

DRAFT
FOR DISCUSSION ONLY

MILITARY SERVICES AND OVERSEAS CIVILIAN ABSENTEE VOTERS ACT

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

Draft for Sept. 2009 Drafting Committee Meeting

Without Prefatory Note and With Reporter's Comments

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ON UNIFORM STATE LAWS

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Sept. 14, 2009

**DRAFTING COMMITTEE ON MILITARY SERVICES AND OVERSEAS CIVILIAN
ABSENTEE VOTERS ACT**

The Committee appointed by and representing the National Conference of
Commissioners on Uniform State Laws in drafting this Act consists of the following individuals:

STEVE WILBORN, 306 Tower Dr., Shelbyville, KY 40065, *Chair*

TERRY J. CARE, 2300 W. Sahara, Suite 1000, Las Vegas, NV 89102

STEPHEN T. DRAFFIN, South Carolina Legislative Council, P.O. Box 11489, Columbia, SC
29211

BARRY C. HAWKINS, 300 Atlantic St., Stamford, CT 06901

LYLE W. HILLYARD, 595 S. Riverwood Parkway, Suite 100, Logan, UT 84321

DANIEL IVEY-SOTO, [1420 Carlisle Blvd., NE, Suite 208, Albuquerque, NM 87110](#)

CLAIRE LEVY, House District 13, 3172 Redstone Rd., Boulder, CO 80305

LUKE MESSER, One American Square, Suite 2900, Indianapolis, IN 46282

SUSAN KELLY NICHOLS, North Carolina Department of Justice, P.O. Box 629, Raleigh, NC
27602-0629

RALPH G. THOMPSON, 315 NW 39th St., Oklahoma City, OK 73118

NORA WINKELMAN, Legal Counsel's Office, Room 620 Main Capitol, Harrisburg, PA
17120

STEVEN F. HUEFNER, Moritz College of Law, The Ohio State University, 55 West 12th Ave.,
Columbus, OH 43210, *Reporter*

EX OFFICIO

MARTHA LEE WALTERS, Oregon Supreme Court, 1163 State St., Salem, OR 97301-2563,
President

JACK DAVIES, 1201 Yale Place, Unit #2004, Minneapolis, MN 55403-1961, *Division Chair*

AMERICAN BAR ASSOCIATION ADVISORS

JOHN DEWITT ALTENBURG, 2101 L St. NW, Suite 1001, Washington, DC 20037-1526,
ABA Advisor

JOHN C. KEENEY, 555 13th St. NW, Suite 10W-206, Washington, DC 20004-1109, *ABA
Advisor*

EXECUTIVE DIRECTOR

JOHN A. SEBERT, 111 N. Wabash Ave., Suite 1010, Chicago, IL 60602, *Executive Director*

Copies of this Act may be obtained from:
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS
111 N. Wabash Ave., Suite 1010
Chicago, Illinois 60602
312/450-6600
www.nccusl.org

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MILITARY SERVICES AND OVERSEAS CIVILIAN ABSENTEE VOTERS ACT

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1 **MILITARY SERVICES AND OVERSEAS CIVILIAN ABSENTEE VOTERS ACT**

2 **SECTION 1. SHORT TITLE.** This [act] may be cited as the Military Services and
3 Overseas Civilian Absentee Voters Act.

4 **SECTION 2. DEFINITIONS.** In this [act]:

5 (1) “Absent uniformed services voter” means:

6 (A) a member of a uniformed service who, **by reason of such service,** is absent
7 from the place of residence where the member is otherwise qualified to vote; or

Comment [sfh1]: Further definition?
(Tr. 18-20)

8 (B) a **spouse or dependent** of a member referred to in subparagraph (A) who, by
9 reason of the service of the member, is absent from the place of residence where the spouse or
10 dependent is otherwise qualified to vote.

Comment [SH2]: Non-spousal
partners? (Tr. 23, 92; Notes p. 12)

Comment [SH3]: Define? (Tr. 23)

11 (2) “Covered election” means any general, special, **or primary** election, **including any**
12 **runoff election**, for federal, state, or local government office [or a ballot measure] conducted
13 according to the procedure of [reference election title or other relevant portion of state code].

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14 (3) “Overseas voter” means a United States citizen, **other than an absent uniformed**
15 **services voter**, who is outside the United States and who:

16 (A) is qualified to vote in this state;

17 (B) would be eligible to vote in this state, if this state was the last place in which
18 the citizen was eligible to vote, or, if the person had been of voting age, would have been eligible
19 to vote, before leaving the United States; or

20 (C) in the case of a citizen who was born outside the United States and who is not
21 included in subparagraph (A) or (B), would be eligible to vote in this state if a resident of this
22 state and if this state was the last place in the United States in which **a parent or legal guardian** of
23 the citizen **was eligible to vote.**

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1 (4) “Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard,
2 Merchant Marines, both active and reserve components of the National Guard, the commissioned
3 corps of the Public Health Service, and the commissioned corps of the National Oceanic and
4 Atmospheric Administration.

Comment [sfh4]: What to do about military service for other countries? (Tr. 23; Notes p.1)

5 (5) “United States”, where used in the territorial sense, means the several states, the
6 District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular
7 possession subject to the jurisdiction of the United States,

Comment [sfh5]: As encouraged at Santa Fe (Tr. 21-23), this tracks, but does not match, the ULC definition of “state.” I am not aware of a ULC definition of “United States.” This definition also is a bit circular, using “United States” as part of the definition of “United States.”

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Deleted: and American Samoa

Reporter’s Comment

8
9
10 The Act’s definition of the terms “absent uniformed services voter” and “overseas voter”
11 builds upon the definitions of these same terms in the Uniformed and Overseas Citizens
12 Absentee Voting Act (“UOCAVA”), 42 U.S.C. § 1973ff-6(1), but simplifies these definitions
13 and particularizes them to an enacting state. The Act also adds, in definition (3)(c), a class of
14 voter not covered under UOCAVA, namely U.S. citizens born abroad who have never resided in
15 the United States, but who would be eligible to vote if they did reside in the United States.
16 Because this group of voters has no direct tie to any particular state, some device is needed to
17 align them with a particular jurisdiction. For this purpose, the definition uses the last state in
18 which a parent of the voter was eligible to vote. The draft permits these voters to participate in
19 all covered elections, which is the approach taken by most of the sixteen states that already
20 statutorily enfranchise these voters.

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21
22 Because these voters lack a connection with a particular state, the drafting committee
23 considered limiting the participation of these voters to only federal elections. As a policy matter,
24 the committee was divided over whether to impose such a limitation. These voters clearly have
25 interests in U.S. policy and governance, and in order to have representation in Congress
26 concerning federal issues they must be affiliated with a particular state. Many observer groups
27 indicated that what mattered most to these voters was the chance to participate in federal
28 elections, and that these voters likely would not turn out in high numbers for purely state and
29 local elections even if they were eligible to participate in those elections, but that in those cases
30 in which individual voters did have particular interests in state and local elections they should be
31 able to participate.

Deleted: “stateless”

32
33 The drafting committee also took note of the fact that limiting the participation of voters
34 who have never lived in the United States to federal elections likely would create some
35 additional burdens on state and local elections officials to classify and segregate these voters and
36 treat them differently from other voters, including creating special ballots for them. If these
37 voters are allowed to participate in only federal elections, other sections of the Act also would
38 need modification to effectuate this limitation and ensure that states properly identify and
39 segregate these voters.

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1
2 **SECTION 3. ROLE OF [STATE'S CHIEF ELECTION AUTHORITY].**

3 (a) [The state's chief election authority] shall implement this [act].

4 (b) [The state's chief election authority] shall serve as the chief state official responsible
5 for implementing the state's responsibilities under the Uniformed and Overseas Citizens
6 Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.

7 (c) [The state's chief election authority] shall make available information regarding voter
8 registration procedures and absentee voting procedures under this [act] to all absent uniformed
9 services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the
10 state. [The state's chief election authority] may delegate this responsibility only to the state
11 office designated in compliance with the Uniformed and Overseas Citizens Absentee Voting Act,
12 42 U.S.C. Section 1973ff-1(b)(1).

13 (d) [The state's chief election authority] shall develop standardized absentee voting
14 materials, including privacy envelopes or their electronic equivalent, transmission envelopes or
15 their electronic equivalent, authentication materials, and voting instructions, to be used in
16 conjunction with the [absentee ballot] of any absent uniformed services voter or overseas voter
17 voting in any jurisdiction within the state.

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18 **Reporter's Comment**

19
20 Each state will need to supply the appropriate title for its chief elections authority,
21 whether it is the Secretary of State, State Board of Elections, or other official or entity. The
22 expectation is that this authority in turn will delegate its duties at least in part to the same office
23 that the state has designated to fulfill the UOCAVA requirement that the state designate a state
24 office to facilitate the state's compliance with the UOCAVA. Other duties may naturally
25 devolve to local election officials, depending on how the state has structured its election
26 processes generally.

27
28 The requirement that states develop "standardized" voting materials is not meant to
29 require statewide uniformity in voting processes where such uniformity does not already exist.
30 Thus, in states using different voting systems in different jurisdictions around the state,

1 | “standardized” voting materials may include one standard for jurisdictions using one system, and
2 | another standard for jurisdictions using another system. Nevertheless, the state’s chief elections
3 | authority should work with local election officials to simplify and standardize as much as
4 | possible the materials provided to voters, including developing standard identifying labels and
5 | other markings on such materials to expedite their handling.

6 |
7 | The “electronic equivalent” of privacy envelopes and transmission envelopes means at a
8 | minimum a template or instructions to accompany the electronic delivery to the voter of an
9 | unvoted ballot that assist the voter to prepare and use appropriate envelopes to return the voter’s
10 | marked ballot if the voter is returning the ballot physically through the mail. If a state is
11 | allowing a voter to return a marked ballot electronically, the state should employ digital
12 | encryption or other security measures to provide comparable protection of the secrecy of the
13 | marked ballot.

14 |
15 | **SECTION 4. EMERGENCY POWER.** If an international, national, state, or local

Comment [sfh6]: Per Santa Fe (Tr. 38-45), how to narrow? NEEDS DISCUSSION.

16 | emergency or other situation arises that makes substantial compliance with this [act] or the
17 | Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.,
18 | impossible or impracticable, as confirmed by an official declaration by [the governor] that a state
19 | of emergency exists, or by the existence of armed conflict involving United States Armed Forces,
20 | or the mobilization of those forces, including State National Guard and Reserve component
21 | members of this state, or by the occurrence of a natural disaster or the existence of a state of
22 | emergency, civil unrest, war, or other exigency in a foreign country, [the state’s chief election
23 | authority] may prescribe, by emergency order or rule, a special procedure or requirement as may
24 | be necessary to facilitate absentee voting by those absent uniformed services voters or overseas
25 | voters directly affected who are eligible to vote in this state. [The state’s chief election
26 | authority] shall take reasonable steps to provide absent uniformed services voters and overseas
27 | voters with timely notice of any special procedure or requirement prescribed under this section.

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28 | **Reporter’s Comment**

29 |
30 | The starting point for this section was language from the Federal Voting Assistance
31 | Program, which recommends providing states with authority to adjust UOCAVA voting
32 | processes in the event of an emergency. As of 2008, eighteen states had provided some form of

1 emergency authority to their chief elections official.

2

3 **SECTION 5. SUPERSESSSION OF OTHER LAW.** A provision of this [act] setting
4 out a date, timeline, or deadline for the submission of a voter registration or [absentee ballot]
5 application, or for the casting, receipt, or counting of an [absentee ballot], to the extent that it
6 conflicts with other state law, shall supersede the other state law.

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7 **SECTION 6. ELIGIBILITY TO VOTE.**

8 (a) If the place of residence from which an absent uniformed services voter is absent
9 because of service in the uniformed services is within this state, and if the voter expects to be
10 absent from that place on the date of a covered election, the voter may register to vote and apply
11 for an [absentee ballot] in this state for that election.

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12 (b) If the last place where an overseas voter was, or if then of voting age would have
13 been, eligible to vote before leaving the United States is within this state, and if the voter expects
14 to be absent from that place on the date of a covered election, the voter may register to vote and
15 apply for an [absentee ballot] in this state for that election.

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16 (c) In the case of an overseas voter defined in section 2(3)(C), if the last place where a
17 parent or guardian of the voter was eligible to vote before leaving the United States is within this
18 state, and if the voter expects to be absent from that place on the date of a covered election, the
19 voter may register to vote and apply for an [absentee ballot] in this state, provided the voter has
20 not previously registered to vote in any other state.

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21 (d) A voter eligible to register to vote under this section shall use the address of the
22 voter's last place of residence in this state, or, in the case of a voter eligible under subsection (c),
23 the address of the voter's parent's or guardian's last place of residence in this state.

24

Reporter's Comment

1
2 Because the definitions in Section 2 largely track the UOCAVA definitions, they alone
3 do not determine whether an absent uniformed services voter or overseas voter is eligible to vote
4 in any particular state that has adopted the uniform Act. Section 6 therefore makes their
5 eligibility to vote depend on their ties to the enacting state.
6

7 | **SECTION 7. FORM OF REGISTRATION AND [ABSENTEE BALLOT]**
8 **APPLICATION.**

9 ALTERNATIVE 1

10 (a) For any covered election, an absent uniformed services voter or an overseas voter
11 eligible to register to vote under Section 6 may use, and the state shall give effect to, a Federal
12 Post Card Application, as prescribed under the Uniformed and Overseas Citizens Absentee
13 Voting Act, 42 U.S.C. Section 1973ff(b)(2), or its electronic equivalent, to register to vote and to
14 request an [absentee ballot] simultaneously.

15 (b) If an absent uniformed services voter or an overseas voter is already registered to vote
16 in this state, the voter may apply for an [absentee ballot] for any covered election using either the
17 regular [absentee ballot] application in use in the voter’s jurisdiction, or the Federal Post Card
18 Application or its electronic equivalent. [The state’s chief election authority] shall ensure that
19 each jurisdiction’s regular [absentee ballot] application requires the applicant to supply sufficient
20 information for election officials to determine whether the applicant is an absent uniformed
21 services voter or an overseas voter. [The state’s chief election authority] shall use best efforts to
22 minimize the information necessary, standardize its collection, and streamline the [absentee
23 ballot] application process.

24 ALTERNATIVE 2

25 To receive the protection of this [act], an absent uniformed services voter or an overseas
26 voter must apply for an [absentee ballot] using the Federal Post Card Application, as prescribed

1 under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section
2 1973ff(b)(2), or its electronic equivalent, or complete a Federal Write-In Absentee Ballot as a
3 simultaneous [absentee ballot] application.

4 END OF ALTERNATIVES

5 **Reporter's Comment**

6
7 The drafting committee continues to consider how best to rely on the Federal Post Card
8 Application while not complicating a state's ability to develop and use Internet-based and other
9 methods of accepting voter registration and absentee ballot applications that are not Federal Post
10 Card Applications. Alternatively, option 2 would limit the protections of the Act to voters who
11 used the FPCA, because its use immediately identifies for local election officials the special
12 status of the voter.

13
14 If the uniform act permits voters who have never lived in the U.S. to vote only for
15 candidates for federal office, then some method would be needed to further distinguish these
16 voters from other overseas voters. The current Federal Post Card Application does not require
17 overseas voters to declare whether or not they have previously lived in the United States. One
18 option would be to require those voters who have not previously lived in the United States to
19 declare this at the time of registration in the portion of the Federal Post Card Application
20 designated for additional information for specific states.
21

Deleted: "stateless children"

22 **[SECTION 8. STANDING REQUEST FOR [ABSENTEE BALLOT].**

23 (a) If an absent uniformed services voter or overseas voter submits a Federal Post Card
24 Application, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, 42
25 U.S.C. Section 1973ff(b)(2), or its electronic equivalent, and requests that the application be
26 considered an application for an [absentee ballot] for all subsequent elections for the time period
27 permitted under federal law[, including any runoff elections that may occur as a result of the
28 outcome of such elections], election officials shall provide an [absentee ballot] to the voter for
29 each subsequent covered election, as provided in Section 10, for at least the period required
30 under federal law, or any longer period provided under the law of this state, other than this [act].

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1 (b) Subsection (a) does not apply to any election held after an election official determines
2 that a voter is no longer eligible to vote in this state. Nothing in this section prevents an election
3 official from removing a voter from the rolls of registered voters in this state under any program
4 or method permitted under Section 8 of the National Voter Registration Act of 1993.]

5 ***Legislative Note***

6
7 *The bracketed language in subsection (a) pertaining to runoff elections is only for states*
8 *with runoff elections.*

9
10 **Reporter's Comment**

11
12 This section is only a default rule concerning whether voters covered under the Act can
13 request to automatically receive voting materials for all future elections, at least for the period
14 (currently two federal election cycles) for which UOCAVA voters can now ask to receive voting
15 materials for all federal elections. Some members of the drafting committee would omit this
16 section, largely out of reservations about the burden on local elections officials of automatically
17 sending absentee voting materials for every election to all voters covered under the Act, when
18 many of the covered voters may have little interest in nonfederal elections, and the "returned-as-
19 undeliverable" rate on voting materials sent to UOCAVA voters for subsequent elections has
20 been high. Other committee members thought it best to include this section given that federal
21 law now requires states to provide this option to UOCAVA voters for all federal elections, and
22 voters might therefore reasonably expect to be receiving voting materials for all elections.
23

24 In light of this lack of agreement in the committee, the section is presented to the
25 Conference as a bracketed section. One option would be to let each enacting state make its own
26 determination about whether to include or omit this section, depending on its evaluation of the
27 cost and burden. Omitting the section would have no impact on other portions of the Act.
28 Another option would be to draft the section to permit individual voters to opt out of receiving
29 voting materials for subsequent elections involving only state or local, and not federal, races.
30

31 **SECTION 9. TIMELINESS AND SCOPE OF APPLICATION FOR [ABSENTEE**
32 **BALLOT].** An application from an absent uniformed services voter or an overseas voter for an
33 [absentee ballot] is timely if received any time prior to [the later of the 30th day before the next
34 election or the last day for other voters in the state to apply for an [absentee ballot] for the next
35 election]. The application is effective for any run-off election necessary to conclude the election
36 for which the application was submitted.

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1 **SECTION 10. TRANSMISSION OF UNVOTED BALLOTS.**

Comment [HK7]: Add Comment re DOD secure transmission system? (Tr. 76)

2 (a) For all covered elections, the official charged with preparing and distributing ballots
3 and election materials in each jurisdiction shall prepare a sufficient number of [absentee ballots]
4 as soon as possible after receiving information concerning candidates [and ballot measures] to be
5 voted on at the election, and shall immediately transmit [absentee ballots] and related balloting
6 materials to all absent uniformed services voters and overseas voters who have applied for them.

7 (b) No later than [____] days before an election, local election officials, with the
8 assistance, as appropriate, of [the state’s chief election authority], shall make available by either
9 facsimile or other electronic means, as requested by the voter, an unvoted [absentee ballot] and
10 related balloting materials to any absent uniformed services voter or overseas voter who by that
11 date has submitted a valid [absentee ballot] application requesting electronic transmission of
12 [absentee balloting] materials.

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13 (c) When an [absentee ballot] application of an absent uniformed services voter or
14 overseas voter arrives after the jurisdiction has begun transmitting [absentee balloting] materials
15 to voters, the official charged with distributing ballots and election materials shall transmit the
16 [absentee balloting] materials to the voter as soon as possible.

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17 (d) A local election jurisdiction that maintains an Internet site shall make available on the
18 Internet site downloadable versions of [absentee ballots] and voting instructions for absent
19 uniformed services voters and overseas voters, as well as the most updated state and local
20 election listing required by Section 17.

21 **SECTION 11. CASTING OF BALLOT.** For [an absentee ballot] of an absent
22 uniformed services voter or overseas voter to be valid, the voter must have submitted the
23 [absentee ballot] for mailing, electronic transmission, or other means of delivery no later than

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1 11:59 p.m. (measured in the place where the voter completes the ballot) on the day before the
2 date of the election. If, at the time of completing the balloting materials, the voter has affirmed
3 under penalty of perjury, as provided in Section 18, that the [absentee ballot] was timely
4 submitted, the ballot may not be rejected on the basis that it lacks a postmark showing that it was
5 submitted before the day of the election.

6 **SECTION 12. RECEIPT OF VOTED BALLOT.** A valid [absentee ballot] cast by an
7 absent uniformed services voter or an overseas voter must be counted if the appropriate state or
8 local election office receives it by the deadline for completion of the [local canvass].

9 **Reporter’s Comment**

10
11 In light of occasional controversies about when election officials have “received”
12 absentee ballots, some additional clarification of this term may be worth considering.
13

14
15 **SECTION 13. ELECTRONIC TRANSMISSION OF REGISTRATION AND**

16 **[ABSENTEE BALLOT] APPLICATION.** In addition to any other method of registering to
17 vote or applying for an [absentee ballot], an absent uniformed services voter or an overseas voter
18 may submit a Federal Post Card Application or other application by electronic transmission, in a
19 manner directed by [the state’s chief election authority], which protects the integrity of the
20 transmission and the privacy of the voter’s identity and other personal data contained in the
21 application.

22 **SECTION 14. CONFIRMATION OF RECEIPT OF APPLICATION AND**

23 **VOTED BALLOT.** [The state’s chief election authority], in coordination with a local election
24 jurisdiction, shall develop an electronic system by which an absent uniformed services voter or
25 overseas voter may determine, either by telephone, electronic mail, or Internet access, whether
26 the voter’s Federal Post Card Application or other registration and [absentee ballot] application

1 has been received and accepted, and whether the voter’s [absentee ballot] has been received and
2 its current status.

3 **SECTION 15. COLLECTION OF VOTERS’ ELECTRONIC MAIL ADDRESSES.**

4 A voter registration and [absentee ballot] application form must ask an absent uniformed services
5 voter and overseas voter to provide an individual electronic mail address. A state or local
6 election official may not release an individual electronic mail address provided on the form to
7 any third party, and may use the electronic mail address provided on the form only for the
8 purpose of communicating with the voter about the voting process, including confirming the
9 present address of the voter. A form requesting an individual electronic mail address must
10 clearly state the sole purpose for which the electronic mail address will be used, and that any
11 other use or disclosure is prohibited by law.

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12 **SECTION 16. ACCEPTANCE OF FEDERAL WRITE-IN ABSENTEE BALLOT.**

13 (a) In a covered election, an absent uniformed services voter or an overseas voter may use
14 the Federal Write-In Absentee Ballot approved under the Uniformed and Overseas Citizens
15 Absentee Voting Act, 42 U.S.C. Section 1973ff, if the voter affirms that:

16 (1) the voter submitted a Federal Post Card Application or other application
17 requesting an [absentee ballot] in time to be received by [the later of the 30th day before
18 the election or the last date for other voters in the adopting state to apply for an absentee
19 ballot for the election]; and

20 (2) the voter has not received the requested [absentee ballot].

21 (b) In a covered election, an absent uniformed services voter or an overseas voter may
22 use the Federal Write-In Absentee Ballot transmission envelope’s voter declaration as a request
23 for registration and an application for an [absentee ballot] simultaneous with the submission of

1 the Federal Write-In Absentee Ballot. The request for registration and application for an
2 [absentee ballot] must be accepted if:

3 (1) it is received by [the later of the 30th day before the election, or the adopting
4 state's last day for registering to vote]; and

5 (2) the voter ~~has otherwise met the requirements necessary to demonstrate that the~~
6 ~~voter is eligible to register to~~ vote in the jurisdiction to which the request is submitted.

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7 **SECTION 17. PREPARATION OF ELECTION LISTING.**

8 (a) No later than 180 days before a covered election, or as soon as practicable in the case
9 of a special or runoff election, the official in each jurisdiction charged with printing and
10 distributing ballots and election material shall prepare an election listing for that jurisdiction, to
11 be used in conjunction with the Federal Write-in Absentee Ballot identified in Section 16. The
12 election listing must contain a list of all of the federal, state, and local offices [and ballot
13 measures] that as of that date the official expects to be on the ballot in the jurisdiction on the date
14 of the election. The listing must contain specific instructions for how a voter is to indicate on the
15 Federal Write-in Absentee Ballot the voter's choice for each office to be filled [and for each
16 ballot measure to be contested].

17 (b) An absent uniformed services voter or an overseas voter may request a copy of the
18 election listing, which shall be delivered to the voter by facsimile, electronic mail, Internet
19 transmission, or regular mail, as the voter requests.

20 (c) As soon as regular [absentee ballots] are printed, and no later than the date when
21 regular [absentee ballots] are required to be transmitted to absentee voters, the official charged
22 with preparing the election listing shall update the listing with the certified candidates for each
23 office [and the text of ballot measures], and shall make the updated listing publicly available.

1 **SECTION 18. DECLARATION REQUIREMENTS.**

2 (a) Each voter registration application, [absentee ballot] application, and submitted
3 [absentee ballot] of an absent uniformed services voter or an overseas voter must include or be
4 accompanied by a single declaration for the voter to execute acknowledging that a material
5 misstatement of fact in completing the document may be grounds for a conviction for perjury
6 under the laws of the United States and this state. The declaration must read substantially as
7 follows:

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8 “I swear or affirm, under penalty of perjury, that:

Comment [HK8]: Define? (Tr. 92)

9 1. I am a member of the Uniformed Service or an eligible spouse or dependent of
10 such a member, or a U.S. citizen who on the date of the election for which this is
11 submitted expects to be outside the U.S., and

12 2. I am a U.S. citizen, at least 18 years of age (or will be by the day of the
13 election), eligible to vote in the requested jurisdiction, and

14 3. I have not [been convicted of a felony or other disqualifying offense or] been
15 adjudicated mentally incompetent, or if so, my voting rights have been reinstated, and

16 4. I am not registering, requesting a ballot, or voting in any other jurisdiction in
17 the U.S., and

18 5. My signature and the date listed below indicate when I completed this
19 document, and

Deleted: 5. If this declaration accompanies my voted [absentee ballot], I have voted and sealed this ballot in private and have not allowed any person to observe the marking of this ballot, except for those authorized to assist voters under state or Federal law and I have not been influenced, and¶

20 6. The information on this document is true and complete to the best of my
21 knowledge.

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22 I understand that a material misstatement of fact in completing this document may be
23 grounds for conviction of perjury under the laws of the United States and [state].

1 Signature _____ Date _____

2 Print Name _____”

3 The declaration accompanying a submitted [absentee ballot] shall also contain an
4 additional point reading substantially as follows:

5 “I have voted and sealed this ballot in private and have not allowed any person to
6 observe the marking of this ballot, except for those authorized to assist voters under state
7 or Federal law, and I have not been improperly influenced in the marking of this ballot.”

8 (b) [The state’s chief election authority] shall ensure that an appropriate form for the
9 execution of the declaration specified in subsection (a), including the date of its execution, is a
10 prominent part of each document or, in the case of a voted ballot, each transmission envelope,
11 for which this declaration is required.

12 (c) A notarization or authentication requirement other than the declaration specified in
13 subsection (a), or the declaration on the Federal Post Card Application and Federal Write-In
14 Absentee Ballot, may not be required for the execution of any document under this [act].

15 **SECTION 19. NONESSENTIAL REQUIREMENT.** Mistake or omission in the
16 execution of any document under this [act] and a nonessential requirement, such as paper size
17 and weight, that does not prevent identifying or determining the eligibility of an absent
18 uniformed services voter or an overseas voter does not invalidate the document. If the intention

19 of the voter is clearly discernable, an abbreviation, misspelling, or other minor variation in the
20 form of the name of a candidate or a political party must be accepted as a valid vote in any
21 write-in ballot authorized by this Act [or in any vote for a write-in candidate on a regular ballot].

22 **SECTION 20. ISSUANCE OF INJUNCTION OR OTHER EQUITABLE RELIEF.**

23 On application by any registered voter of the state or by any person alleging eligibility to register

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Comment [HK9]: Consider bracketing, with note re existing standing doctrine (Tr. 102-04).

1 to vote under this [act], the courts of this state may issue an injunction or grant other equitable
2 relief appropriate to enforce this [act].

3 **SECTION 21. APPLICATION AND CONSTRUCTION.**

4 (a) In applying and construing this uniform act, consideration must be given to the need
5 to promote uniformity of the law with respect to its subject matter among states that enact it.

6 (b) This [act] is designed to facilitate, and should [must?] be read in harmony with, the
7 Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff et seq.

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8 **SECTION 22. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND**

9 **NATIONAL COMMERCE ACT.** This [act] modifies, limits, and supersedes the federal
10 Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq.,
11 but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or
12 authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15
13 U.S.C. Section 7003(b).

14 **SECTION 23. EFFECT ON OTHER STATE AND LOCAL LAWS.** For purposes
15 of any provision of a state or local tax law or other nonelection law in which the residence or
16 domicile of a person is a factor, the exercise of any right under this [act] shall not by itself affect
17 the residence or domicile of the person exercising the right.

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Deleted: for purposes of any provision of a state or local tax law or other nonelection law in which the residence or domicile of a person is a factor,

18 **SECTION 24. REPEALS.**

19 The following are repealed:

- 20 (1)
- 21 (2)
- 22 (3)

23 **SECTION 25. EFFECTIVE DATE.** This [act] takes effect