



THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT

- A 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 or 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. The federal laws do not encompass state and local elections. Furthermore, 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 the MOVE Act do apply. This lack of uniformity, and lack of application of the federal statutes to state and local elections, complicates efforts to more fully enfranchise these voters.

The Uniform Military and Overseas Voters Act (UMOVA) was promulgated by the Uniform Law Commission in 2010 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.

The UMOVA expands the class of covered voters and covered elections. "Uniformed service" includes the U.S. Army, Navy, Air Force, Marine Corp, Coast Guard, Merchant Marine, commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration of the U.S., National Guard, and state militia units. The definition of "covered voter" is expanded from federal usage to include overseas citizens who have not established a specific residence in the U.S. but who have demonstrable ties to a certain state. The act applies to primary, general, special, and runoff elections, or their equivalent, at the federal, state, and local levels for elected candidates and ballot issues.

The act establishes standard timetables for application, registration, and provision of ballots and election information for covered voters. The act further requires transmission of ballots and balloting materials to all covered voters who have applied no later than 45 days prior to the election, unless the state has received a waiver under the federal MOVE Act. Furthermore, the act extends expanded use of the Federal Post Card Application and Federal Write-In Absentee Ballot for registration and voting purposes in covered elections.

The UMOVA provides for the determination of the address that should be used for active-duty military and overseas voters. An eligible voter's voting address shall be the last residential

address in the enacting state, or that of the eligible voter's parent or legal guardian for citizens born outside of the U.S. that have not established residency. If the address is no longer residential, then the voter must be assigned an address.

The act allows voters to make use of electronic transmission methods for applications and receipt of registration and balloting materials, and tracking the status of applications. Allowance of electronic submission of voted ballots is left to existing state law. The act defines the obligations of the state's primary election authority with regard to providing information on voting registration procedures, ballot casting procedures, and the form and content of necessary declarations to accompany such, for covered voters. If provided, a voter's e-mail address may not be disclosed to third parties, and may only be used by the election authority for communications about the voting process, transmission of ballots and materials, and necessary verifications related to the act.

Under the UMOVA, a ballot is timely cast if received by the local election official before the close of polls on election day, or submitted for mailing or transmission no later than 12:01 AM on the date of the election. A ballot must be counted if it is delivered to the appropriate state or local election official by the close of business on the business day before the final deadline for completing the canvass or other tabulation to finalize election results.

The act requires votes to be counted where non-essential requirements are not complied with, and obviates notarization requirements where the proper declaration is made and subject to penalty of perjury.

The new UMOVA uses and builds upon the key requirements of UOCAVA and MOVE, and extends the important protections and benefits of these acts to voting in covered state and local elections. UMOVA will help to facilitate compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) and Military and Overseas Voter Empowerment Act of 2009 (MOVE), and help to more fully and effectively enfranchise our military personnel and overseas civilians.

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