



## - Frequently Asked Questions -

**What is the Uniform Military and Overseas Voters Act (UMOVA)?** UMOVA was promulgated by the Uniform Law Commission in 2010, after more than two years of study and drafting. UMOVA is a uniform law drafted for consideration and adoption by state legislatures, to extend to state elections the assistance and protections currently found in federal law for military and overseas citizens who need to vote absentee. UMOVA simplifies and expands, in common-sense fashion, the class of covered voters and covered elections found in federal law. The Act establishes reasonable, standard timetables for application, registration, and provision of absentee ballots and election information for covered voters – importantly, it applies the 45-day federal deadline for provision of materials to covered voters who have applied, to both federal and state elections. The Act establishes the timeframe in which an overseas ballot may be validly voted and submitted by the covered voter and received by state elections officials. UMOVA provides for the designation of a covered voter's address in the event it would otherwise be unclear, expands the registration and voting usage of the FPCA (Federal Post Card Application) and FWAB (Federal Write-In Absentee Ballot) for state elections, and obviates non-essential requirements where the proper declaration is made and subject to penalty of perjury.

**What is UOCAVA?** The federal Uniformed and Overseas Citizens Absentee Voting Act or "UOCAVA" (42 U.S.C. § 1973ff) was enacted by Congress in 1986. The UOCAVA requires that the states and territories allow uniformed service personnel, their families, and civilian U.S. citizens living abroad, to register and vote absentee in elections for federal offices. Among its key provisions, UOCAVA provides for an application called the [Federal Post Card Application](#) (FPCA) that qualified uniformed service personnel and overseas citizens can use to register to vote and request an absentee ballot simultaneously. The law also allows for the use of a "back-up" ballot for federal offices, called the Federal Write-In Absentee Ballot (FWAB). This ballot may be cast by voters covered by the Act who have made timely application for, but have not received, their regular ballot from their state or territory, subject to certain conditions. The U.S. Secretary of Defense has administrative responsibility under UOCAVA, which is assigned to the Federal Voting Assistance Program (FVAP) within the U.S. Department of Defense.

**What is the MOVE Act?** The federal Military and Overseas Voter Empowerment Act, or "MOVE" Act, was enacted by Congress in 2009 as a subtitle of the National Defense Authorization Act for Fiscal Year 2010. The MOVE Act amended UOCAVA to establish new voter registration procedures that states must follow for federal elections, most of which must be implemented by November 2010. In particular, the MOVE Act requires: that UOCAVA voters

be allowed and able to request registration and balloting materials in electronic form, and that methods for electronic transmission of these materials be established; that validly requested materials be transmitted no later than 45 days prior to the federal election in question (unless the request is received later than that time or the state has received a waiver); expanded acceptance of the FPCA and FWAB for registration and voting in all federal elections; creation of a free-access tracking system for UOCAVA voters to track receipt of their submissions; and that failure to meet non-essential requirements or notarization standards will not prevent acceptance of registration applications or voted ballots. The MOVE Act also requires security procedures for its required processes and enacted various related reporting requirements from both state and federal administrative officials.

**Why should states treat military and overseas voters differently?** Military and overseas voters face unique challenges and obstacles in exercising their fundamental right to vote that citizens living in the United States do not encounter. These include difficulty in registering abroad, frequent address changes, slow mail delivery of ballots and ballot applications that never arrive, difficulty obtaining information about candidates or issues, inability to comply with notarization or verification procedures, or the voter's failure to properly comply with non-essential requirements for absentee materials. Whether a uniformed service member or an overseas civilian, U.S. citizens abroad still carry many of the same obligations (i.e. federal tax obligations, selective service registration, etc.) that voters at home do – they should enjoy the same rights and the benefit of full enfranchisement. Enactment of UMOVA will help achieve that goal.

**By adopting UMOVA, is my state compliant with the federal MOVE Act?** UMOVA covers the major goals of the federal UOCAVA and MOVE acts. In large part, enactment of UMOVA should bring states into compliance with the core principles of the federal laws. However, UOCAVA, as amended by the MOVE Act, does require some affirmative planning, activity, and reporting from state officials to implement its provisions. The additional affirmative requirements of the federal law are not duplicative, though, and do not conflict with any of the provisions of UMOVA.

**Does adoption of UMOVA require electronic voting?** No. The federal laws and UMOVA require that a covered voter be allowed to request voter registration materials, election information, and ballot materials electronically, and have these materials transmitted to them electronically. However, whether or not a state is required to accept a *voted* ballot electronically is left to existing state law.

**Why does my state need to adopt UMOVA?** For those states that have not adopted legislation to comply with the MOVE Act, enactment of UMOVA will help significantly in bringing them into compliance with the federal requirements of amended UOCAVA. For those states that have

adopted legislation to align with the MOVE Act, UMOVA will extend those benefits and privileges for military and overseas citizens to state and local elections in compatible fashion with the federal requirements. Uniformity in absentee balloting laws among the states will be of great assistance to military and overseas voters who are reassigned frequently and have found the variations in statutes confusing. It will also assist election officials who must assist these voters.

**What is the Uniform Law Commission?** Founded in 1892, the Uniform Law Commission, also known as the National Conference of Commissioners on Uniform State Laws (NCCUSL), has worked for the uniformity of state laws on topics where uniformity is desirable and appropriate. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners actually appointed (typically by statute). Commissioners are state officials, and all must be attorneys. The Uniform Law Commission provides states with non-partisan, well-conceived and well-drafted state legislation that brings clarity, stability, and harmonization to critical areas of the law. It supports the federal system and facilitates the movement of individuals and the business of organizations with rules that are consistent from state to state. However, like any other proposed legislation, no uniform law becomes the law of a state until it is passed by the state legislature and approved by the state's Governor.