



DEMOCRATS ABROAD

May 12, 2009

The Honorable Charles E. Schumer
Chair, Committee on Rules & Administration
325A Russell Building
Washington, DC 20510

Senator Schumer:

Attached please find a statement submitted on behalf of Democrats Abroad by International Chair Christine Schon Marques for the record.

This should be entered into the record for the Committee Hearing on "Problems for military & overseas voters" on May 13, 2009.

Should you have any questions don't hesitate to contact our office at 202.488.5073.

Sincerely,

Lindsey Reynolds
Executive Director
Democrats Abroad



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Statement of Record

Problems for military & overseas voters: Why many soldiers and their families can't vote

**United States Senate
Committee on Rules and Administration
May 13, 2009**

As both overseas voters and volunteers who have helped absentee voters through the complex process – in all 50 states and DC – from registration to ballot request to returning the ballot, official or write-in, the focus of this committee is greatly appreciated. Overseas voters face many challenges, whether it is the civilian in Afghanistan who used the write-in because there is no mail service, the student on a junior-year abroad program in London who faces an early registration deadline, the first-time voter who was born overseas and is unable to vote at all. So the opportunity to raise some of these issues with Senator Schumer, the members of the Committee on Rules and Administration, and their staff, is very welcome.

Democrats Abroad has over 30 years experience promoting and facilitating the right to vote of Americans living around the world. We've held thousands and thousands of voter registration events for all Americans overseas, and have a network of trained volunteers who help Americans register every election year. Our Voter Troubleshooting team provides services for those facing challenges which they are unable to resolve on their own, working with local election officials to help solve any number of issues. More recently, a survey on UOCAVA voting experience among Democrats Abroad members (ABSENTEE VOTING 2008 REVIEW, Washington, D.C., April 24, 2009) quantified some of those challenges that voters face. Major differences were found by state, by prior voter experience, by the timely submission of the Federal Post Card Application.

Common challenges include:

- 1. A maze of regulations, contact points and deadlines** creates a complex and sometimes confusing system for UOCAVA voters. While US federal elections are organized and managed largely at the state level, a great deal of responsibility and authority is devolved to the county or town level, a complex and sometimes confusing system for UOCAVA voters.

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- 2. Communicating with our local elections officials can be difficult at times**, given that overseas voters live in many time zones. The greatest number of requests for assistance involved confirming registration, through state voter registration websites, phone calls, and email. The second most important issue was no ballot; the third, obtaining the correct local election office address. Some survey respondents noted a lack of responsiveness—including unanswered phone calls, emails, and letters.
- 3. Differences in election administration and regulations across states can dramatically impact** the likelihood of an overseas voter's exercising her or his right to vote in a federal election. Voter-judged likelihood of a ballot reaching the election office in time to be counted ranges from 92 percent in one state to a low of 50 percent in another.

Although only one state now requires notarization, a number of others require ballot certification, a special oath, or an affidavit affirming residency (confusing if one is residing overseas and voting in the US). Some specify that the certification must be that of another American citizen, a requirement posing difficulties for voters far from American communities or Consular facilities. One state might strictly apply arcane rules concerning paper weight, or even the size of the paper. With European paper sizes varying, this could be difficult for computer-generated FPCAs to be considered valid.

- 4. The system serves experienced voters better than new voters.** Nearly 82 percent of experienced voters judge that their ballots reached election offices by the relevant state deadline; that figure falls to 76 percent among first-time voters.
- 5. Knowledge of federal laws and availability of appropriate training resources** appear to vary among some agencies implementing federal laws regarding UOCAVA voting. Few state reporting systems, for example, comply with HAVA provisions regarding the separate reporting of UOCAVA ballots.
- 6. Registering using the FPCA also serves as a request for a ballot.** The FPCA form states its dual function, but many voters find that confusing, and some states insist on the use of a state ballot request or registration form as well.



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7. **Children born abroad of US parents** were another common concern. A number of states do allow such offspring, who are US citizens by birth, to vote in the district where one of the parents last resided before moving abroad, or have no specific restriction. But other states do not extend the right to vote. The decision whether to allow the offspring to vote is sometimes made at the LEO level. The troubleshooting team was told by one state office that such children could not vote, even at the federal level; however, one LEO in the same state accepted the application. Although in this case the outcome favored the voter, the wide latitude accorded LEOs in interpreting state laws remains a major concern for UOCAVA voters.

8. **Most Americans abroad have a few options to return their ballots.** Limitations are, however, imposed by state law. One state's regulations prohibit the use of courier services for the return of absentee ballots from outside the US; some states require postmarks or certification of the date of transmission. In some locations, the use of the diplomatic pouch can be the only viable option for many citizens.

9. **Decisions about accepting Federal Write-In Absentee Ballot** are in the hands of perhaps thousands of election officials across the U.S. While it is impossible to definitively measure the impact of the FWAB, too many voters are unaware of its existence.

10. **As importantly, doubts remain about when absentee ballots are counted.** We know that they do make a difference in races around the country – but all ballots should be counted and accounted for at the same time.

Americans overseas, military and civilian, face significant challenges in ensuring that their voted ballots arrive in time to count. Engaged in ever increasing numbers in our political process at home, your efforts to address these issues today is not only timely but of critical importance to the millions of Americans around the world.

We look forward to the opportunity to speak with you again about both the obstacles mentioned above and potential solutions that help Americans abroad cast their votes.

Respectfully submitted on behalf of Democrats Abroad,
Christine Schon Marques
International Chair

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