



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

**Electronic Absentee Ballot Return for UOCAVA Voters**

None (Paper Ballot Must Be Mailed)	Electronic Return for UOCAVA Voters Under Certain Conditions	Electronic Return for Any UOCAVA Voter
Alabama Arkansas (AR Code 7-5-411(a)(1)) Connecticut <sup>o</sup> (CGS 9-140b) Georgia (Ga. Code 21-2-385(a)) Illinois (10 ILCS 5/20) Kentucky (31 Ky. Admin. Regs. 4:130(5)) Maryland <sup>m</sup> (MD Code Regs. 33.11.03.06) Michigan <sup>a</sup> Minnesota (Minn. Stat. 203B.225(b)) New Hampshire (NHRS 657:17) New York (Elec. Law 11-212) Ohio <sup>b</sup> Pennsylvania <sup>c</sup> South Dakota (SDCL 17-19-2.5) Tennessee (Tenn. Code 2-6-502) Vermont <sup>d</sup> Virginia (Va. Code 24.2-707) Wisconsin (Wis. Stat. 6.22(5)) Wyoming (Wyo. Stat. 22-9-114)	Colorado <sup>e</sup> [email, fax] (CRS 1-8.3-113) Hawaii <sup>f</sup> [fax] (HRS 15-5(b)) Idaho <sup>g</sup> [fax] (ID Stat. 34-1005) Iowa <sup>h</sup> [email, fax] (IAC 721-.1(13)) Missouri <sup>i</sup> [email, fax] (Mo. Rev. Stat §115.291) Texas <sup>j</sup> [fax] (Elec. Code 105.001)	Alaska <sup>k</sup> [fax, web upload] (6 AAC 25.680) Arizona <sup>l</sup> [fax, web upload] (ARS 16-543) California [fax] (Elec. Code 3106) Delaware [email, fax] (Del. Code Tit. 155525(d)) D.C. [email, fax] (DC Mun. Regs. Tit. 3, 718.8) Florida [fax] (FAC 1S-2.030(4)) Indiana [email, fax] (IC 3-11-4-6(h)) Kansas [email, fax] (KS 25-1216(b)) Louisiana <sup>k</sup> [fax] (LaRS 18:1308(A)(1)(b)) Maine <sup>n</sup> [email, fax] (21-A MRSA §783) Massachusetts [email, fax] (MGL Ch. 54, §95) Mississippi [email, fax] (MS Code 23-15-699) Montana [email, fax] (MCA 13-21-207) Nebraska [email, fax] (NRS 32-939.02(6)) Nevada <sup>k</sup> [email, fax] (NRS 293.325) New Mexico [email, fax] (NMSA 1-6-9(C)(1)) North Carolina [email, fax] (NCGS 163.258.10) North Dakota [email, fax] (NDCC 16.1-07-24) Oklahoma [email, fax] (§§26-14-139 (C)) Oregon [email, fax] (ORS 253.690) Rhode Island [fax] (RIGL 17-20-6.1(e)) South Carolina [email, fax] (SC Code 7-15-460) Utah [email, fax] (Utah Code 20A-16-404) Washington [email, fax] (WAC 434-235-030) West Virginia [email, fax] (WV Code 3-3-5(f)(2))

(a) <http://www.fvap.gov/resources/media/vagMI.pdf>

(b) No cite available; based upon interviews documented in the *Counting Votes 2012* report.

- (c) <http://www.fvap.gov/resources/media/vagPA.pdf>
- (d) <http://www.fvap.gov/resources/media/vagVT.pdf>
- (e) Permitted only in circumstances where a more secure method, such as mail, is not available or feasible.
- (f) A voter who does not receive a mailed ballot within five days of the election may request that the ballot be delivered via fax and may return the ballot via fax.
- (g) In certain emergency situations, ballots may be returned via fax or email. No cite available; based upon interviews documented in the *Counting Votes 2012* report.
- (h) A voter who is entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and Iowa Code chapter 53, division II, "Absent Voting by Armed Forces," may return an absentee ballot via electronic transmission only if the voter is located in an area designated by the U.S. Department of Defense to be an imminent danger pay area or if the voter is an active member of the army, navy, marine corps, merchant marine, coast guard, air force or Iowa national guard and is located outside the United States or any of its territories.
- (i) Voters serving in a "hostile fire area" may return ballots via email or fax (<http://www.sos.mo.gov/elections/military/default.asp>)
- (j) Ballots may be returned by fax by overseas active duty Uniformed Service members or their family members, if casting the ballot from an area in which members of the Armed Forces are eligible to receive hostile fire pay or imminent danger pay, or that has been designated by the President of the U.S. as a combat zone. Note that in 2013, Texas passed HB 1129, establishing a two-year pilot program expiring Sept. 1, 2015 in one county allowing military voters who are on active duty overseas & eligible for hostile fire pay to cast a ballot via email.
- (k) Permitted for any absentee voter, not just UOCAVA voters.
- (l) See also the Secretary of State's *Electronic Voting System Manual*, beginning on p. 53
- (m) With the passage of HB 224/SB 279 in 2013, Maryland will begin allowing the electronic transmission of voted ballots for all voters (not just UOCAVA) on July 1, 2013. The new law will permit the return of voted ballots via fax or web upload.
- (n) Electronic ballot return is authorized when the process of receiving the ballots is centralized and conducted by the Secretary of State, rather than local municipal election clerks. See 29-250 C.M.R. ch. 525 for detailed information.
- (o) In 2013, Connecticut passed SB 647 (2013 Conn. Acts, P.A. 13-185), requiring the Secretary of State, in conjunction with Military Dept., to on or before Oct. 1, 2013, select a method for use in elections held on or after Sept. 1, 2014, that allows UOCAVA voters to return a voted ballot that ensures receipt of the ballot prior to closing of the polls and gives due consideration to ballot security and voter privacy. Thus, CT will move into the category of states permitting electronic ballot return for any UOCAVA voter on Sept. 1, 2014.

**Source:** *National Conference of State Legislatures*

*Last updated August 29, 2013*

*For questions or updates, contact NCSL's Elections Team at 303-364-7700.*