

Steven F. Huefner  
Associate Professor of Law &  
Legislation Clinic Director  
Direct Line: 614-292-1763  
[huefner.4@osu.edu](mailto:huefner.4@osu.edu)

To: ULC Study Committee on a Military Services and Overseas Civilian Absentee Voters Act  
From: Steve Huefner  
Date: November 17, 2008  
Re: Study Committee Issues List

In preparation for the study committee's November 19th conference call, this memorandum identifies a number of key issues for the study committee to begin considering.

I. Threshold Issues

*(A) Issues concerning the VOTERS to be covered by a uniform act:*

- (1) Should a uniform act cover both military personnel and overseas civilians?
- (2) If civilians, which civilians?
  - only spouses and dependants of military personnel?
  - only U.S. government employees and contractors?
  - any U.S. citizen abroad who has previous ties to a particular state?
  - any U.S. citizen abroad (including those who have never lived stateside)?
- (3) Are voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) the right universe for a uniform act?
- (4) How important to the coverage issue is getting precise demographic data?

*(B) Issues concerning the ELECTIONS to be covered by a uniform act:*

- (5) Should a uniform act cover all state, local, and federal elections, only federal elections, or some other subset of elections?

*(C) Issues concerning the voting PROCESS for covered voters:*

- (6) In which state should a covered voter be eligible to vote?
- (7) What should be the registration qualifications for these voters?
- (8) What ballot request process should be used?
- (9) Should a uniform law extend the Federal Post Card Application (FPCA) processes to more voters, or permit transmissions by fax or electronically?
- (10) What balloting submission system should be used?
- (11) How should a law capitalize on the Internet without compromising security?
- (12) What ID requirements should be imposed?

- (13) What authentication/notarization requirements are appropriate?
- (14) How can the secrecy of a voted ballot be best protected?

**255 Drinko Hall · 55 W. 12<sup>th</sup> Avenue · Columbus, OH 43210-1391**

*(D) Issues concerning the TIMING of ballot returns:*

- (15) How long after an election should covered ballots be accepted?
- (16) What methods of returning ballots should be used?  
(fax vs. paper (postage?) vs. online scanning vs. online voting)

*(E) Issues concerning the INFORMATION NEEDS of affected voters:*

- (17) What information should be disseminated to affected voters?
- (18) How can this information be shared most effectively?

*(F) Issues concerning the ULC process by which a uniform law might emerge:*

- (19) What should be the role of state and local election officials in drafting a law?
- (20) What should be the role of national political parties?
- (21) What other observers should be included?
- (22) What additional data needs does the study committee have?

II. Additional Issues

- (23) What are the implications of the fact that the military populations are concentrated in only a few states?
- (24) Should military personnel receive some type of automatic registration?
- (25) If so, how would this work?
- (26) In what, if any, circumstances should covered voters automatically receive an absentee ballot?
- (27) Should digital signatures be acceptable?
- (28) How should a uniform state law be structured to integrate with UOCAVA and other federal laws?
- (29) Should uniform law adopt a state version of the federal write-in absentee ballot process?
- (30) Should a state elections director have authority to develop alternative procedures in the event of an emergency?
- (31) What performance measures/audits should be included in any law?
- (32) How might a uniform law in this area best be structured to permit adaptations to changing voting technologies and changing needs?
- (33) What of addressing the problem through an interstate compact?

III. Overarching Strategy Issues

*Election calendar reform:*

Election calendar reform is the primary issue in this category. The data suggests a major voting obstacle for many military and overseas civilian voters is insufficient time to request, receive, and return an absentee ballot. One way to reform the system would be to establish a uniform date sufficiently in advance of the general election by which all primary elections should be completed and ballot materials prepared. However, as the committee knows, the diversity of election calendars around the U.S. reflects longstanding and entrenched cultural, political, and geographic concerns that will likely generate strong opposition to substantial change.

*Generalizing the overseas and military voting processes:*

Another large strategic question is the extent to which solutions to the voting problems facing military personnel and overseas civilians could be generalized to offer improvements to other aspects of voting administration (such as absentee voting generally, voting registration generally, etc.)

List of frequently used acronyms:

UOCAVA:	Uniformed and Overseas Citizens Absentee Voting Act
FPCA:	Federal Post Card Application
FWAB:	Federal Write-In Absentee Ballot
FVAP:	Department of Defense Federal Voting Assistance Program
NASED:	National Association of State Election Directors
NASS:	National Association of Secretaries of State
IACREOT:	International Association of Clerks, Recorders, Election Officials and Treasurers
OVF:	Overseas Vote Foundation
EAC:	U.S. Election Assistance Commission
EDS:	Election Day Survey (produced by EAC)
DEERS:	Defense Enrollment Eligibility Reporting System
HAVA:	Help America Vote Act
NVRA:	National Voter Registration Act