseas Voters Act; and
 - Urges CSG member states to adopt the Uniform Military and Overseas Voters Act.
- Additional Resources
- Uniform Law Commission – <http://www.ulec.usj.org>
 - Federal Voting Assistance Program – <http://www.fvap.gov/>
 - The Pew Charitable Trusts and the Pew Center On the States – http://www.pewtrusts.org/news_room_detail.aspx?id=47924
- CSG Management Directives
- **Management Directive #1:** CSG will transmit a copy of this resolution to the executive and legislative leaders in each state, the National Association of Secretaries of State (NASS), the Adjutants General Association of the United States (AGAJUS), the Civil Rights Division of the United States Department of Justice, and to the sponsor and co-sponsors of the Military and Overseas Voter Empowerment Act (S.1415) which was incorporated into the 2010 Defense Authorization Act and which mandated the implementation of the policies contained in UMOVA with respect to federal elections.
 - **Management Directive #2:** CSG staff will post this approved resolution on CSG's Web site and make it available through its regular communication venues at the state and local level to ensure its distribution to the state government and policy community.

THE COUNCIL OF STATE GOVERNMENTS

**RESOLUTION SUPPORTING THE
UNIFORM MILITARY AND OVERSEAS VOTERS ACT**

WHEREAS, Military personnel and overseas civilians face a variety of challenges to their participation as voters in U.S. elections, including difficulty in registering abroad, frequent address changes, slow mail delivery, ballots and ballot applications that never arrive, difficulty in obtaining information about candidates or issues, the inability to comply with notarization or verification procedures, and cumbersome non-essential requirements for absentee materials;

WHEREAS, these problems exist despite many state and federal legislative efforts to alleviate them, and the protections of the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and Military and Overseas Voter Empowerment (MOVE) Act of 2009 amendments extend only to federal elections;

WHEREAS, U.S. elections are conducted at the state and local levels under procedures that vary dramatically by jurisdiction, and a lack of uniformity and consistency in procedures for overseas civilians and military personnel is, in itself, a primary obstacle to many of these voters' ability to effectively exercise their right to vote;

WHEREAS, at its 119th Annual Meeting in 2010, the national Uniform Law Commission promulgated the Uniform Military and Overseas Voters Act (UMOVA) to extend application of the protections for military and overseas civilian voters currently found in federal law to state and local elections; simplify and expand the class of covered voters and covered elections; establish reasonable, standard timetables for application, registration, and provision of ballots and election information for covered voters; and to seek greater harmony within state law for the military and overseas voting process for all covered elections; and

WHEREAS, at the 2010 annual meetings of both The Council of State Governments – West and the Southern Legislative Conference of The Council of State Governments, those regions adopted policy positions supporting their member states' enactment of UMOVA.

NOW, THEREFORE BE IT RESOLVED, that The Council of State Governments urges that all member states consider and enact the 2010 Uniform Military and Overseas Voters Act (UMOVA), to help states comply with the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and Military and Overseas Voter Empowerment Act of 2009 (MOVE), and to extend the application of, and broaden the coverage of, the important principles

of these laws with regard to state and local elections, for the benefit and enfranchisement of our military personnel and overseas civilians.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the executive and legislative leaders of each state, the National Association of Secretaries of State (NASS), the Adjutants General Association of the United States (AGAU), the Civil Rights Division of the United States Department of Justice, and to the sponsor and co-sponsors of the Military and Overseas Voter Empowerment Act (S.1415) which was incorporated into the 2010 Defense Authorization Act and which mandated the implementation of the policies contained in UMOVA with respect to federal elections.

Adopted this 6th Day of December, 2010, at CSG's 2010 National Conference in Providence, Rhode Island.

Governor M. Michael Rounds, SD
2010 CSG President

Senate President David L. Williams, KY
2010 CSG Chairman