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STATE OF CALIFORNIA | ELECTIONS

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September 12, 2012

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 12274

TO: All County Clerks/Registrars of Voters

FROM: Jana M. Lean  
Jana M. Lean  
Chief, Elections Division

RE: General Election: UOCAVA/MOVE Act Reminder

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), of which the Military and Overseas Voter Empowerment (MOVE) Act is a part, requires states and local elections officials to take a number of steps (detailed below) to make it more convenient for UOCAVA voters to exercise their right to cast a ballot.

In general, the UOCAVA requires state and/or county elections officials to:

- Transmit a requested absentee ballot to UOCAVA voters not later than 45 days before an election for federal office if an absentee ballot request is received at least 45 days before the election. If the request is received less than 45 days before the election, the UOCAVA requires that the absentee ballot be sent in a manner that expedites the transmission of the ballot.
- Develop procedures for transmitting absentee ballots to UOCAVA voters by mail and electronically for general, special, primary, and runoff elections for federal office. The procedures must allow voters to designate whether they want to receive the absentee ballot by mail or electronically (i.e., faxing, emailing, web-based methods).

County elections officials must transmit the absentee ballot based on the preference selected by the voter. If the voter does not indicate a preference, the absentee ballot must be delivered by mail.

- Establish procedures to allow UOCAVA voters to request voter registration applications and absentee ballot applications by mail or electronically for general, special, primary, and runoff elections for federal office. The procedures must allow the voters to designate whether they want to receive the applications by mail or electronically (i.e., faxing, emailing, web-based methods).

County elections official must transmit the voter registration application or absentee ballot application based on the preference selected by the voter. If the voter does not indicate a preference, the application should be sent by mail.

- Protect, throughout the transmission process and to the extent possible, the security of the voter registration and absentee ballot application requests, and protect the identity and personal data of voters who request or are sent voter registration applications or absentee ballot applications.
- Designate at least one means of electronic communication for UOCAVA voters to request, and for county elections officials to send, voter registration applications, absentee ballot applications, and voting information. The designated means of electronic communication must be included on all information and instructional materials that accompany balloting materials sent to UOCAVA voters.

California Elections Code section 3103 allows for electronic transmission of voter registration applications, absentee ballot applications, and voting information.

- Develop a free access system that allows UOCAVA voters to determine whether the appropriate elections official received their marked absentee ballots.

Federal law requires county elections officials to maintain a similar system for people who cast provisional ballots and California Elections Code section 3017(c) requires county elections officials to provide such a system to any Californian who casts a vote-by-mail ballot.

- Work with the Election Assistance Commission (EAC) and the Federal Voting Assistance Project (FVAP) to develop standards for reporting on the number of ballots transmitted and received and other data as the EAC determines appropriate.
- Accept voter registration and absentee ballot applications, marked absentee ballots, and Federal Write-In Absentee Ballots (FWAB) regardless of a failure to meet notarization requirements and restrictions on paper and envelope type (including weight and size), when a state's law imposes such requirements.

California law does not impose notarization requirements or restrictions on paper type or envelope type that a voter must comply with relative to these requests or submissions.

- Accept the FWAB for all special, primary, and runoff elections for federal office.

California allows the FWAB to be used to register to vote and request an absentee ballot.

Following the June 5, 2012, Presidential Primary Election, the United States Department of Justice (USDOJ) determined that 14 California counties did not fully comply with the UOCAVA. As a result, the Secretary of State (SOS) and the USDOJ entered into a Consent Decree in May 2012. The Consent Decree sets forth a number of requirements for the SOS and the counties. A complete discussion of the Consent Decree can be found in CCROV # 12173, dated May 29, 2012, at [www.sos.ca.gov/elections/ccrov/pdf/2012/may/12173jl.pdf](http://www.sos.ca.gov/elections/ccrov/pdf/2012/may/12173jl.pdf).

Pursuant to the Consent Decree, in July 2012, the SOS provided training to all 58 county elections officials on their responsibilities under the UOCAVA.

As required by the Consent Decree, the SOS developed procedures for the counties to implement to ensure they transmit absentee ballots by mail and electronically in accordance with UOCAVA voters' designated method of delivery by E-45. The procedures, which were issued in CCROV # 12272, dated September 7, 2012, can be found at [www.sos.ca.gov/elections/ccrov/pdf/2012/september/12272ra.pdf](http://www.sos.ca.gov/elections/ccrov/pdf/2012/september/12272ra.pdf).

Additionally, pursuant to the Consent Decree, all 58 counties must respond to three surveys, which will be issued by the SOS. These surveys address absentee ballots transmitted to voters covered under the UOCAVA. Detailed information about the surveys can be found in CCROV # 12273, dated September 7, 2012, at [www.sos.ca.gov/elections/ccrov/pdf/2012/september/12273rd.pdf](http://www.sos.ca.gov/elections/ccrov/pdf/2012/september/12273rd.pdf).

If you have any questions, please feel free to contact Rachelle Delucchi at [Rachelle.Delucchi@sos.ca.gov](mailto:Rachelle.Delucchi@sos.ca.gov) or (916) 651-6971. Thank you in advance for your assistance.