



# THE CANVASS

## *States and Election Reform*<sup>®</sup>

A Newsletter for Legislatures



December 2009  
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## States Confront Military and Overseas Ballot Mandates

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On Oct. 28, the president signed into law a \$680 billion defense budget authorization bill that included the Military and Overseas Voter Empowerment (MOVE) Act (P.L. 111-84). The new law, which amends the Uniformed and Overseas Citizens Absentee Voting Act, establishes mandatory voter registration and absentee ballot provisions states must follow to serve U.S. military and overseas voters in all federal elections beginning in 2010. This includes general, special, primary and runoff elections for federal office.

Beginning with the November 2010 federal elections cycle, states must send out validly requested absentee ballots no later than 45 days before any federal election. States may be exempt from the requirement under one of two exceptions: the absentee ballot request is received less than 45 days before the election, or, the state applies for a hardship waiver that is then approved by the director of the Federal Voting Assistance Program. The grounds for "undue hardship" to qualify for a waiver must involve one of the following:

- The date of the state primary
- A delay in generating ballots due to a legal contest, or
- The state constitution prohibits the state from complying with the time frame requirements.

In 2010, 45 days before the Nov. 2 election is Saturday, Sept. 18. States with primaries in August and September may need to apply for a waiver or change their primary election calendar early in 2010 to meet the 45-day deadline. If not, the 45-day deadline will pass before some states have certified the results of primary elections. It also takes several days to print absentee ballots and have them ready to be sent out. Ten states and the District of Columbia hold primaries in September (*please see below*). Hardship waiver applications based on the state primary date or the state constitution must be submitted 90 days before the Nov. 2 election—Wednesday, Aug. 4. Those based on a legal contest must be submitted as soon as practicable.

New Hampshire and Vermont are already working to make primary election date changes. Both have primary election dates currently scheduled for Sept. 14, 2010. That leaves only 49 days between the primary and general election, and some of that time is needed for recounts and to print absentee ballots. In New Hampshire, Representative Tim Horrigan has proposed legislation (LSR 2162) for 2010 that

#### can-vass: (n.)

Compilation of election returns and validation of the outcome that forms the basis of the official results by a political subdivision.

~U.S. Election

Assistance Commission.

Glossary of Key Election

Terminology

would change the date of the state's (non-presidential) primaries to the last Tuesday in August (Aug. 31). If enacted, the legislation would take effect in January 2011. Consequently, New Hampshire may need to submit a hardship waiver application for 2010. In Vermont, Senator Claire D. Ayer introduced Senate Bill 117 in March 2009, which would move the primary to the fourth Tuesday in August (Aug. 24). [S 117](#) passed in the Senate on April 24, 2009, but did not receive consideration in the House; it will carry over into the 2010 session.

Beyond the 45-day ballot transmission deadline, P.L. 111-84 compels each state to designate at least one means of electronic communication (fax or e-mail) to handle voter registration and absentee ballot application requests, provide election and voting information and transmit blank ballots to UOCAVA voters.

Other requirements of the MOVE Act include:

- States may not reject an otherwise valid registration application, absentee ballot application, voted ballot, or Federal Write-in (emergency) Absentee Ballot due to notarization requirements, paper type, or weight and size of the voting materials.
- The Department of Defense Federal Voting Assistance Program must promote and expand the use of the Federal Write-in Absentee Ballot as a back-up measure in all federal elections by using technology to allow voters to get election information electronically. The Department of Defense must also coordinate the collection of marked absentee ballots in coordination with the U.S. Postal System.

Finally, chief election officials in each state will be required to develop a free access system by which a military or overseas voter can track whether his or her ballot has been received by the appropriate state election official. A detailed summary of the MOVE Act can be found on the National Association of Secretaries of State Website: [nass.org](http://nass.org). [Ω](#)



### September 2010 [Primary Dates](#)

State	Date
Delaware	September 14
Hawaii	September 18
Maryland	September 14
Massachusetts	September 14
Minnesota	September 14
New Hampshire	September 14
New York	September 14
Rhode Island	September 14
Vermont	September 14
Wisconsin	September 14
District of Columbia	September 14

## **“Time-Shifting the Vote” Conference Brings Together Stakeholders**

*“The conference was valuable and provided real-life applications to what we’re addressing in Utah.”*

*Representative Craig Frank, Utah*

How do voters and election officials view early in-person voting as compared with vote-by-mail (also known as no-excuse absentee voting)? Do regional and cultural attitudes influence how people perceive convenience voting? These were just a few of the questions raised at an October conference entitled, “Time Shifting the Vote: The Early Voting Revolution in Election Administration.” The two-day conference, sponsored by the Pew Center on the States and the Early Voting Information Center (EVIC), was held on the campus of Reed College in Portland, Ore. where EVIC is headquartered. Professor Paul Gronke, director of EVIC, John Fortier, principal contributor to the AEI-Brookings Election Reform Project, and Zachary Markovits, senior associate at the Pew Center on the States, led the sessions. Attendees included academics engaged in policy research, state and local election officials, and representatives from various policy and research institutions. Utah Representative Craig Frank, who chairs the Utah House Government Operations Committee, represented NCSL.

Research supported by The Pew Center on the States Election Initiatives Project was presented on the following topics:

- The State of Early Voting
- Experiments With Vote-By-Mail in California
- Metrics and Measurements for Early Voting
- Early Voting: Impacts in Campaigns and Society
- Best Practices for Implementing and Administering Early Voting

Participants also examined the effect of vote-by-mail, early voting, and same-day registration on voter turnout.

### *Early Voting*

Between 1972 and 2008, the number of states requiring local officials to offer early voting increased from 21 to 34. In addition, in 2008, four states authorized election officials to offer early voting. In 2008, there were 21 states in which at least 30 percent of voters cast their absentee ballot before Election Day, up from 15 percent in 2004. In Utah, Representative Craig Frank noted that early voting increased 20 percent from 9 percent in 2006 to 29 percent in 2008. At the same time, studies highlighted at the conference indicated that early voting could actually reduce overall turnout by as much as 3.4 points. “Early and absentee voting siphons activity away from Election Day itself that would have stimulated turnout,” noted University of Wisconsin-Madison political science Professor David Canon, who presented on the effects and costs of early voting, Election Day registration and same-day registration in the 2008 elections.

### *Vote-By-Mail*

A study conducted in several California counties indicated that when citizens are required to vote by mail, voting decreases by an estimated 13.2 percent. While vote-by-mail involves lower costs in election administration, it does not tend to make a “non-voter” a voter—it only makes voting a little easier for “high-propensity” voters. In addition, the study showed that it takes a minimum of four communications from

election officials before a non-voter will decide to mail in his or her completed ballot. This includes the standard voter guide that is sent out listing information about candidates and issues.

Reed College Professor Paul Gronke said that,

Many election officials are taking a close look at vote-by-mail in terms of “cost, convenience and control.” They are looking for ways to avoid Election Day meltdowns like those that occurred in Denver in 2006 or South Florida in 2000. Vote by mail takes some of the pressure off because you can spread some of the work out over a couple of weeks rather than a couple of days.

That said, he “can appreciate the concerns people have whenever a ballot leaves the hands of a government official and why many people, for example those living in the Southeast, are more comfortable with in-person early voting.”

In Arizona and Colorado, vote-by-mail is gaining rapidly in popularity both among voters and election officials. In Colorado, 80 percent of county clerks surveyed were in favor of conducting elections using vote-by-mail. “Election officials are now looking for ways to adapt to the increased use of paper (optical scan) ballot systems and the organizational complexity involved in managing large numbers of ballot styles,” John Fortier said. “As a result, they often turn to vote-by-mail elections.” At the same time, he noted, “surveys have consistently shown that a large number of voters have worries that their mail-in ballots will actually be counted.”

#### *Same-Day Registration and Election Day Registration in Combination with Early Voting*

The University of Wisconsin looked at turnout rates for early voting alone and then combined that data with same-day-registration and Election-Day-registration turnout as variables. Same-day-registration involves registering and voting in a “one-stop” transaction during an early voting period, e.g., in North Carolina. Election-Day-registration (EDR) refers to a person registering and then voting on the traditional Election Day on Tuesday in November. The research suggests that if early voting is not offered with EDR or same-day registration, there will be an overall negative effect on turnout. In Wisconsin, however, an EDR state without early voting, 11.4 percent of voters registered and then voted at the polls on election day in 2008, and turnout ranked second highest in the nation, behind Minnesota.

Though much of the discussion focused on quantitative data, there was also some consideration of the potential long-term sociological effects of early voting on turnout. One presenter looked at the effects of early voting on social ties. Her research suggests that citizens consider voting a “civic duty” and Election Day as a “civic event” by which the feeling of duty compels some portion of the population to vote. In-person voting on Election Day carries with it social rewards and, inversely, non-participation causes certain social sanctions. In sum, her research suggests that early voting may undermine social capital networks within communities and ultimately reduce turnout due to reduced interactions among friends and neighbors on Election Day. 



**Reed College**

## Registration Reform: States Target Voter Rolls

*"Our voter registration system is a disaster, and I have the scars to prove it."*

Ken Blackwell, former Ohio secretary of state, in an Op-Ed in *The Washington Times*, Oct. 5, 2009

Although Ohio has been the focus of registration controversies in recent years, [Florida](#), [Wisconsin](#) and [Colorado](#) also encountered significant registration challenges in 2008. Ohio State associate law professor Daniel P. Tokaji has noted that "voter registration turned out to be *the* election administration issue of 2008." That said, what is the overall condition of the 50-state voter registration data? That question remains open to debate given the diversity of state registration laws. It is well-documented that bloated voter registration rolls and ambiguous statutory prohibitions against registration fraud may expose some states to manipulation by third-party organizations. In response, a number of states are reviewing their overall registration and anti-fraud statutes.

This is the third installment of a three-part series on a new multi-faceted movement toward large-scale registration reform. The [first installment](#) considered the rationale for, and evolution of, voter registration. The [second installment](#) looked at current efforts to establish "universal" registration, which would make it the government's task to automatically register every eligible citizen. This article examines state reform efforts to deter fraud and error in voter registration—thereby strengthening election integrity and voter confidence.

### *Inflated Voter Rolls*

In November, Tennessee officials identified at least 9,800 deceased people for removal from the central voter rolls. All 95 Tennessee county election offices routinely excise deceased voters, primarily using vital statistics data, but not all names of the deceased are always caught. To supplement county efforts, the Tennessee secretary of state's office recently compared the state voter registration database to the Social Security Administration's national death master list and identified 9,800 cases where a name, date of birth and Social Security number matched on both lists.

A new study by Aristotle International, Inc., a nonpartisan campaign consulting firm specializing in voter data analysis and software, says that more than 3.3 million voters on current registration rolls across the country are dead. Another 12.9 million remain on voter registration lists in an area where they [no longer live](#).

It showed that the states with the most "deadwood" voters were Massachusetts, New Hampshire, Washington, West Virginia and Wyoming. In Massachusetts, 116,483 registered voters are actually dead, 3.38 percent of the state's total of registered voters. Another 538,567, or 15.6 percent, had moved outside of where they were registered to vote. Data for [Wyoming](#) indicates that 20.5 percent of the state's registration list—260,263 voters—are dead or have moved away.

The state with the fewest problems percentage wise is North Carolina. There, 3.5 percent of registered voters are dead or 216,036. Only 38,888 had moved, 0.5 percent. Nationally, the study indicates that 1.87 percent of registered voters are dead, while 7.2 percent of voters do not live where they are registered.

In March, Curtis Gans, director of the [Center for the Study of the American Electorate](#) testified before the Senate Rules Committee that:

Three states and the District of Columbia have official registration numbers that exceed the voting eligible population. In the District of Columbia, the percentage of eligible citizens who are listed on the official registration rolls is 115 percent. Alaska's percentage equaled 104.2 percent. Illinois had a figure of 103.6 and

South Dakota's totaled 100.3. Official registration numbers exceeded 95 percent in 10 other states: Colo., Del., Ind., Iowa, Maine, Mich., Mo., N.Y., N.C., and Ohio.

He added, "There are as many as 20 million names on the registration lists of several states and the District of Columbia that do not belong because they have died or moved or, in an indeterminate number of cases, are not eligible citizens."

### *Why is this significant?*

The 2002 Report of the National Commission on Federal Election Reform emphasized the critical importance of accurate registration data:

Some contend that swollen voter rolls are harmless ... since poll worker scrutiny and signature verification can prevent fraud. We disagree. Significantly inaccurate voter lists:

- Add millions of dollars in unnecessary costs to already under-funded election administrators and undermine public confidence in the integrity of the election system.
- Invite schemes that use empty names on voter lists for ballot box stuffing, ghost voting or to solicit "repeaters" to use such available names... The opportunities to commit such frauds are actually growing because of the trend toward more permissive absentee voting.
- Often penalize poor or ill-educated voters. Among the most mobile citizens in the country, these voters find that even modest residential changes, within a state or county, will keep them from appearing on the list of eligible voters at their new residence.

The Help America Vote Act of 2002 (HAVA) mandated that all states have statewide computerized voter registration databases. HAVA also required states to check voters' names and birthdates against driver's licenses, vital statistics and Social Security records. Under the 1993 National Voter Registration Act, however, a voter can be dropped only if he confirms in writing to the election officials that he has moved, or if he does not vote in two successive federal elections after failing to respond to a written notice. This requirement places tough restrictions on the ability of states to delete voters who are ineligible because they have moved. These restrictions likely contribute greatly to the problems most states have with registration lists. The NVRA imposed an unfunded mandate on states by requiring that anyone entering a government office to renew a driver's license or apply for welfare or unemployment compensation be offered a registration form. Officials in California and other states with large concentrations of non-citizens were instructed not to ask anyone for identification or proof of citizenship. That predicament was not alleviated by the list maintenance requirements in HAVA. The law did, however, mandate that states incorporate a citizenship-check question on all mail-in voter registration forms for federal elections. However, in practice, some states continue to register individuals who do not answer the citizenship question for [fear of legal challenges](#). Accordingly, it is difficult to know how significant a problem non-citizen registration is.

### *State Efforts to Deter Fraud and List Errors in the Registration Process*

States are actively pursuing legislation to clean up their voter rolls by improving list maintenance, verifying citizenship, codifying matching policies and assigning firm penalties for registration fraud.

Virginia has been at the forefront of these bipartisan efforts. In March, the Commonwealth enacted [VA H 2642](#), a bill that requires the State Board of Elections to conduct a match of registered voter lists annually with the lists of deceased persons maintained by the Social Security Administration. The legislation, sponsored by Delegate Robert D. Orrock, Sr. passed [unanimously](#) in both chambers. Virginia also enacted [VA SB 1188/H1878](#), a bill sponsored by Senator Harry B. Blevins, to direct the State Board of Elections to establish standardized rules for determining a person's residence. In addition to this reform, the bill assigned

firm criminal penalties for registration offenses. Specifically, it provided that any person who "intentionally votes knowing that he is not qualified to vote ... or procures, assists, or induces another to vote knowing that such person is not qualified ... is guilty of a class 6 felony." It also passed with very strong [bipartisan support](#).

Louisiana is another state that is reviewing its elections code with regard to elections offenses and penalties. Last year the Senate passed Concurrent Resolution 6 ([SCR6](#)), sponsored by Senator Jack Donahue, which requested that a joint House-Senate committee on Governmental Affairs, in consultation with the secretary of state, analyze the election and criminal codes to determine where penalties could be aligned. This year, the committee received a memorandum from the secretary of state which included recommendations from the state's district attorneys and sheriffs for legislation in 2010.

In June, the Maine Legislature enacted [LD 1484](#), a list maintenance bill sponsored by Representative Pamela Jabar Trinward, who chairs the Joint Committee on Legal and Veterans Affairs. It requires that a voter's duplicate registration record in the central voter registration system be cancelled by either the municipal registrar or by the secretary of state when the voter has registered in another jurisdiction inside or outside the state. Essentially, the bill gives the secretary of state the explicit authority to conduct a system-wide program of voter list maintenance. "Before Maine converted to a centralized voter registration system, duplicate and deceased registrations were a costly and labor-intensive burden for our registrars. Now, with this legislation, the secretary of state will also be able to make the necessary updates," she said.

Legislators in at least nine states have introduced legislation to require a voter registration applicant to show proof of citizenship. Legislation remains pending in Illinois, Massachusetts and New York. In May, Georgia enacted Senate Bill [86](#), sponsored by Senator Cecil Staton, which parallels Arizona's proof of citizenship law. SB 86 requires that applicants provide satisfactory evidence of citizenship, e.g., in the form of a driver's license number or birth certificate.

Another prophylactic measure aimed at ensuring only citizens can be registered to vote is Texas Senate Bill 268. Introduced by Senator Chris Harris, Senate [Bill 268](#) would require the secretary of state to cancel an individual's voter registration immediately after being officially notified that the person was excused from a county jury summons due to non-citizenship. In Texas, counties request jury selection lists from the secretary of state. The bill requires the county registrar to send a written notice to each individual affected identifying the reason for cancellation and providing a right to appeal. Senator Harris pointed to non-citizen registration data collected from eight counties as evidence of a problem. For example, in Dallas County, since 1999, 1,889 people marked non-citizen on a jury summons and eventually had their voter registration cancelled, but not before 356 of them voted in one or more elections. He added,

"There is a lack of oversight when it comes to voter rolls used to generate jury lists. Automatic cancelation of a person's voter registration is warranted when they claim non-citizenship as an exemption from jury duty. Notification of cancelation is required and a person could easily re-register if a mistake was involved. Keeping accurate voter rolls will go a long way to secure and promote confidence in our elections. "

SB 268 was scheduled for a public hearing, but no action was taken in committee this year.

### *Third party registration drives*

According to a staff report released in July 2009 by the ranking minority member of the U.S. House of Representatives Committee on Oversight and Government Reform, "Nearly 70 ACORN employees have been convicted in 12 states for voter-registration fraud." In response, several states have already taken steps toward a systemic review of their anti-fraud statutes.

To address ACORN-type problems, bills in at least 10 states were introduced to establish tighter regulations over the activities of third-party registration organizations. Legislation remains pending or has carried over

in Georgia, Michigan, New Jersey, New Mexico, New York and Pennsylvania. Some legislation, like Michigan [SB 690](#), prohibits paying another person for registering individuals based upon total number of registrations completed for a particular political party. Michigan [SB 692](#) would prohibit compensation for registering, agreeing to register or any other contractual inducement to register to vote. Both bills were sponsored by Senator Cameron Brown. Other bills like Georgia [HB 225](#), sponsored by Representative Ed Rynders, place limits on who is authorized to conduct registration drives; it would require that registration applications and drives be handled only by legal residents of Georgia.

While it remains uncertain whether Congress will seek another round of voter registration mandates, it is clear that states that neglect to monitor the condition of their voter rolls may be unnecessarily exposing themselves to fraudulent activity, recounts and post-election lawsuits. [Ω](#)



## *What they're saying...*

**“This is a great first step, but I honestly don’t believe we’re done at this point.”**

**Ron Thornburgh**, Kansas Secretary of State, referring to the newly-enacted federal law to assist military and overseas voters, in the *Kansas City Star*, Dec. 7, 2009.

**“I do have some reservations about moving full-scale to online voter registration.”**

**U.S. Representative Artur Davis**, Alabama, Committee on House Administration, Subcommittee on Elections, Hearing on “Modernizing the Election Registration Process,” Oct. 31, 2009

**“We’re focused on addressing the needs of small counties and municipalities who have very limited resources and are required to provide the same level of services as the larger jurisdictions. Some small communities have seen primary and general election costs run as high as \$60-70 *per vote*. Vote-by-mail and eliminating uncontested elections may be the solution in reining in those costs. At the same time, there are concerns with vote-by-mail. It exposes the system to a higher risk of fraud and it disconnects people from the community. People want to touch the ballot box and talk with the election judges. Election Day voting is a culture. Voting at the kitchen table diminishes the common cause of voting in a patriotic venue.”**

**Representative Craig Frank**, Utah, Chairman of the House Committee on Government Operations, in a Nov. 20, 2009 interview with *The Canvass*.

*NOTE: NCSL provides links to other Web sites from time to time for information purposes only. Providing these links does not necessarily indicate NCSL’s support or endorsement of the site. [Ω](#)*

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## U.S. Dept. of Justice Denies Ga. Voter Verification Pre-Clearance, Again

In August, Georgia Secretary of State Karen Handel announced that the state had asked the U.S. Department of Justice to reconsider its May 2009 denial of pre-clearance for two voter verification processes administered in the November 2008 election. Georgia is one of nine states where Section 5 of the Voting Rights Act requires pre-approval by DOJ or the United States District Court in D.C before new voting laws and procedures may be started. In seven additional states, select counties or townships are subject to Sec. 5 pre-approval requirements. Learn more about Sec. 5 pre-clearance [here](#).

The voter verification procedure matched five criteria provided by new voter registration applicants with information in the Georgia Department of Driver Services database or the Social Security Administration database. These criteria included first and last names, date of birth, driver's license number or the last four digits of the applicant's S.S. number and citizenship. If the verification process revealed that an applicant previously indicated that he or she was not a U.S. citizen, that person had to provide proof of citizenship.

In October 2008, [a federal three-judge panel](#) directed the state to continue the verification process while it sought Sec. 5 pre-clearance. The panel also acknowledged the verification requirements imposed on Georgia by the 2002 Help America Vote Act. Then, in May 2009, DOJ denied pre-clearance for the already-implemented program to screen out non-citizens within the Georgia statewide voter registration database. The May 29 [DOJ denial letter](#) noted that the state failed to establish the absence of a discriminatory effect as applied to minority voter registration applicants. Although the letter points to "statistically significant" differences of treatment, DOJ declined to release the underlying statistical data referenced as proof of discriminatory effect. The subsequent DOJ decision, which denied the appeal for reconsideration, bars the state from continuing its administrative verification programs.

Following the decision, [Secretary of State Karen Handel](#) said that, in consultation with the governor and attorney general, she will "review all options available to protect this system and ensure the integrity of Georgia's voter rolls".

**Also of note:** Earlier this year, Georgia enacted legislation similar to Arizona law requiring new registration applicants to submit proof of citizenship. Any person registered by Dec. 31, 2009 will be exempt. *Please see page 7 ("Registration Reform: States Target Voter Rolls)*. On Dec. 10, the state election board, which Handel chairs, is scheduled to vote on rules to implement the new law and provide an appeals process. If approved, the rules package would need to be submitted to DOJ (or the federal court in D.C.) for pre-clearance. Acceptable documents would include a birth certificate, passport, naturalization papers, driver's license or state ID. The elections board is also reportedly considering additional documentation, for example, a certificate of citizenship issued by the U.S. Bureau of Citizenship and Immigration Services. The proposed rules also allow a hearing for anyone who cannot submit any of the designated paperwork—to present other documents created at least five years before the date of the application. Insurance, medical, census, or nursing home admission papers would be considered. 

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### District of Columbia Passes Omnibus Election Reform Act of 2009

On Nov. 30, 2009, the mayor of the District of Columbia signed the Omnibus Election Reform Act of 2009 ([A18-0238](#)). At press time, the legislation passed as an emergency provision and will soon be transmitted to Congress for its review. This sweeping reform legislation includes a number of major provisions including but not limited to: “no-fault” absentee voting; advance registration of 16-year-olds; 17-year old voting in primaries (if 18 before the general election); verified voting records and system standards review; same-day registration; new poll worker standards, electronic transmission of military-overseas blank ballots; and the designation of the D.C. Department of Corrections and the D.C. Department of Youth Rehabilitative Services as voter registration agencies in addition to those already covered by the National Voter Registration Act of 1993 (“Motor Voter” Law). *The Canvass* will continue to track this legislation and provide more coverage if it is permanently enacted. Ω



### West Virginia Enacts Pilot Program to Allow Online Voting By Military and Overseas Voters

On Dec. 3, West Virginia enacted the “Uniformed Services and Overseas Voter Pilot Program” Act allowing counties to offer online voting to military and overseas voters. The legislation passed unanimously during the Legislature’s special session. Under [HB 406](#), counties may submit a proposal to the secretary of state prior to Jan. 8, 2010, to participate in the 2010 primary and general election pilot program. The secretary of state will notify counties of approval or denial by Jan. 29, 2010. The proposal must specify the vendor(s) to be used, the projected cost, and must include the option to vote by mail, fax or e-mail at the voter’s discretion for those not wishing to use the online system. It must also include features that ensure secrecy and security; for example, it must assign each voter a member number, password and PIN number. At the same time, the proposed system must be able to verify that ballots counted are the same as those cast. Following the primary and general elections, the secretary is required to submit reports to the Legislature evaluating the effectiveness of the pilot program along with recommendations. According to the secretary of state, more than 42,000 West Virginians live overseas and are eligible to vote by absentee ballots. In the 2008 general election, only about 4,200 absentee ballots were cast, however. The pilot project was enacted in response to the federal Military and Overseas Voting Empowerment (MOVE) Act (P.L. 111-84) that requires states to make election materials, including blank ballots, electronically accessible. Ω

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## FROM THE EDITORS' DESK:

**MOVE...** With the enactment of the federal Military and Overseas Voter Empowerment (MOVE) Act (P.L. 111-84), as part of the 2010 defense authorization bill, states now confront a set of mandates to ensure that military and overseas voters have sufficient time to request, receive and vote an absentee ballot for all federal elections: primary, runoff, general and special. Importantly, the bipartisan MOVE Act will also require that each state establish a free access tracking system that allows a voter to verify that his or her ballot has been received by the appropriate election official. This "peace of mind" provision should help restore faith in military and overseas voters that their ballots will be counted. Soon, all voters covered by the preceding Uniform and Overseas Citizen Absentee Voting Act, will be able to vote under a common set of standards in federal elections. The MOVE Act should help many voters in 2010. How states respond will be scrutinized by the media and dissected by political scientists for years to come. States can now build upon the MOVE framework and pursue parallel improvements for state elections.

**... & Mass.** — Just two weeks after the MOVE Act became law, Massachusetts enacted [House Bill 4310](#) on Nov. 11., which authorizes transmission of blank ballots and other election materials by electronic means, including e-mail and fax. It also permits voters to submit their Federal Write-In Absentee Ballot, the federal "fall-back" ballot, by e-mail or fax in all state, local and ballot elections so long as the ballot is received before the closing of the polls on Election Day. In tandem with the MOVE Act, Massachusetts authorized the secretary of state, to promulgate rules and regulations for both fax and e-mail transmission. As one of the 16 states identified in the [No Time to Vote Report](#), the Commonwealth has taken a significant step forward. Still, as one of nine states with a September primary, it must now work to ensure it can mail out its absentee ballots 45 days before each federal election. Given the strong [bipartisan support](#) for HB 4310, that second step could well be *en masse*. Ω

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William T. Pound, Executive Director

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