



The Importance of the Overseas Vote

U.S. citizens living abroad – estimated at 8 to 9 million individuals – have had the right to vote in federal elections since 1975, the result of an active grassroots campaign for the right to vote. A theoretical right to vote does not necessarily translate into effective enfranchisement. Each state has different procedures and deadlines, and even counties within a state can adopt different procedures.

Online tools like www.VoteFromAbroad.org help overseas Americans navigate the process, and provide an easy way to request their ballots using the FPCA (“postcard application”) and the FWAB (“backup ballot”). This tool helps more Americans vote from overseas in each election cycle.

Over the last few years, we have received evidence that some U.S. citizens living abroad have been **denied the right to vote outright**. The Federal Voting Assistance Program (FVAP), the agency within the Department of Defense that administers the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), refers to U.S. citizens who are 18 years or older and were born abroad, but have never resided in the United States, as “**never resided**” voters. The FVAP Spring 2017 policy brief fits our experiences living abroad: **These Americans were denied the right to vote in several states** due to silence or explicit exclusions in state laws determining one’s eligibility to register to vote in these states.

As it is necessary to register in a state, even to vote in Federal elections, a Federal regulation that fully supports enfranchisement for all overseas U.S. citizens, just as laws exist to fully enforce their requirement to file taxes and, for males, to register with the Selective Service is needed.

The **Uniform Military and Overseas Voters Act (UMOVA)**, model legislation for the 50 states unanimously adopted by the Uniform Law Commission in 2010, fixes this grave problem as well as improving and standardizing access to the ballot for overseas voters in numerous ways.

Finally, state practices and laws sometimes conflict with federal law in ways that disenfranchise citizens living abroad. Both **New York** and **Wisconsin** in 2016 made a distinction in practice between military/federal voters and other absentee voters, even when those voters were overseas. Voters who were not considered federal (for example, those who chose the “intend to return” voter type) were sent full

ballots. In New York, full ballots were only sent by postal mail and were sent later than the 45-day deadline, at the same time as absentee ballots were sent to voters within the US. In addition, these voters were not allowed to use the FWAB if they did not receive their ballots in time. The Federal Voting Assistance Program (FVAP) has alerted the Department of Justice to the fact that the practices in these two states defy UOCAVA and the MOVE Act.

These practices and more blunt forms of voter suppression will become more common if Congress weakens UOCAVA or the MOVE Act. Decreasing funding for the agencies that enforce these laws could have a similar effect.

Democrats Abroad asks Congress:

- to honor its commitment to voting rights for U.S. citizens overseas by opposing legislation that would weaken the UOCAVA or MOVE Act or decrease funding for the agencies that enforce those Acts, particularly the Election Assistance Commission, FVAP, and the Civil Rights Division of the Department of Justice; and
- to protect the vote of all U.S. citizens so that our elections reflect the American values of democracy, fairness, and the rule of law.

Democrats Abroad asks state legislators and influencers:

- *from Alabama, Arkansas, Florida, Idaho, Indiana, Louisiana, Maryland, Mississippi, Missouri, Montana, Pennsylvania, Texas, and Utah* to immediately contact Democrats Abroad (gotv@democratsabroad.org) to enfranchise your voters and remedy the profound injustice of denying U.S. citizens the right to vote; and
- *from New York and Wisconsin* to urge local election officials and state agencies to comply with federal law; and
- to learn whether your state has adopted the Uniform Military and Overseas Voters Act (UMOVA) or similar provisions and practices, or contact Democrats Abroad to learn more; and
- to encourage or require that your Secretaries of State (or state election commissions) and local election officials send full and complete data on overseas absentee ballots to the EAC and also make that data publicly available to U.S. citizens, candidates, and political parties.