



Written by [Joe Wolverton, II, J.D.](#) on July 21, 2011

# Obama Administration Disenfranchising the Military

Those raised overseas can testify as to how comforting it is to be able to go on American military installations and eat pizza at Pizza Hut or eat a burger at Burger King. While the Pentagon has certainly done a good job taking care of its troops' gastronomical needs, many feel it has done a very poor job of taking care of their fundamental right to vote.



According to a new report, fewer soldiers and their dependents cast absentee ballots in the 2010 midterm congressional elections, despite attempts by the legislature to alleviate some of the difficulty associated with the process. There is some evidence that the assist from Congress is being blocked by the inept implementation of the applicable laws by the Obama administration.

Because of the disturbingly low voter turnout among service members, Congress passed the Military and Overseas Voter Empowering Act ([MOVE](#)) in 2009. The authors of the MOVE act intended to remove obstacles to exercising the right of suffrage by requiring that absentee ballots be mailed to the foreign outposts at least 45 days prior to election day and that every military post overseas have a voter registration office to assist military men and women with conforming with voting requirements.

Reports from overseas, however, indicate that not only has MOVE not improved voter turnout rates, but fewer and fewer eligible members of the armed forces and their families are taking advantage of the new streamlined process. Relevant evidence points the finger of blame at a less-than-enthusiastic effort by the Departments of Justice and Defense to make the MOVE provisions a priority.

The disquieting data revealing this trend is published in a report written by the Military Voter Protection Project and Chapman University's AMVET's clinic. In short, the information illustrates that MOVE has had no positive impact on the absentee voting participation rate among members of the uniformed services.

Specifically, the data collected by congressional mandate reveal that "4.6 percent of military voters cast an absentee ballot that counted. In 2006, it was 5.5 percent." As one story described the situation, "These numbers came despite the MOVE mandate of a voter registration office on every military installation before the November 2010 election."

Who is to blame for this seemingly inexplicable decline? One culprit is the Pentagon. The report notes that despite the MOVE mandate regarding registration offices,

Defense Department political appointees waited until three weeks after the 2010 election to issue the order to establish the offices. Now six months before the start of presidential primaries, a



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quarter of military installations remain noncompliant with the legal obligation to have functioning voter registration offices.

Additionally, there seems to be a prevalent climate of disregard throughout the entire Obama administration.

According to Senator John Cornyn (R-Texas), a prominent co-sponsor of the MOVE legislation, the Justice Department must significantly improve its enforcement efforts of the requirements of the MOVE act, especially in regard to the portion of the law that requires states to provide absentee ballots to military service members and their families 45 days before elections.

Lately, Senator Cornyn is calling the Executive branch to the carpet for its failure to comply with the law. In a letter to Attorney General Eric Holder, Senator Cornyn accused Holder's department of "grossly inadequate enforcement" of the important improvements to the absentee voting procedure set forth in the MOVE act. Cornyn described the lack of compliance on the part of Justice as "the national disgrace" of the wholesale disenfranchisement of the armed forces.

In the castigating missive, Cornyn writes, "In light of the Justice Department's poor track record, I call on you to formulate and provide a comprehensive plan" for compliance with the laws passed to protect the military's right to vote "during the upcoming election cycle."

According to a [piece](#) published in the *Washington Times*:

In the 2010 election, at least 14 jurisdictions failed to send out absentee ballots before the law's 45-day time limit, and only five states were granted waivers of exemption.

Pentagon statistics show that the rate of voter registration among service members is much higher than that of civilians, but the rate of successful ballot return is much lower.

During a presentation at a symposium on military voting rights sponsored by the Heritage Foundation, Senator Cornyn summed up the situation this way:

Our military service members put their lives on the line to protect our freedoms, yet many of them face substantial roadblocks as they attempt to cast their ballots and participate in our national election.

In its defense, a Justice Department spokesperson insisted that "all 50 states were monitored to ensure that local election officials sent out and counted the ballots of military and overseas voters."

That's not enough for those determined to see the votes of our armed forces counted. J. Christian Adams, an attorney working for the Voting Section of the Civil Rights Division of the Justice Department until 2010, [said](#) the department's monitoring was "too little, too late."

In fact, Adams asserts that in several instances, the Justice Department made no effort to monitor states' compliance with the law until a month or less before the elections. For all relevant purposes, this delay disenfranchised hundreds and maybe thousands of servicemen and women.

"The primary mechanism for enforcement ... is a Justice Department attorney [who] will call a state election official and say, 'Have you complied with the law?' There are so many ways to get better information ... than this method of calling the single potentially culpable defendant for a confession," said Adams.

There is further testimony that, despite all the noble efforts by Cornyn and Adams, the road leading to easier casting of an absentee ballot in the 2012 election is still blocked by bureaucratic bumbling. Eric



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Eversole, a former Justice Department lawyer and founder of the Military Voter Protection Project, insists that “the challenges for overseas and military voters already are growing ahead of the 2012 elections.”

If members of the military stationed overseas are going to be able to exercise the invaluable right of suffrage, then time is of the essence. Given the relevant electoral timetable, states will have less than a month after the Democratic and Republican national conventions that will be held at the end of the summer of 2012 to create, print, and ship ballots overseas. That means that servicemen and women deployed around the world will have to apply to receive an absentee ballot no later than August 2012 if those ballots are to be counted.

*Photo: A small box of absentee ballots from men and women serving in the Armed Forces sits in the Hinds County Circuit Court office, in Jackson, Miss., Oct. 8, 2004: AP Images*



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