



# OLR RESEARCH REPORT

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## **ELECTRONIC BALLOT SUBMISSION BY MILITARY AND OVERSEAS VOTERS**

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You asked us to identify states that allow military and overseas voters to return their voted ballots electronically.

### **SUMMARY**

We identified 28 states that allow some or all of their military and overseas voters to return their voted ballots through electronic means (fax, e-mail, or a website upload). Two others, Illinois and New Jersey, allow these voters to return their ballots electronically, but do not count them unless the voter subsequently submits a hard copy. Thus, we do not include them in the above total.

All 28 states allow fax submission of the voted ballot; 20 of them also allow e-mail submission and two allow submission through a website upload system. Voters must typically waive their right to a secret ballot when submitting a ballot electronically.

### **MILITARY AND OVERSEAS VOTERS**

The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) (P.L. 99-410) requires U.S. states and territories to allow certain U.S. citizens to register and vote by absentee ballot in federal elections. (Many states, including Connecticut, have extended this right to state and local elections.) These citizens, referred to in this report as UOCAVA voters, include (1) active duty members of the “uniformed services,” (2) their spouses or dependent family members living where they are stationed, and (3) U.S. citizens residing outside the country.

The “uniformed services” are the U.S. Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as the Public Health Service Commissioned Corps and the National Oceanic and Atmospheric Administration Commissioned Corps.

Congress passed the Military and Overseas Voter Empowerment (MOVE) Act (P.L. 111-84) in 2009 to further enhance access to ballots for these voters. The MOVE Act requires states, by the November 2010 general election, to, among other things:

1. establish procedures allowing UOCAVA voters to request voter registration and absentee ballot applications by mail or electronically for general, special, and primary elections for federal office;
2. designate at least one means of electronic communication for (a) UOCAVA voters to request voter registration and absentee ballot applications, (b) sending voter registration and absentee ballot applications to voters, and (c) providing UOCAVA voters with election and voting information;
3. develop procedures for transmitting blank ballots to UOCAVA voters by mail and electronically for general, special, and primary elections for federal office;
4. transmit absentee ballots to voters at least 45 days before an election; and
5. develop a free access system that allows a UOCAVA voter to determine whether his or her voted absentee ballot was received.

Please see OLR reports [2008-R-0641](#) and [2010-R-0403](#) for more information on UOCAVA and the MOVE Act.

### ***Electronic Ballot Submission***

Federal law does not require states to accept electronically-returned ballots from UOCAVA voters. However, we identified 28 states that allow some or all UOCAVA voters to submit their voted ballots electronically.

Table 1 lists states that allow electronic submission, the submission methods permitted, and any restrictions on electronic submission (e.g., a requirement that the voter be stationed in a hostile area). Voters typically must waive their right to a secret ballot when submitting a ballot electronically.

Please note that, while Illinois and New Jersey allow UOCAVA voters to return their ballots electronically, they do not count them unless the voter subsequently submits a hard copy. Thus, we do not include these states in the table.

**Table 1: States Allowing Electronic Ballot Submission by UOCAVA Voters**

<b>State</b>	<b>E-mail</b>	<b>Fax</b>	<b>Web-based</b>	<b>Restrictions</b>
Alaska		X	X	
Arizona		X	X	
California		X		
Colorado	X	X		
Delaware	X	X		
Florida		X		Voters must be located outside the U.S.
Hawaii		X		Only if requested by fax within five days of the election
Indiana	X	X		
Iowa	X	X		Only if the voter is in an area where uniformed services members are eligible for imminent danger pay
Kansas	X	X		
Louisiana		X		Must request approval from the registrar of voters
Maine	X	X		Must request approval from the secretary of state's office
Massachusetts	X	X		
Mississippi	X	X		
Missouri	X	X		Available only to the following categories of voters stationed in a hostile area: members of the armed forces, merchant marine, civilian U.S. government employees, members of certain religious or welfare organizations, and the family members of such voters
Montana	X	X		
Nevada	X	X		
New Mexico	X	X		
North Carolina	X	X		
North Dakota	X	X		
Oklahoma	X	X		
Oregon	X	X		
Rhode Island		X		
South Carolina	X	X		
Texas		X		Available only to active duty members of the armed forces (and their family members) stationed in danger areas
Utah	X	X		
Washington	X	X		
West Virginia	X	X		

Sources: Federal Voting Assistance Program: 2012-2013 Voting Assistance Guide, state elections websites

## **ADDITIONAL RESOURCES**

Federal Voting Assistance Program: *2012-2013 Voting Assistance Guide*. <http://www.fvap.gov/resources/media/vag2012.pdf>

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