

MOVE Act Overview

Election Commissioners' Association of
Mississippi
2012 Annual Meeting

Presented by: Liz Bolin
Senior Attorney, Elections Division



DELBERT HOSEMANN
Secretary of State

Introduction

- "MOVE" = Military and Overseas Voter Empowerment Act
- Federal law passed in October, 2009
- Amended the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)
- Only affects military and overseas citizens voting absentee



DELBERT HOSEMANN
Secretary of State

MOVE Act Changes:

- Transmittal timelines for absentee ballots;
- The method by which a voter may receive his ballot, application, or registration form – by mail or electronically;
- Ballot tracking;
- Length of time an absentee ballot request is valid;
- Notary/witness requirements for absentee ballots and absentee ballot applications



DELBERT HOSEMANN
Secretary of State

How Does MOVE affect State law?

- The state and counties must comply with MOVE changes
- The Mississippi legislature amended several state statutes to reflect MOVE changes
- Senate Bill 2642 amends Mississippi's Armed Services Absentee Voting Law
- SB 2642 passed in the 2010 session and was precleared



DELBERT HOSEMANN
Secretary of State

MOVE Act Mandates

- Military and overseas voters must have option to designate how they wish to receive voter registration applications, absentee ballot applications, and absentee ballots (electronically or by mail)
- Must have option to designate preference and ability to contact you by email
- Federal Postcard Application (FPCA)
- Materials must be transmitted according to voter's preference. If no preference indicated, then by mail.



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

TRANSMITTAL DEADLINE!

- If a valid application for absentee ballot is received at least 45 days before an election, ballot must be transmitted by circuit clerk **NO LATER THAN 45 days** before the election.
- This deadline typically falls on a **SATURDAY** – ballots must be mailed no later than this date. **The following Monday is too late.**



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- Transmittal deadline applies to all elections including runoffs
- Miss. Code Ann. § 23-15-683 allows circuit clerks to transmit ballots for both first and second elections, if necessary, at the same time



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- Important to afford military and overseas voters adequate opportunity to cast their ballot
- State law also requires all absentee ballots be available 45 days before an election
- Department of Justice is monitoring states closely to ensure compliance with the 45 day transmittal deadline



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- Election commissioners need to work closely with circuit clerk to ensure ballot is approved, finalized, and **PRINTED** so deadline can be met
- If for any reason the printer is unable to have the ballot produced, non-scanable ballots must be printed from SEMS to meet the deadline!



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

No Notarization/Witness Requirement

- MOVE prohibits states/counties from refusing to accept and process absentee ballot applications and ballots because of notary requirements
- Absentee ballot applications and ballot envelopes from military and overseas voters are no longer required to be notarized or witnessed
- Required to complete UOCAVA declaration instead



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- Important to verify that applications and ballot envelopes used for military and overseas voters have been revised to reflect the changes in notary requirements
- If changes have not been made, military and overseas voters should be given specific instructions to disregard notary/witness requirements



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- Election commissioners **must train pollmanagers on changes** in processing absentee ballots from military and overseas voters
- Pollmanagers cannot refuse to count a military or overseas voter's absentee ballot because the envelope or application is not notarized or witnessed



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:
Multiple Applications

- Absent military and overseas voters are not required to submit separate applications for each election
- The Federal Postcard Application serves as a request for all elections for the calendar year in which it was submitted
- A new application would be required for a new calendar year. Prior to MOVE, the application was good for two federal election cycles.



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:
Electronic Delivery of Voting Materials

- States must establish procedures to allow voters to request voter registration applications, ballot applications, and ballots by facsimile or email
- Mississippi previously – by administrative rule - allowed military and overseas voters to transmit ballots by email and fax
- Senate Bill 2642 (2010) codified the practice



DELBERT HOSEMANN
Secretary of State

Mandates cont'd:

- MOVE requires state/counties to make available to voters a free access system to determine whether ballot was received by circuit clerk
- Voters can email circuit clerk directly
- Current email addresses are listed on the Secretary of State's website under the military overseas voting website section



DELBERT HOSEMANN
Secretary of State

Senate Bill 2642

- Passed in 2010
- Amended State laws to comply with MOVE Act
- Made several additional changes to military and overseas voters' absentee voting practices



DELBERT HOSEMANN
Secretary of State

Senate Bill 2642 cont'd:

Voter Registration

- An absent military or overseas voter using a federal postcard application (FPCA) or a Federal Write-In-Absentee Ballot (FWAB) may register up until 10 days prior to an election
- Voter will be eligible to vote in election
- Applies to spouses and dependents if also absent (Miss. Code Ann. §23-15-677; 673)



DELBERT HOSEMANN
Secretary of State

Senate Bill 2642 cont'd:

- Federal Write-In Absentee Ballot (FWAB) may be used to register or update registration for absent military and overseas voters
- Should only be used for registration purposes if information on form is sufficient to register
- To use FWAB, absent voter must reside outside of the United States (Miss. Code Ann. § 23-15-692)



DELBERT HOSEMANN
Secretary of State

Senate Bill 2642 cont'd:

Handling Ballots received by Fax or Email

- Circuit clerk receives ballot via email or fax
- Clerk places the ballot in a ballot envelope and fills out the required information on the envelope



DELBERT HOSEMANN
Secretary of State

Senate Bill 2642 cont'd:

- Clerk notes on the envelope that the ballot was received pursuant to Miss. Code Ann. §23-15-699 - NO signature required across the flap
- Important for election commissioners to train pollworkers on this difference in processing military and/or overseas absentee ballots



DELBERT HOSEMANN
Secretary of State

Electronic Voting Support Wizard

- Online ballot marking tool
- Allows military and overseas absentee voters to vote without printing a ballot
- Simplifies circuit clerk's duties of preparing ballot for electronic transmission



DELBERT HOSEMANN
Secretary of State

Why is this important?

- Military and overseas voters should be afforded the same voting opportunities as other U.S. Citizens
- Mandatory under state and federal laws
- Department of Justice is closely monitoring states and counties for compliance



DELBERT HOSEMANN
Secretary of State

Why is this important?

- 22 Mississippi counties did not meet 45 day ballot transmittal deadline in 2010
- Implementation year
- DOJ monitored closely and brought enforcement actions in other states



DELBERT HOSEMANN
Secretary of State

Why is this important?

- DOJ required Secretary of State to promulgate administrative rule extending deadline to receive UOCAVA absentee ballots in these 22 counties
- To avoid this problem in the future, counties must have ballots transmitted by deadline



DELBERT HOSEMANN
Secretary of State

Why is this important?

- The deadline will always fall on a Saturday!
- Clerks must transmit ballots (by email, fax and mail) no later than Saturday if requests have been received on or before that day!
- If ballots have not been received from printer, election officials must print from SEMS in order to have them available and comply with deadline



DELBERT HOSEMANN
Secretary of State

Questions?

CONTACT
Mississippi Secretary of State's Office
Jackson, MS
Elections Hotline (800)829-6786
www.sos.ms.gov



DELBERT HOSEMANN
Secretary of State
