

Military Absentee Voting Acts Need Accountability and Enforcement

Law requires absentee ballots be mailed a minimum of 45 days before a federal election

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The Uniformed and Overseas Citizens Absentee Voting Act was enacted in 1986 to protect the rights of military servicemembers to vote in federal elections regardless of where they were stationed. The passage of the Military and Overseas Voter Empowerment (MOVE) Act of 2009 was meant to provide even greater protections to those serving, their families, and other Americans overseas.

So why after the military absentee voting debacles of the past few elections cycles are a number of states still failing their servicemembers, and why is the Department of Justice more interested in cutting deals than hitting these states where it would hurt — with fines?

Richard L. Eubank, national commander of the Veterans of Foreign Wars of the U.S. and its Auxiliaries, said the problem boils down to accountability and enforcement.

"The law requires absentee ballots to be mailed a minimum of 45 days before a federal election, which should give ample time for standard mail to make a roundtrip from overseas areas," said Eubank, a retired Marine and Vietnam combat veteran from Eugene, Ore. "Yet 12 states requested waivers from the Defense Department this year because they were unable to meet the Sept. 18 deadline to mail election material. That is absolutely unacceptable in the year 2010."

According to the Pew Center on the States, the main problem is federal laws have to be implemented by the states, which in this case results in a patchwork of inconsistent state laws and absentee ballot procedures that are impediments to overseas voters. Pew said a

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heavy reliance on a slow delivery system, late ballot mailings and early return deadlines simply does not provide overseas voters enough time to vote.

Eubank is now asking his 2.1 million members who may reside in those problem states to reach out to their elected leaders and demand why their election officials and/or state laws have failed to serve military voters. Eubank also wants the Justice Department to put teeth into the law by levying heavy fines where appropriate.

"The 14th Amendment came about by American patriots who left towns and farms to fight for everyone's freedoms," he said. "They didn't do anything the easy way, and nor should governments and employees when it comes to ensuring a fellow American's right to vote."

For a list of problem states and Justice Department actions, go to <http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html>.