



For Immediate Release
October 26, 2010

NASS Fact Sheet: The Military & Overseas Voter Empowerment (MOVE) Act

Background

The Military and Overseas Voter Empowerment Act (MOVE), signed into law on October 28, 2009, as part of the National Defense Authorization Act of 2010, makes changes to certain absentee voting laws and procedures that apply to military and overseas citizens. Specifically, the MOVE Act amends the 1986 Uniformed and Overseas Absentee Voting Act (UOCAVA). In addition to new state election administration procedures, it requires the U.S. Department of Defense to expand its outreach services to UOCAVA voters and implement procedures for express mail delivery of ballots from military voters stationed overseas. The MOVE Act also authorizes the Department of Defense to conduct electronic voting pilot programs. MOVE provisions must be implemented for the general election on November 2, 2010.

MOVE Act Overview

The MOVE Act is designed to make it easier and faster for military and overseas voters by providing for the electronic transmission of their absentee voting materials, including voter registration, absentee ballot application and blank ballot forms. The law also seeks to improve the process by:

- Requiring acceptance of a failsafe ballot known as the Federal Write-In Absentee Ballot (FWAB), that UOCAVA voters can use (and download online) for all federal elections if their ballots do not arrive;
- Allowing a military voter or overseas citizen to designate how they want to receive their absentee ballot—either electronically or by mail;
- Requiring confirmation that election officials have received the voter's completed ballot;
- Preventing the rejection of a marked absentee ballot solely on the basis of a missing notary signature, paper size, or other state restrictions imposed on military and overseas voters;
- Requiring that states mail ballots to military voters and overseas citizens at least 45 days before all federal elections.

Hardship Waivers

Federal law provides that if a state is unable to comply with the 45-day mailing provision because of a hardship, which includes a legal contest or because of the date of the state primary (which delays ballot production), the state may apply for a waiver. As part of the hardship waiver application, the state must develop a comprehensive plan to ensure that military voters and overseas citizens have sufficient time to receive their ballot, mark it and return it to be counted in the election. This waiver is limited to the requirement that absentee ballots be mailed to military voters and overseas citizens at least 45 days before the election. For the November 2010 general election cycle, ten states (plus the District of Columbia and the U.S. Virgin Islands) requested a waiver. The U.S. Department of Defense granted waivers to five states (DE, MA, NY, RI and WA). Six jurisdictions (AK, CO, DC, HI, USVI and WI) were not granted waivers, and one state – Maryland - withdrew its waiver request prior to the deadline.

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Electronic Transmission of Voting Materials

Under MOVE, all states must provide for the electronic delivery of a blank ballot to military and overseas voters, which can include the use of fax, email or a Web-based system. For the November 2010 general election, some states worked with vendors selected by the U.S. Department of Defense to assist UOCAVA voters in receiving and marking their blank ballot online.

The U.S. Department of Defense Federal Voting Assistance Program (FVAP) reports that 48 states currently allow voters to submit their completed Federal Post Card Application (FPCA) electronically. At least 32 states allow voters to submit their ballot electronically (all of these states allow fax returns, 23 allow email attachments and two use a Web-based system). Both of these electronic transmission options go beyond MOVE requirements.

Since 2008, military and overseas voters from Arizona have been able to register to vote and/or request a ballot online, as well as upload and return their voted ballot using a secure server process. Eight counties in West Virginia are also participating in an online voting pilot for the November 2010 general election, an expansion of the five counties that initially pilot-tested the system for the May 2010 primary election. Meanwhile, both Georgia and Colorado recently passed legislation authorizing pilots for online UOCAVA voting systems.

MOVE-Related Legislation

Through August 2010, at least 27 states had passed legislation related to the MOVE Act, including:

- Nineteen states that either enacted a new 45-day ballot transmission timeframe, or expanded an existing 45-day timeframe to apply to all federal elections;
- Nineteen states that adopted language for electronic blank ballot transmission (in many cases, adding to existing options);
- Eight states that expanded the use of the Federal Write-in Absentee Ballot for all federal elections;
- Seven states that authorized the development of a ballot receipt confirmation system (by email, phone and/or Internet);
- Three states (HI, MN and VT) that moved the state primary date from September to August in order to comply with the 45-day ballot transmission requirement.
- One state, Maine, passed a new law authorizing the Secretary of State to send, receive and count absentee ballots from a central location.

Additional Resources for Military & Overseas Voters

To assist UOCAVA voters and others, many states provide a website for confirming the status of an absentee ballot. Forty-one states also allow voters to verify their voter registration status online.

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