



American Citizens Abroad
The Voice of Americans Overseas

The Honorable Robert A. Brady, Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6167

May 20, 2009

Endorsing H.R. 1739 – Overseas Voting Practical Amendments Act of 2009

Dear Chairman Brady,

American Citizens Abroad (ACA) is a dedicated non-partisan organization which has represented the interests of overseas Americans for more than 30 years. ACA has a vast worldwide membership in over 90 countries and has testified before Congress on issues concerning Americans abroad. More information on ACA can be found at www.americansabroad.org.

We are writing to you to strongly endorse and encourage passage into law of H.R. 1739 – Overseas Voting Practical Amendments Act of 2009, introduced by Carolyn B. Maloney and Michael M. Honda and supported by several co-sponsors.

H.R. 1739 is absolutely in tune with the needs of military and UOCAVA voters. It harmonizes the implementation of UOCAVA across all states and territories and updates the legislation in line with technological developments. This practical bill, as the title indicates, would help ensure the successful participation of every uniformed service member and overseas American in federal elections. It is greatly needed, as post-election surveys have shown a high proportion of military and overseas voters were disenfranchised because they did not receive a ballot in time or did not successfully run the gamut of state-specific procedures.

H.R. 1739 is comprehensive as it includes measures which

- Accelerate and streamline the voting process
- Increase clarity of procedures for voters
- Eliminate legal restraints that disenfranchise military and overseas voters
- Enhance outreach programs to UOCAVA voters.

Each of these measures is briefly reviewed below.

Accelerate and streamline the voting process

One of the principal sources of disenfranchisement of military members and overseas voters is insufficient time in the election cycle to ensure that the absentee ballot is received in time to be counted in the election. Every step which can accelerate the exchange of registration documents and ballots is important. H.R. 1739 includes several measures which will do this and which adapt UOCAVA to modern technology transmission, in particular the internet. These include:

- prohibit states from refusing to accept an absentee ballot, including the federal write-in ballot, for various technical reasons which have nothing to do with ensuring a valid vote, such as size or color of paper, printing means of the ballot. It is technically possible today to download from the internet registration forms and federal write-in ballots which significantly accelerates the voting process, yet not all countries have the same paper format. Hence, this measure in H.R. 1739 is essential.
- require a state to promptly notify a UOCAVA voter if there is a problem with a request for registration; this gives the voter more opportunity to rectify the problem and reapply.
- allow the delivery of the ballot by means other than the U.S. post office. The ability to use of private delivery services such as DHL and FEDEX accelerates significantly the transmission time.
- provide a last resort for ballot delivery by authorizing the State Department to transmit a completed absentee ballot to the U.S. in the last two weeks prior to an election if it is determined that other means of delivery from the given area, such as the mail, would not be effective, and private delivery services are not available.
- prevent lost ballots by requiring that pre-printed envelopes for the return of voted ballots carry the designation “United States of America” or “USA” in the return address and also clearly indicate the identities of the sender and recipient.

Increase clarity for the voters in the voting process

H.R. 1739 proposes important measures to avoid confusion about the voting process in the minds of the voter. These include:

- change the name of the federal document used for voter registration and ballot application from “post card” to “official Federal Voter Registration and Ballot Application”, which is self-explanatory.
- amend UOCAVA to extend indefinitely the period for which a voter would receive absentee ballots if the voter marked that choice on the official registration and ballot application. This would replace the two-election cycle currently stipulated in UOCAVA which causes confusion and uncertainty in the minds of overseas residents. In case of change of address, the UOCAVA voter would be responsible for notifying the election office. If a document mailed by the state was

returned undeliverable, the state would immediately eliminate the voter from the registry, thereby streamlining administration.

Eliminate legal restraints which disenfranchise military and overseas voters

Several states have laws needlessly restricting qualification of UOCAVA voters to vote in federal elections. Furthermore, UOCAVA's definition of the overseas voters is incomplete. H.R. 1739 resolves through:

- prohibiting states to require a UOCAVA voter to submit documentation (with a state-produced registration or ballot request) that is available only to an individual who physically resides in the state: documentation such as a current driver's license or a utility bill.
- prohibiting states to require the ballot to be notarized by a Notary Public or other authorized person.
- requiring those states with same-day registration to recognize that a voter who submits an absentee ballot, including a federal write-in ballot, be deemed to have met the requirements for voter registration and balloting.
- amending UOCAVA to add explicit language to ensure that individuals born to American citizens abroad who have never established a residency in the United States are covered under the law. These citizens would be able to vote in the voting districts of their parents. The proposed amendment would correct a major injustice, as these citizens are required to file taxes in the U.S. and therefore should have the right to vote. Furthermore, including them in the voting process reinforces their attachment to the United States and their sense of citizenship.

Enhance outreach programs to military and overseas voters

Given the inherent complexity of voting absentee for military and overseas voters and the high turnover in the UOCAVA population, H.R. 1739 proposes several outreach programs aiming to inform UOCAVA voters and to increase successful voter participation. These programs encompass the following:

- the Election Assistance Commission (EAC) would be required to establish and operate a program to provide grants to organizations that would identify and assist uniformed services and overseas civilian voters to increase participation for this group of voters. It would authorize \$10 million for FY2010 and \$10 million for every successive, two-year fiscal period for the following eight years.
- the heads of federal government offices abroad would be required to provide notice to employees concerning their rights under UOCAVA to register and vote absentee.
- all passports issued by the State Department following enactment would include a page describing UOCAVA rights and a list of resources to obtain additional, relevant information.

H.R. 1739 has been very clearly thought through, and has taken into account the experiences of military and overseas voters. American Citizens Abroad sincerely hopes that Congress will appreciate the need to enfranchise military and overseas voters and will act favorably upon this legislation.

We thank you for your consideration and attention to the above. At your convenience, ACA would be willing and pleased to testify in future hearings on voting bills concerning military personnel and overseas voters who vote absentee in Federal elections under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA, 42 U.S.C. 1973ff).

Sincerely yours,

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Director

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Director

CC: Congresswoman Carolyn B. Maloney
Congressman Michael M. Honda

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