

## **1. PROPOSED POLICY POSITION**

### **UNIFORM MILITARY AND OVERSEAS VOTERS ACT (UMOVA)**

#### **BACKGROUND**

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 of 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 various state efforts, have not been wholly effective in overcoming these difficulties. The federal laws do not encompass state and local elections. Further, U.S. elections are conducted at the state and local levels under procedures that vary dramatically by jurisdiction, and many are conducted independently of the federal elections to which UOCAVA and MOVE 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.

At its 2010 Annual Meeting, the national Uniform Law Commission promulgated the Uniform Military and Overseas Voters Act (UMOVA) to address these issues. The Act 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 Uniform Military and Overseas Voters Act simplifies and expands, in common sense fashion, the class of covered voters and covered elections, and establishes reasonable, standard timetables for application, registration, and provision of ballots and election information for covered voters. Further, it settles the issue of which address should be used for active duty military and overseas voters. The Act allows voters to make use of electronic transmission for applications and receipt of registration and balloting materials, as well as tracking the status of submissions. It requires votes to be counted where non-essential requirements are not in compliance, and obviates notarization or other verification requirements where the proper declaration is made under penalty of perjury. The UMOVA uses and builds upon the key requirements of UOCAVA and MOVE, and makes these important protections and benefits applicable to federal, state, and local elections.

#### **RECOMMENDATION**

The Southern Legislative Conference of The Council of State Governments recommends its member states enact the 2010 Uniform Military and Overseas Voters Act (UMOVA) 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 to extend the application of these important principles to state and local elections for the benefit and enfranchisement of our military personnel and overseas civilians.

Adopted by the SLC Policy Positions Committee, August 2, 2010, Charleston, South Carolina.