Law Threatens Thousands of Military Votes

October 24, 2008
Virginian-Pilot

SPRINGFIELD -- An obscure state law and an ambiguous federal ballot form are combining to invalidate some of the thousands of absentee votes being cast this fall by Virginians overseas, most of them in the military.

State officials confirmed Thursday that they've instructed local registrars to set aside any vote submitted on a federally furnished write-in ballot unless the ballot includes both the name and address of the person who witnessed the vote. An advisory to registrars was distributed earlier this week, said Susan Pollard, a spokeswoman for the State Board of Elections.

Every absentee ballot requires the signature of a witness, who vouches for the identity of the voter. The witness address requirement is specified by Virginia law but not spelled out on the federal form.

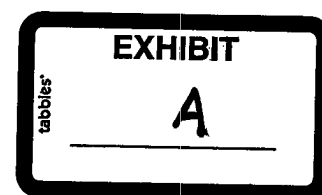> Virginia voters: Let your public official know how you feel about this issue.

> Follow the 2008 races at Military.com's Election Center.

Adding to the confusion is the fact that the state does not require the witness address for absentee voters who opt for a different, state-furnished form.

"I want to count these votes, but under the law we cannot," said Rokey Suleman II, the voter registrar in Fairfax County, where the problem came to light.

"The law stinks.... That said, I cannot ignore the law," he added.

"We need a solution right away.... This is clear inequity," said Pat Herrity, a Fairfax County supervisor who called a news conference Thursday to spotlight the

situation.

Republicans sought to capitalize on the situation. Sen. John McCain's presidential campaign branded the practice "unfair."

Herrity argued that the state law is in conflict with federal statutes designed to make it easier for deployed troops to vote.

"If anyone deserves to cast a ballot in the presidential election, it should be the men and women who protect our right to vote," he said.

Just how many votes are in jeopardy is not clear.

Suleman, whose office serves the state's most populous locality, said he's received 360 of the federal forms so far. Sixty of those came from voters who had not also applied for a state form and who did not provide the address of the witness; those votes are being set aside, he said.

In Hampton Roads, several registrars contacted Thursday said they either have not received any of the federal write-in forms or have not sorted their absentee ballots to identify the forms. Registrars typically do not review absentee votes until Election Day, when they're treated as a separate precinct and counted.

Service members deployed overseas are encouraged to apply for absentee ballots from their home states. The process typically must be initiated months before the election so that ballots can be mailed and received by Election Day.

The system "doesn't work very well," said Kevin Sidenstricker, a retired Navy commander who took part in Herrity's news conference. Because of that, many service members take advantage of a federal law that allows them to download and mail in a federal ballot form, commonly referred to as a "backup ballot."

The federal form has a blank for a witness signature and "address, if required," but it does not say which states, like Virginia, impose the address requirement.

Virginia's address requirement was adopted in 2002 as part of a sweeping revision of state election laws sponsored by Lt. Gov. Bill Bolling, a Republican who was then a state senator from Hanover County. The legislation grew out of studies following the disputed 2000 presidential election.

Randy Marcus, a spokesman for Bolling, said his boss learned of the problem with witness addresses on Thursday and wants to review the law before commenting.

The bill was intended to lower barriers to voting by service members and to ensure their votes are counted, Marcus said.

Digg | **del.icio.us**

Add Your Comment:

Visit the Discussion Forum

Add Comment