



The Unintended Consequences of Good Intentions

The number one reason that many overseas and military citizens are unable to vote is missed registration and ballot request deadlines. Therefore, in an effort to address this problem, current legislation makes an overseas citizen or military voter registration, filed using the Federal Post Card Application (FPCA), valid for two General Election cycles (four years). Theoretically, this helps voters by keeping them on the voting rolls.

This solution works well for a certain type of voter, namely, those civilians that are more location-stable, i.e. do not move. Ironically, the citizens that may benefit the most are also the ones that need such conveniences the least, as they are actually apt to have the time and resources to re-send a ballot request if needed. However, in many cases, particularly with military voters, who are extremely mobile and not likely to be in the same place for two consecutive election cycles, this policy often backfires. As a result, hundreds of thousands of ballots are sent out to “dead addresses,” which wastes both the time and money of local election officials.

To better understand this problem, it is crucial to recognize that the FPCA has several uses. First, it is used as a “simultaneous” voter registration and ballot request for voters who are not on the voter rolls. Second, the FPCA is used as a “ballot request” for registered voters who are overseas or in the military. In this case the election official uses it to confirm the voter’s address and their intent to vote in that election.

This is the point where well intended legislation gets caught up in election administration red-tape. Some states receive an FPCA and consider it valid for four years of registration *and* ballot sending. Other states require that the voter re-file the FPCA for every election even if they are active on the rolls; in this case it is considered a “ballot request”. The validity of the FPCA for four years of registration as a UOCAVA voter at a particular address does not cope with the variations of implementation of the legislation at the state level. The result is that voters often don’t know if they will receive their ballot for more than one election.

The other major problem is that many election officials consider the FPCA valid for ballot transmission for four years and continue to send ballots to unconfirmed, dead addresses, as they are under the impression that this is required by law. Indeed the law makes no provision for election officials to discontinue sending ballots if a ballot comes back undeliverable.

Local election officials (LEOs) have expressed their frustrations regarding this rule in Overseas Vote Foundation’s Election Official Surveys in 2006 and in 2008. LEOs consistently report that their biggest problem is maintaining current and accurate mailing addresses for UOCAVA voters, especially over two federal election cycles. Specifically:

- In 2006, 39.7% of LEOs reported that out of date addresses were a large problem in their jurisdiction. In 2008, 22% identified voter address maintenance as a problem.
- In 2006 and 2008, 38% reported that too many ballots were returned as “undeliverable.” This problem is especially acute in jurisdictions with more than 25,000 registered voters, where more than 65% of LEOs reported this to be a major problem.

Election officials were also able to add comments to their survey responses. Among the comments OVF received:

“It is rare that a military address from 2004 will still be the same in 2006 and someone needs to advise the military voter to update their election jurisdiction when they get a new address. Otherwise we are sending ballots and wasting our time as well as the postal service and the military mail system to send ballots to an address that is 2 years old. We have received ballots back undeliverable that were in the system from February (for the March Primary) and we finally received them back in December marked addressee unknown.”

“In 2004 it was passed that overseas FPCA voters could vote in 2 major elections. This needs to be reconsidered [as] they do not stay at one location for long periods of time. In the year of 2006 we made an attempt to contact the requestor by mailing letters to see if they would need absentee ballots for that year. Only a few responded, therefore we had no choice but to mail them absentee ballots only to find that they went to the polls on election day, and that created a problem because they had a ballot in the mail somewhere. It was not their fault. They did not know it was for 2 major elections. Please reconsider the way it was at one time: the FPCA card was for 1 year only. It made it a lot easier for the citizens and the absentee clerks as well.”

“Something needs to be improved about the application process which allows the use of the applications for two general elections. This came about in the HAVA Act. Our work is in vain because the majority of our mail from older applications is being returned unopened which is very unfortunate for the voter.”

“Problem: Rarely are any of these people in the same place for two general elections. Most of them do not know they are receiving ballots for two election cycles when they apply. Confirmation mailers prior to primary elections are partially successful. Mailers need to done more often for efficient tracking. Time does not allow for this in most offices.”

Solutions to this problem include:

Repeal the law entirely and require that all UOCAVA voters file an FPCA for each election year in which they intend to vote. It should be possible to indicate which election year the ballot request form is filed for on the form itself (it is not at present possible to indicate this).

Maintain the law but add a minor provision which allows election officials to discontinue sending ballots to addresses from which the ballots are returned undeliverable, or not at all.

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