

## Uniform Military & Overseas Voters Act--Outline

### **Voters Covered, Section 2**

- Uniformed-service voter or an overseas voter registered to vote in this state (1a)
- Active-duty uniformed-service voter whose voting residence is in this state and who satisfies state's voter eligibility requirements (1b)
- Nonresident overseas voter who was last eligible to vote in this state and who satisfies state's voter eligibility requirements (1c)
- Nonresident overseas voter who would have been last eligible to vote in this state had he or she been of voting age and who satisfies state's voter eligibility requirements (1d)
- Nonresident overseas voter born outside the United States who satisfies state's voter eligibility requirements, whose parent or legal guardian was last eligible to vote within this state, and who has not previously registered to vote elsewhere (1e)

### **Elections Covered, Section 3**

- Federal office: General, special, presidential preference, primary, or runoff (1)
- Statewide or state legislative office or state ballot measure: General, special, recall, primary, or runoff (2)
- Local government office or local ballot measure: General, special, recall, primary, or runoff (3)
- Language of the Act allows for tailoring to the individual states (Legislative note and comment)
  - Presidential preference, recall, and runoff language only for states that utilize such elections (legislative note)
  - Distinction between state and local elections offers states ability to provide different accommodations to voters based on the type of election (comment)
- Expands scope of UOCAVA into state and local elections (comment)

### **Role of State's Chief Elections Authority, Section 4**

- Responsible for implementation of Act and state responsibilities under UOCAVA (a)
- Must make information regarding registration and procedures for casting ballots available to covered voters (b)
- Must establish a secure electronic system allowing for application and receipt of registration materials, ballots, and other information (c) (comment)
  - System must be capable of accepting federal postcard applications and any other approved electronic registration and ballot applications sent to appropriate election officials (6c) (7c)
- Must develop standardized voting materials (d)
  - Includes privacy and transmission envelopes, authentication materials, and voting instructions (d1)

- Includes electronic equivalents of privacy and transmission envelopes: (d2)
  - Instructions for physical return of marked ballot (comment)
  - Privacy and security measures for electronic return, if allowed (comment)
- Does not require statewide uniformity, however, where such uniformity does not already exist. (comment)
- Chief elections authority should work to simplify and standardize voting materials to the extent possible (comment)
- Chief elections authority should coordinate with other states to create such standardized materials (d2)
- Must prescribe the form and content of a voter declaration (e)
  - Allow for covered voters to affirm identity, voting eligibility, covered voter status, and timely and proper completion of overseas-military ballot (e)
  - Based on declaration prescribed to accompany federal write-in absentee ballots (e)
  - Chief elections authority shall ensure that a declaration execution form prominently accompanies all materials requiring such declaration (e)
- Act's use of "Secretary of State" language just a placeholder (comment)
  - Each state needs to supply appropriate title for chief election authority, whether an individual or an organization (comment)
  - Expect this authority to delegate duties to the state's UOCAVA compliance office and to local election officials (comment)

### **Registration Addresses for Overseas Voters, Section 5**

- Must use and be assigned to the voting district corresponding to his or her last address of residence in the state (5)
- If born outside of the United States, must use and be assigned to the voting district corresponding to his or her parent's or guardian's last address of residence in the state (5)
- If an address is no longer recognized as residential, election officials are to assign an administratively convenient address, located in the same district as the last place of residence, if possible (5) (comment)

### **Registration Methods for Covered Voters, Section 6**

- Federal postcard application or its electronic equivalent, in addition to other approved methods (a)
- Declaration accompanying federal write-in absentee ballot, when submitted simultaneously with the federal write-in absentee ballot (b)
  - If received after state's voter registration deadline for a given election, it must be treated as an application to register to vote in subsequent elections (b)
- State electronic transmission system or any other approved method (c)

### **Ballot Application Methods, Section 7**

- Covered voters registered to vote in this state: Use either the regular application used by the voter's jurisdiction, the federal postcard application, or its electronic equivalent (a)
- Covered voters not registered to vote in this state: Use the federal postcard application or its electronic equivalent
  - Allows voter to apply simultaneously to register to vote and for a ballot (b)
- Any covered voters: May use state electronic system or any other approved method (c)
- Any covered voters: May use declaration accompanying federal write-in absentee ballot, when submitted simultaneously with the federal write-in absentee ballot, if received by appropriate election official by a state-mandated deadline (d)
- Covered voters must inform election officials of status as a covered voter by: (e)
  - Use of federal postcard application or federal write-in absentee ballot (e1)
  - Use of overseas address or approved registration or ballot application (e2)
  - Inclusion of information sufficient to identify status as covered voter (e3)

#### **Ballot Application Timeliness, Section 8**

- Application is timely if received by state-mandated deadline (8)
- Whether or not timely, an application for a ballot in a primary election is effective as an application for a ballot in the general election (8)
- Application for a ballot is effective for a runoff election required by the election for which the application was submitted (8)

#### **Transmission of Un-Voted Ballots, Section 9:**

- Absent a waiver under the germane provision of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff-1(g)(2)), the jurisdiction's election official must distribute ballots to covered voters at least 45 days before the election date.
- The voter may choose delivery by electronic transmission or fax; the law obligates the election official to transmit the ballot by the covered voter's chosen means.
- If the jurisdiction makes internet delivery available, the covered voter may also select internet delivery.
- In the event the jurisdiction has already begun to distribute ballots and receives a timely application from a covered voter, the election official must transmit voting materials to the covered voter within two business days.

#### **Timely Casting of Ballots, Section 10:**

- An election official must receive a military-overseas ballot no later than the close of the polls or a covered voter must submit the ballot for delivery (by way of an authorized means of delivery) before 12:01am local time (where the voter completes the ballot) on Election Day.

#### **Federal Write-In Absentee Ballot, Section 11:**

- A covered voter may use a federal write-in absentee ballot for a Federal, State, or Local election under Section 3 of the Act.

**Receipt of Voted Ballot, Section 12:**

- If a valid military overseas ballot is properly cast, election officials must count it if received by close of business, the business day before the local election officials complete or certify their official ballot counting.
- If the covered voter attaches a declaration that asserts the ballot was timely submitted, a late, illegible, or no postmark will not invalidate the ballot.

**Declaration, Section 13:**

- A covered voter must include a signed declaration with his ballot that a material misstatement of fact can carry with it the possibility of a perjury conviction.

**Confirmation of Receipt of Application & Voted Ballot, Section 14:**

- The Secretary of State will create an electronic system (accessible by telephone, email or the internet) to allow covered voters to track receipt and acceptance of a ballot application.
- The system will also track the receipt and current status of a submitted ballot.

**Use of Voter's Email Address, Section 15:**

- Local election officials will request an email address from covered voters who register after the statute's enactment. The email address can only be used by an authorized agent of the local election official and can only pertain to official communications re the voting process.
- A covered voter who provides an email address may make a standing request for electronic delivery of a ballot for all elections held after the date of application in the calendar year in which the application is made and for all elections held in the subsequent year.

**Publication of Election Notice, Section 16:**

- No later than 100 days before an election, an official in each jurisdiction will prepare an election notice for use in the jurisdiction as well as conjunction with a federal write-in absentee ballot.
- The notice must provide complete information re ballot measures and offices up for election. In addition, the notice must detail instructions for how a voter can make his choice clear on candidates and ballot measures on a federal write-in absentee ballot.
- A covered voter may request a copy of an election notice, and the election official must deliver the notice by the covered voter's preferred means.

- Once ballot design is certified but before the ballots are transmitted to voters, the election official must make sure the election notice is updated and those updates are publicly available.
- If the local jurisdiction uses a website, that website must be updated, too.

**Prohibition of Non-Substantive Requirements, Section 17:**

- Assuming a covered voter's mistake does not relate to the voter's eligibility, the mistake will not invalidate the document. Non-substantive requirements will not invalidate a document submitted under the Act.
- If the intention of the voter is discernable under the State's uniform definition, the vote must be accepted as valid.
- Notarization is not required for a document submitted under this Act, nor is authentication, save for that required under Section 13.

**Equitable Relief, Section 18:**

- A court may employ equitable measures to ensure compliance or enforcement of the Act pursuant to an election official's application or a covered voter's grievance under the Act.

**Uniformity of Application & Construction, Section 19:**

- Officials and courts ought to apply and interpret the Act in such a way as to promote interstate uniformity.

**Relation To Electronic Signatures In Global And National Commerce Act, Section 20:**

- The Act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act but does not modify, limit, or supersede § 101(c) of that Act, 15 U.S.C. 7001(c), or authorize electronic delivery of any notices described in § 103(b) of the Act, 15 U.S.C. § 7003(b).