

MOVE ACT OVERVIEW

Election Commissioners' Association of Mississippi
2012 Summer Workshop

Presented by: Liz Bolin
Special Assistant Attorney General
Mississippi Attorney General's Office

Introduction

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

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 requirements;
- Length of time an absentee ballot request is valid;
- Notary/witness requirements for absentee ballots and absentee ballot applications

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

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)
- Have option to designate preferred transmittal method and have ability to contact circuit clerks by email
- Federal Postcard Application (FPCA)
- Materials must be transmitted according to voter's preference. If no preference indicated, then by mail.

Mandates cont'd:

TRANSMITTAL DEADLINE!

- If a valid application for an 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.

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.

Mandates cont'd:

Significance of changes . . .

- ❑ Important to give military and overseas voters adequate opportunity to cast their ballot
- ❑ State law already required 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 and other aspects of the law.

Mandates cont'd:

Printing Ballots . . .

- ❑ 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!

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

Mandates cont'd:

- Important to verify 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

Mandates cont'd:

Poll manager education . . .

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

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.

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

Mandates cont'd:

Free access system . . .

- ❑ 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

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

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)

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

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

Senate Bill 2642 cont'd:

Handling Ballots received by Fax or Email (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 poll managers on this difference in processing military and/or overseas absentee ballots

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

Why are these changes 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

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 – required MS to take remedial action
- 2012 Primary - DOJ required the Secretary of State's office survey counties for compliance with 45 day deadline
- Expect more compliance requests in November election

Why is this important?

- In response to 2010 issues, 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

Why is this important?

Be aware of the following:

- 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

Questions?



CONTACT:

Liz Bolin

Mississippi Attorney General's Office

601-359-4203

lboli@ago.state.ms.us