



TOM SCHEDLER
SECRETARY OF STATE

Secretary of State
State of Louisiana

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January 3, 2012

Bob Carey
Director, Federal Voting Assistance Program
Department of Defense
Rosslyn Plaza North
1777 North Kent Street
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Arlington, VA 22209-2162

Dear Mr. Carey:

We received your November 16, 2011 letter regarding the Military and Overseas Voter Empowerment Act of 2009 (MOVE Act). Louisiana's enactment of HB 524 providing for improvements in Louisiana's adoption of the MOVE Act and the Federal Voting Assistance Program's (FVAP) legislative initiatives.

Louisiana implemented the MOVE Act in 2010 pursuant to Act 624 (2010, Regular Session), and amended the law in 2011 by Act 195. Since that time, we have had 268 requests for electronic ballot delivery. Currently, out of the 1399 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) open ballot requests in Louisiana, we have only 47 current requests for electronic ballot delivery.

Louisiana's enactment of the MOVE Act provisions included full compliance with federal law in 2010, and included several improvements in 2011 as follows:

- ✓ Meeting the 45 day ballot transit time for all federal elections by electronic means;
- ✓ Removes witness or notary requirement;
- ✓ Requires the Secretary of State to deliver federal ballots and voting materials to the Registrar of Voters at least 45 days before the election;
- ✓ Providing for electronic request of an application to register to vote,
- ✓ Providing for electronic transmission of voting materials for all federal elections;
- ✓ Providing for the use of the Federal Write-In Absentee Ballot in federal elections; and
- ✓ Providing for the tracking of the ballot in all federal elections.

Below is our specific response to your proposed measures in statute or regulation:

- **Codify the 45-Day Transmission Requirement and Reform the Runoff.** You believe that it is an unfair burden for Military and Overseas voters (hereinafter "M&O") to receive a ranking ballot for the run-off/General election and you believe that they should receive a live ballot, just as they do for the primary and as if they were voting in their home precinct.

Response: In order to accomplish what you are suggesting, Louisiana 's lawmakers would have to enact changes to our elections to provide at least six (6) weeks between a primary and a general election to afford us the opportunity to print and deliver live runoff ballots to the M&O. Presently, the M&O receive a live ballot for the "Federal General Election" (which is a primary election) and a ranking ballot for the runoff election (which is a general election). The majority of Louisiana's congressional elections are decided in the primary election where the M&O receive a live ballot.

- **Expand Electronic Transmission Options for Ballot Access.** You recommend that in transmitting ballots to M&O that Louisiana adopt systems to both "push" materials to voters, such as email, and a method to allow voters to "pull" election materials at their own convenience.

Response: Louisiana does just that. Our Registrars send the M&O an email notification that their ballot is ready and the voter is directed to a website to retrieve their ballot, which they can do at their convenience.

- **Expand use of the Federal Write-In Absentee Ballot (FWAB).** You recommend that Louisiana allow the use of the Federal Write-In Absentee Ballot for simultaneous registration, ballot request and voting in all federal, state and local elections.

Response: Presently, Louisiana complies with federal law and accepts the FWAB for voting in federal elections if the voter is a registered voter. We have a concern that simultaneous registration, ballot request and voting would not meet our 30 day registration deadline before an election or give the M&O voter the false impression that it would and cause confusion for those voters. Louisiana developed an online registration tool in April of 2010 and is developing an online absentee ballot request application for early spring 2012. These tools are valuable in assisting M&O voters in registering and applying for ballots and gives them a wealth of information specifically about Louisiana, including election dates and deadlines.

- **Enact the Uniform Law Commission (ULC) model legislation.** You recommend that Louisiana adopt the Uniform Military and Overseas Voters Act (UMOVA) recommended by the Uniform Law Commission.

Response: Louisiana has adopted all aspects of the UMOVA that work in conjunction with our election laws to date. Each state's election system is not the same and therefore, it is difficult to have one law that fits all. Louisiana has a model election system and has adopted all provisions of the MOVE Act as required by federal law.

- **Permit Late Registration.** You recommend a special late registration date for M&O, less than Louisiana's present 30 day registration deadline prior to an election.

Response: Louisiana's online registration tool developed in 2010 provides an additional method of registering to vote, other than the traditional methods of in person or by mail, which is fast and effective in not only registering but also learning important voting information about Louisiana's election dates and deadlines. Louisiana's 30 day registration deadline prior to an election is needed to afford us the opportunity to provide for the correct jurisdictions for elections and to notify voters of their correct voting districts, to conduct absentee by mail and early voting prior to the election and to comply with the Help America Vote Act verification requirements as well as Louisiana's verification requirements of all applicants.

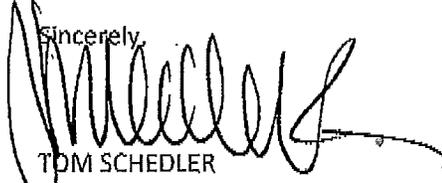
- **Enfranchise Citizens Who Have Never Resided in the U.S.** You recommend that Louisiana permit voting age children of M&O who have never resided in the U.S. to vote using their parent's former address.

Response: Louisiana requires residency in order to register to vote. Residency determines the voting precinct/district in which you are eligible to cast a vote. Therefore, Louisiana provides that a citizen of the U.S. residing outside the U.S. who was domiciled in our state immediately prior to his departure from the U.S. and who is at least 18 years of age or will attain that age before the next national election, and who is not disfranchised, is eligible to register absentee and vote absentee by mail as long as he does not maintain a domicile, is not registered to vote, and is not voting in any other state or election district or territory of the U.S. and has a valid passport or certain other valid proof of identification and a certain intent to return to our state. Therefore, prior residence is required in order to assign the applicant to the proper voting precinct/district.

Thank you for your thoughtful review of Louisiana's election laws as they relate to military and overseas voters and we will continue to work with you and our legislature on reviewing possible solutions to these issues. Again, thank you for your continued efforts and much improvement for voting to our

Bob Carey
Director, Federal Voting Assistance Program
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military and overseas voters and if our office can be of any assistance, please do not hesitate to contact us.

Sincerely,

TOM SCHEDLER
SECRETARY OF STATE

CC: The Honorable Jim Tucker
The Honorable Joel Chaisson, II