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Soldiers stationed overseas deserve a better ballot

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Our service men and women overseas deserve a ballot - an effective ballot. That much is uncontroversial. How to do it - that is the question.

The U.S. Justice Department filed suit against Alabama nine days ago because the three-week period between our first and second primaries is too short to get an absentee ballot from Alabama to Iraq or to Afghanistan or to our fleet and back. Under the Uniformed and Overseas Citizens Absentee Voting Act, the Justice Department has the duty to make sure all overseas citizens, including our armed forces personnel, have the right to cast a ballot in elections with federal candidates. But Alabama needs to make certain these folks can vote for state and local candidates in the runoff as well.

There are several ways under consideration.

The Justice Department suit asks the court to order the state to accept the federal absentee ballot, which is a blank ballot on which the voter writes in the name of the candidate. Alabama could adopt legislation allowing a similar ballot to be provided for state and local elections. The federal absentee ballot is provided by the federal government. How would Alabama get such ballots to our overseas voters except by putting them in with the first set of absentee ballot materials? This method would still take two mailings by the overseas voter.

We could extend the time between the first and second primaries from three weeks to four or five weeks. This is the solution proposed in the bill passed by the Alabama House. By increasing the time between primaries, this solution also increases the cost of those runoffs to the candidates. (And we all get to watch more campaign commercials.)

We could extend the counting period so that while everyone in Alabama votes on the runoff on the same day, we would allow a longer period of time to receive and count the overseas absentee votes.

We could fax or e-mail ballots. Secretary of State Nancy Worley objects to this because of the possibility of fake ballots and lack of secrecy.

There is a better way to handle these absentee ballots so that the overseas voters would be able to cast an effective ballot in all races - state and federal - and the cost to Alabama would be lower. Following the lead of Arkansas and Louisiana, the Legislature could create a special absentee ballot for overseas voters that allows them to rank the candidates. Let me explain how this would work.

Assume the four candidates for some office are William Howard Taft, Woodrow Wilson, Theodore Roosevelt and Eugene V. Debs (these happen to be the presidential candidates in 1912). Under the present system, we send out an absentee ballot with all four names on it, and our overseas voters cast one vote for their choice. If there is a runoff, local election officials have to prepare a second ballot with the two runoff candidates, mail that overseas and allow the overseas voters to make a second choice.

Instead, let's ask each voter to rank as many of the four candidates as he or she chooses, using 1, 2, 3 and 4. When that one ballot is returned, the vote is awarded to the first choice. These special absentee ballots then would be locked up for use at the runoff. If there was a runoff between Roosevelt and Wilson, the ballots would be pulled out of the safe and counted again. Any ballots ranking Wilson or Roosevelt first would again be counted for them. Any ballots that had Taft or Debs as the first choice would be counted for either Roosevelt or Wilson, depending on which one was ranked higher on the ballot.

For instance, if one overseas voter cast his ballot 1-Wilson, 2-Debs, 3-Roosevelt, it would be counted for Wilson in the first and second primaries. If another voter cast her ballot 1-Taft, 2-Roosevelt, 3-Wilson, it would be counted for Taft in the first primary, but for Roosevelt in the runoff because Taft would no longer

be a candidate.

Arkansas has recently adopted this procedure for its runoffs, Louisiana did so several years ago, and a bill proposing the same procedure is moving rapidly through the South Carolina Legislature.

The Alabama House has just passed a bill to do this. The Senate should pass this bill so Alabama can join its sister states in providing a simple method of ensuring an effective absentee vote for our armed forces. Edward Still is an attorney and law professor in Birmingham. His blog on voting rights and related topics is www.votelaw.com/blog. E-mail: still@votelaw.com. --

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