

The Soldier Vote

War, Politics, and the Ballot in America

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Chapter 1. War, Politics, and the Soldier Vote: Some History

The story of absentee voting in the United States is a tale of the Army and war. Not surprisingly, it is also a story of politics. Support for the soldier vote often hinged on beliefs about political party loyalty, the stature of the Army, and what politicians and citizens thought about the nature of the soldiers. The advent of war and the deployment of large numbers of soldiers away from home brought with it significant changes in the ideas of the right to vote, who can vote, and how to get those votes back to the local precinct for counting.

War increasingly has been recognized as a major factor in expanding suffrage in the United States.¹ The right to vote in the United States has not always been as widespread as it is today. At the time of the American Revolution only a tiny fraction of the population actually cast a vote in elections, particularly for state office. Most progress in expanding the right to vote has occurred either during or immediately following a war. This was certainly true for enfranchising not only the soldiers and sailors themselves but also, coincidentally, for American citizens living overseas.

The political pressures of having to raise a large army, often from the less politically involved classes of society, seemingly required political action to ensure that the right to vote was extended to the newly recruited soldier. However, and differently than other examples of

¹See Alexander Keyssar. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books; Manfred Berg. 1994. "Soldiers and Citizens: War and Voting Rights in American History." In *Reflections on American Exceptionalism*, edited by David K. Adams and Cornelis A. Van Minnen, 188–225. Staffordshire, England: Keele University Press; and Pamela Karlan. 2003. "Ballots and Bullets: The Exceptional History of the Right to Vote," *University of Cincinnati Law Review* 71 (Summer).

progress in suffrage, when the war ended, often so did interest in ensuring that soldiers could cast their ballots.

During much of the history of the United States, getting the vote to soldiers was not considered to be a serious issue. In most cases there were either not enough soldiers in the Army to raise concern or, more commonly, the public perception of the soldiers and sailors was so negative as to provoke strong opposition to permitting them access to the polls. However, despite such attitudes, on those occasions where large numbers of citizens were called to duty in the Army, politicians were stirred to action to ensure those soldiers were able to vote. The Civil War and World War II were the most significant events, but in both cases interest faded once the soldiers came home. Most interestingly, political support during those wars hinged on assumptions about which presidential candidate the soldiers would support.

The notion that American citizens living beyond the borders of the United States should be able to vote has not always been commonly held. It was generally assumed that voting occurred only in local precincts. A special town meeting of Hollis, New Hampshire, confronted this issue in December 1775 when a courier arrived with a letter from a group of soldiers. The men were away with the newly established Continental Army, fighting the British, and wanted their votes counted in a local election. While little is known of the details, the minutes of the meeting recorded that there was a dispute over whether to permit the proxy vote. While the decision of the council was to permit the votes to count “as if the men were present themselves,” it was apparent that allowing absentee voting by soldiers was not uniformly accepted.² Even in cases where the citizens asking for absentee voting rights are well known by the local authorities, resistance remained. Accepting votes from citizens not physically present courted election fraud.

In the years of the American Revolution, the idea that voting was a fundamental right of citizenship was not universal. John Adams was quite sure that opening the right to vote to everyone was a mistake and would lead to the requirement to “admit all men who have no property, to vote ...” and that it would ultimately require the enfranchisement of women,

²Duane Hamilton Hurd. 1885. *History of Hillsborough County, New Hampshire*. Philadelphia: J.W. Lewis & Co., 435. Also available at http://www.nh.searchroots.com/documents/Hillsborough/History_Hollis_NH.txt. Retrieved 12 January 2013.

children, and “those men who are wholly destitute of property.”³ The New York Committee of Safety allowed soldiers in 1777 to vote at any polling location near their stations, but the state legislature quickly countered that plan by insisting that “a person shall not vote or ballot at any election out of the district wherein he shall actually reside.”⁴

Elections in the eighteenth century were not conducted the way they are today. The secret ballot was only an experiment in limited areas. In most jurisdictions, it was expected that the voting citizen would gather in a public place, often with food and drink, and then shout out his approval or disapproval for all to hear, also known as *viva voce*.⁵ The secret ballot was not trusted, as it could have concealed nefarious activities by unqualified people. The philosopher Montesquieu worried that a secret ballot would destroy the notion of property rights. He was quite sure that “the lower class ought to be directed by those of higher rank, and restrained within those bounds by the gravity of eminent personages.”⁶ A significant philosophy on the right to vote revolved around economic independence. Many believed that political dependence hinged on economic independence, which was often defined by ownership of real property. Individuals lacking sufficient political independence were not trusted with the vote.⁷

In other places, the voter would arrive at the designated polling place and put his ballot in the designated box or jar for his candidate of choice. Most thought this was the best way to carry out elections—fully in the open with voters taking public responsibility for the vote they cast. In

³Adams, Charles Francis. 1856. *The Works of John Adams, Second President of the United States*, vol. 9. Boston: Little, Brown, and Company, 377–378. Adams, John. 1977. John Adams to James Sullivan, May 27, 1776. In *Papers of John Adams*, edited by Robert J. Taylor, 4:208–12. Cambridge: Belknap Press of Harvard University Press.

⁴*Laws of the State of New York*. 1886. Albany: Weed, Parsons and Company, 30. Available at <https://books.google.com/books?id=D8GwAAAAMAAJ&pg=PA30#v=onepage&q&f=false>; See also William M. Burcher. 1944. “A History of Soldier Voting in the State of New York,” in *New York History*, 25:4, 459–481.

⁵Corlandt F. Bishop. 1893. *History of Elections in the American Colonies*. New York: Columbia College. Available at <https://archive.org/stream/historyelection00bishgoog#page/n8/mode/2up>; Albert Edward McKinley. 1905. *The Suffrage Franchise in the Thirteen English Colonies in America*. Philadelphia: Ginn & Co. Available at <https://archive.org/stream/suffragefranchis00mcki#page/n7/mode/2up>; Chilton Williamson. 1960. *American Suffrage: From Property to Democracy 1760–1860*. Princeton: Princeton University Press; Charles S. Sydnor. 1952. *Gentlemen Freeholders: Political Practices in Washington’s Virginia*. Chapel Hill: University of North Carolina Press, 14–15, 19–26, 67–69. See also Thomas J. Baldino and Kyle L. Kreider. 2010. *Of the People, By the People, For the People: A Documentary Record of Voting Rights and Electoral Reform*. Santa Barbara: Greenwood Press, 34.

⁶Chilton Williamson. 1960. *American Suffrage: From Property to Democracy, 1760–1860*. Princeton: Princeton University Press, 11–12, 40–41.

⁷Keyssar. *The Right to Vote*, 5–6, 29.

close-knit communities where everyone was well-known, it was also a way to ensure against fraudulent voting. Admitting an absentee ballot in writing under such circumstances required a significant change of philosophy as to how a proper vote was conducted.

The American practice of states being largely responsible for voting eligibility and for the manner in which elections are conducted has conspired to ensure that citizens who live overseas, and military personnel in particular, are more frequently disenfranchised than citizens who live in their home states. The Constitution actually says very little about voting eligibility.

Essentially, it gives states complete control over the matter. Article I, Section 2, states that those able to vote for members of the House of Representatives “shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.”

The principal barriers to ensuring that military personnel and American citizens living overseas have an unencumbered right to vote are two-fold: (1) partisan politics in general and (2) the wide variance in local and state election laws and administration. While federal legislation has made significant progress toward enfranchisement, success has not been as great as reported and much remains to be accomplished to highlight and overcome the unique barriers faced by military voters.

More specifically, six recurring themes about military and overseas voting consistently appear in the historical records. First, and apparently most important, is that political interest in supporting absentee voting for deployed military personnel has only arisen during wars when large numbers of Army soldiers are deployed away from home. While sailors and Marines were often deployed away from home precincts, their issues did not raise the same interest as when soldiers, in large numbers, were away from home. The Army, as opposed to the other military services, appears to have closer emotional ties to politicians and the general public.

A second theme is the continuing debate as to whether states or the federal government has precedence in determining how voting must occur and who must be permitted to vote. This debate was waged on theoretical grounds as well as harshly partisan and even racial grounds. And, even in cases where laws supported military absentee voting, a third recurring theme is the wide variation in state election laws. Such variations present very real practical barriers to casting a legal absentee ballot, particularly from overseas.

A fourth recurring theme is the fundamental issue as to whether voting anywhere other than at one's home precinct should be permitted. Concern about election fraud was an issue, as was a general feeling that absentee citizens were not sufficiently informed to vote. There were concerns that states did not have the authority to administer voting beyond their borders. While this is not a problem today, prior to the Cold War there was no general consensus that absentee voting was a right of citizenship, let alone a right for soldiers.

Perhaps not so surprising is the fifth recurring theme: lawmaking for absentee voting about military personnel has always been contentious along party lines. Such contention was usually due to perceptions about which political party military voters would favor. Related to this is the sixth recurring theme that assumptions about the party preferences of military personnel were critical to whether and how each political party supported the soldier vote. The first serious attempts to enfranchise military voters began in the American Civil War. For the first time since the end of the American Revolution, a national election was carried out while large numbers of soldiers were away from their home states.

Prior to that, only two states had passed any legislation permitting military personnel the ability to vote while away from home and isolated instances of absentee voting can be found in New England in the eighteenth century.⁸ With a small regular army and an even smaller navy, few local government officials were concerned about absentee voting issues, it being expected that all citizens would simply vote in their local precincts. Many state constitutions restricted voting to locations within state boundaries. Such limitations effectively made voting by soldiers assigned to locations away from their home states illegal.

Only limited efforts to permit citizens or soldiers the right to vote while absent existed prior to the Civil War. In 1813, during the War of 1812, Pennsylvania passed a law allowing soldiers stationed more than two miles from their homes to vote by a form of absentee ballot. That law remained in effect until 1862, when it was declared unconstitutional. New Jersey passed a similar law in 1815 as the war ended, but that law was repealed in 1820. For most states, however, it was not until the midterm election of 1862, after the start of the Civil War, that widespread questions about the voting rights of soldiers and sailors arose. Some state constitutions only permitted

⁸Keyssar. *The Right to Vote*, 6, 14–15.

voting from locations away from the home precinct if the voter was away on official state or federal business. Soldiers were generally excluded from that provision.⁹

By the general election of 1864, steps had been taken by most states to ensure that their soldiers in the field could vote. Some states permitted soldiers to vote by proxy, with vote choices sent home to an individual who would cast votes on a soldier's behalf. In 1862, Wisconsin was the first state during the Civil War to legalize absentee voting. While most states developed varying means of absentee ballots and proxies, a few states went so far as to send election commissioners to their state's regiments in the field to actually collect votes in the field.

Support for such measures was not uniform, however, with Democrats generally in opposition on the assumption that soldiers would vote for the Republican Party candidates. The Illinois state legislature, controlled by Democrats, refused to pass a law permitting soldiers to vote by absentee ballot. Indiana similarly refused to permit soldiers to vote. In September 1864, Abraham Lincoln wrote to General William T. Sherman, who was at that time in Atlanta, Georgia, encouraging him to permit Indiana's soldiers to return home to vote in the state elections.¹⁰ Throughout the war, however, in every state where Democrats dominated the state legislature, absentee voting was not approved. In those states where Republicans were in the majority, absentee voting for soldiers was passed. This pattern of partisan support for military absentee balloting, based on expectations of which political party such measures would support, would be repeated in the future.

⁹Josiah Henry Benton. 1915. *Voting in the Field: A Forgotten Chapter of the Civil War*. Boston: Privately printed, 189–196; Oscar Osburn Winther. 1944. "The Soldier Vote in the Election of 1864." *New York History* 25 (October).

¹⁰Lincoln, Abraham. 1894. *The Complete Works of Abraham Lincoln*. John G. Nicola and John Hay, eds. New York: Francis D. S. Tandy, Company. Lincoln wrote to Sherman on September 19, 1864 in advance of the state election in Indiana:

Major General Sherman,

The State election of Indiana occurs on the 11th. of October, and the loss of it to the friends of the Government would go far towards losing the whole Union cause. The bad effect upon the November election, and especially the giving the State Government to those who will oppose the war in every possible way, are too much to risk, if it can possible be avoided. The draft proceeds, notwithstanding its strong tendency to lose us the State. Indiana is the only important State, voting in October, whose soldiers cannot vote in the field. Any thing you can safely do to let her soldiers, or any part of them, go home and vote at the State election, will be greatly in point. They need not remain for the Presidential election, but may return to you at once. This is, in no sense, an order, but is merely intended to impress you with the importance, to the army itself, of your doing all you safely can, yourself being the judge of what you can safely do. Yours truly
A. Lincoln

Despite provisions by the states that passed absentee voting, efforts by the Democratic Party ensured widespread disenfranchisement of union soldiers. Only about 150,000 of the Army's more than one million soldiers were able to cast absentee ballots from the field in the 1864 general election. Many soldiers were able to return to their home states to vote in that election and thus did not submit absentee ballots. No record was kept of the number of soldiers who voted in their home states. Of the soldiers who were able to cast an absentee ballot, 78 percent (119,754) voted for Abraham Lincoln, while only 22 percent (34,291) voted for George B. McClellan, the Democratic Party candidate.¹¹ Foreshadowing similar problems encountered in the twentieth and twenty-first centuries, the votes from some Vermont soldiers apparently did not make it back to their state in time to be counted in the official tally. Some reports claim that Minnesota absentee soldier votes did not reach home in time to be counted, but since the ballots were sent directly to the appropriate county and then became essentially anonymous, there would have been no way to enumerate separate soldier ballots.¹²

In the decades following the Civil War, there was little political incentive to reengage in legislation enhancing the voting rights of military personnel. Within a few years following the end of the war, most states had either repealed the absentee voting laws or had permitted them to expire. Without war, interest in the soldier vote had waned.

A large percentage of active-duty enlisted personnel during the late nineteenth century were recent immigrants, comprising as much as a quarter of the Army and even more in the Navy. While immigrants were often permitted (and even recruited) to vote in the large cities and tended to identify with the Democratic Party, soldiers had little access to the electoral process.¹³ With soldiers in the post-Civil War era generally considered to be social outcasts, there was little public or political interest in supporting measures to enable soldiers to vote.

¹¹Oscar Osburn Winther. 1944. "The Soldier Vote in the Election of 1864." *New York History* 25 (October), 547.

¹²Benton. 1915. *Voting in the Field*, 72; Horace Greeley. 1866. *The American Conflict: A History of the Great Rebellion in the United States of America, 1860-'65*. Vol II. Hartford: O.D. Case & Company, 672. Winther (1944) incorrectly identifies the late, uncounted votes as having come from Kansas. Benton's account is more likely the correct one, however, with Minnesota soldier votes having been counted.

¹³Don Rickey. 1999. *Forty Miles a Day on Beans and Hay: The Enlisted Soldier Fighting the Indian Wars*. Norman: University of Oklahoma Press; Tracy Campbell. 2006. *Deliver the Vote: A History of Election Fraud, An American Political Tradition, 1742-2004*. New York: Perseus Books.

An October 1866 editorial in *The Nation* argued that soldiers were not worthy of the right to vote. Concerned about an upcoming vote in the New Hampshire and New York legislatures, which were reconsidering constitutional amendments allowing soldiers to vote, the editorial's author penned a two-page tirade warning about the dangers of permitting soldiers the vote. Specifically, he warned that soldiers should not be granted suffrage as they rarely had opportunities to read or to educate themselves on electoral matters and that voting in the Army cannot be free or intelligent in nature. The author argued further that allowing them to vote would open up new avenues for election fraud, mostly based on an assumption that the general officers would force the soldiers to vote in favor of the current administration. Most worrisome to the editorialist was that the soldier harbored a "spirit of despotism," which would be "incompatible with the preservation of free institutions."¹⁴ The combination of these attitudes along with a general lack of political concern ensured that military personnel did not vote in any great numbers.

The next flurry of activity in providing for absentee balloting occurred during World War I. Even though the United States deployed an army of some two million soldiers to Europe, the only significant election during the war years was the mid-term election of 1918. With no presidential election, interest was low, although most states enacted laws permitting military personnel to vote. However, the varying state laws made it difficult as a practical matter for military personnel away from home to cast a vote.

Some progress continued following the end of the war, and by 1940 registration to vote was generally required. However, registration in eighteen states had to be in person, and soldiers were subject to that rule. Adding to the barriers, most southern states also had a poll tax, with only Mississippi and South Carolina exempting soldiers from having to pay the tax. Some states had constitutions that did not permit absentee voting, and of those that did permit the practice, some specifically prevented soldiers and sailors from taking advantage of the provision. Other restrictions that made it difficult for military personnel to vote included the requirement to obtain affidavits sworn before an officer or to obtain a proxy. Further complicating the matter for

¹⁴Thomas R. Lounsbury. 1866. "Ought Soldiers To Vote?" *The Nation*. October 25, 331.

deployed troops were the varying deadlines for filing absentee ballots, a problem that remains today.

In 1941, the beginning of direct American involvement in World War II, no coordination of access to voting for military personnel existed at the federal level. The War Department required that “everything possible” be done “to enable the personnel of the army to exercise their right to vote” but did little more than direct soldiers to “write to the Secretary of State of their home state requesting information under the laws of that state.” Even President Franklin D. Roosevelt expressed his doubts: “I am not at all certain that much can be done about it,” he said. He suggested that the Army and Navy “remind the boys by posting notices ... summarizing the laws in each state.”¹⁵ Apparently, few soldiers were able to negotiate the complex steps required to cast a vote, and in November 1942, during the first midterm election conducted during World War II, only one-half of one percent of the five million active-duty service personnel voted.

World War II marked the first federal level attempt to facilitate military voting. Prior to that, all efforts were limited to state actions. In July 1942, Congressman Robert L. Ramsay (D-WV) introduced a national military voting rights bill that called for special elections on military bases to be supervised by the secretary of state in each state in which the base was located. The War Department and the National Association of Secretaries of State opposed the bill. The War Department believed that ensuring voting rights for soldiers was not its job, and the Secretaries of State were not happy that the federal government was attempting to interfere with what they saw as purely a state issue.

Major changes were made to the bill, and provisions were ultimately made for the Army and Navy to provide postcards for each military voter to send to their individual secretaries of state. The state secretaries, upon receipt of the card, were required to send the soldier a ballot with the

¹⁵The quote, variously ascribed to the White House, the War Department, or General George Marshall himself, is in a Memorandum for President Franklin Roosevelt from Assistant Secretary of War, Robert P. Patterson, dated 8 October 1940. The memorandum was in response to a meeting conducted at the White House on September 27, 1940, and was approved by the Secretary of War, Henry Stimson, and the Army Chief of Staff, General George C. Marshall. The President initialed it and wrote “OK” on the document which was subsequently published as official policy on 9 October 1940. See Ulysses Lee. 1966. *The Employment of Negro Troops [United States Army in World War II]*. Washington, D.C.: U.S. Government Printing Office. Also see Michael Anderson. 2001. “Politics, Patriotism, and the State: The Fight Over the Soldier Vote, 1942–1944,” in Andrew Edmund Kersten and Kriste Lindenmeyer (eds), *Politics and Progress; American Society and the State Since 1865*. New York: Praeger Publishers, 88.

names of those running for federal offices. Included was an oath, to be sworn in front of an officer, that the applicant was a qualified voter under the laws of the particular state.

The bill was opposed by southern members of Congress because it was said to violate states' rights and included a provision to eliminate poll taxes. One southern congressman argued that voting was not a matter of right but rather a privilege solely within the purview of the state.¹⁶ Despite significant differences within the Democratic Party, largely splitting along regional lines with the southern members of congress voting against it, the Soldier Voting Act of 1942¹⁷ passed both houses of Congress on September 16, 1942, and was signed into law by President Roosevelt.

As the 1944 general election approached, some Democratic Party leaders saw an opportunity to benefit from the military vote and pressed for more aggressive military voter legislation. In a move opposite of that taken by the party during the Civil War, Republican leaders believed that a reduced military vote would bring advantage to their party. Almost uniformly, they opposed changes to the Soldier Voting Act. The Democratic Party was able to overcome Republican resistance, and amendments to the 1942 law were passed and became law on April 1, 1944.

Of about 9.2 million voting-age personnel on active duty in 1944, 4.4 million requested ballots for the 1944 general election and about 2.6 million returned them, a 28 percent voting turnout rate based on the then-minimum voting age of twenty-one. In the same year, the turnout rate among eligible civilians was about 56 percent. The military absentee vote comprised about 3.2 million votes, or just under 7 percent of the total popular vote for president.¹⁸ No data exist on the voting patterns of military personnel who happened to be in the United States and in their home precincts.

While no data were collected by the government regarding military voting in the 1946, 1948, or 1950 elections, it was generally assumed that military voter turnout had decreased after the 1944

¹⁶Michael Anderson. 2001. "Politics, Patriotism, and the State," 88.

¹⁷Pub. L. No. 77-712, 56 Stat. 753.

¹⁸Boyd Martin, "The Service Vote in the Election of 1944," *American Political Science Review* 39 (August 1945): 730–732; Report of the United States War Ballot Commission to the Congress of the United States (Senate Document #6, 79th Congress, 1st session, 42, 51–53, 65–66. In the 1944 Presidential election, 47,977,103 votes were cast for president.

election. In 1951, President Truman asked the American Political Science Association to convene a special committee to examine service voting and make recommendations for legislative and administrative action. The report, published in 1952, resulted in passage of the Federal Voting Assistance Act of 1955, which provided for voting support not only for overseas-based military personnel but for overseas-stationed civilian government employees as well.¹⁹

Congress' decision to take serious legislative action on voting rights for military personnel and for citizens living overseas during the 1950s might seem at odds with the recurring themes previously listed. In the 1950s, for the first time in American history, the United States decided to maintain a large standing army in peacetime. However, the "peacetime" was a particularly threatening Cold War, so arguably, the United States was actually in a war. Large numbers of soldiers were routinely deployed away from home, largely in Germany and Japan. With a substantial number of members of Congress being former military with service during World War II, a positive attitude toward the nature of the soldier contributed to positive political action. Again, it was a war, or a war-like situation, and the deployment of large numbers of soldiers that stimulated political action.

The Federal Voting Assistance Act of 1955 required the president to designate the head of an executive department as the coordinator of federal functions described in the law. Specifically, an office was to be created to administer support for overseas voting. Since a high proportion of Americans living overseas were military personnel, President Eisenhower designated the Secretary of Defense as the action officer. He subsequently delegated authority to the Assistant Secretary of Defense for Public Affairs, as coordinator of the Federal Voting Assistance Program (FVAP). The director of the FVAP was responsible for ensuring that all overseas citizens, whether military personnel or employees of the federal government, were provided with the necessary information to be able to vote in all elections.

In 1975, following some particularly active lobbying by Americans living abroad, Congress passed the Overseas Citizens Voting Rights Act, which repealed and updated the 1955 law to clarify reporting requirements and procedures. The Act also guaranteed absentee registration and

¹⁹American Political Science Association (APSA), "Findings and Recommendations of the Special Committee on Service Voting," *American Political Science Review* 46 (June 1952): 512–523.

voting rights for citizens outside the United States regardless of whether they maintained a U.S. residence or address. Prior to that, nonmilitary citizens who did not maintain a permanent U.S. address were not permitted to vote by absentee ballot.

Since then, the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) has further updated the earlier acts of Congress and ensured certain rights for overseas citizens as well as military and other government personnel assigned overseas, including the unrestrained ability to vote. It specifically directed states to provide overseas personnel with the ability to vote in all elections, including general, primary, special, and runoff elections. Within the 1986 Act was a renewed requirement that the president report to Congress on the effectiveness of the program following each election.

UOCAVA also brought up the recurring debate about whether the federal government could direct states in how they administered elections. With the Voting Rights Act of 1965 as a substantial precedent, the Department of Justice launched into a series of lawsuits against states arguing they were not supporting the ability of overseas citizens and military personnel the ability to vote. Most of the lawsuits resulted in consent decrees with states agreeing to modify their laws or administrative practices.²⁰

The overall result of the various laws has been to increase participation by overseas military personnel. However, the reported success has likely been exaggerated. Reports to Congress by the Federal Voting Assistance Program claim that participation by military personnel has been significantly higher than that of the general population. However, independent research indicates that it is more likely that military participation is closer to that of the general population, with the overseas population, both civilian and military, being substantially lower.²¹ States continue to pose barriers to voting, however inadvertently, by requiring short turn-around times for return of absentee ballots—often impossible to comply with for personnel assigned to war zones—and

²⁰For a quick survey of some of the law suits filed against states, see Department of Justice, Office of Public Affairs, Fact Sheet: MOVE Act. Available at <http://www.justice.gov/opa/pr/2010/October/10-crt-1212.html>.

²¹Claire Smith, “These are our numbers: Civilian Americans Overseas and Voter Turnout.” *Overseas Vote Foundation Research Newsletter*, 2(4). (Washington, D.C.: Overseas Vote Foundation, 2010.)

differential application of regulations to absentee ballots mailed from overseas locations as opposed to those mailed domestically.

Recent research has concentrated on methods to increase absentee voting, primarily by reducing the administrative, practical, and operational barriers to voting.²² However, the unique problems in accessing the overseas military community have not been discussed in detail. Military personnel assigned overseas, particularly those in combat zones, report that even when they have requested an absentee ballot, it often arrives late or not at all. Local election officials report that up to half of absentee ballots mailed to overseas military personnel are returned undeliverable.

While some writers have argued that military personnel have not faced and do not face difficulties in voting, most studies show that both civilians and military personnel living overseas have a more difficult time casting absentee ballots than those casting absentee ballots in the United States.²³ Citizens living overseas report having difficulty in registering to vote and in meeting deadlines. Furthermore, evidence from studies on absentee balloting in California shows that overseas ballots were twice as likely not to be returned and three times more likely to be challenged as compared to non-overseas absentee ballots. For example, about half of the UOCAVA absentee ballots sent to overseas personnel were not returned. Of those cast, about 10 percent were challenged and not counted, principally because they arrived after the deadline.²⁴ The most common reason that absentee ballots from overseas are disqualified is that they arrive after the deadline.

Following the 2000 general election and the attention generated by the handling of absentee ballots in Florida, the specific problems faced by military personnel came into the spotlight and prompted detailed recommendations and analysis of alternative methods of casting votes. The Government Accountability Office (GAO) launched its own investigation, and in testimony before a congressional subcommittee on military and overseas citizens' absentee voting, David M. Walker, the Comptroller General of the United States, affirmed that multiple difficulties were

²²John C. Fortier, *Absentee and Early Voting: Trends, Promises, and Perils*. (Washington, DC: The AEI Press, 2006.)

²³Diane Mazur, "The Bullying of America: A Cautionary Tale About Military Voting and Civil-Military Relations." *Election Law Journal* 4(2) (April 2005): 105–131.

²⁴Bruce Cain, Karin MacDonald, and Michael H. Murakami, "Administering the Overseas Vote." *Public Administration Review*. 68(5) (September/October 2008): 802–813.

posed to absentee balloting by the wide variation in state laws, complex election laws, and different deadline requirements.²⁵

Through most of American history, voting participation by American military personnel has been minimal. While the turnout rate by military personnel is clearly rising, the young age of soldiers and wide variances in state laws continue to present legal and practical barriers to remotely stationed military personnel. The net result is restricted access to a ballot.

Coordinated action on the part of the federal government to reduce those barriers began during World War II but only became somewhat effective over forty years later with the enactment of UOCAVA in 1986. The subsequent Military and Overseas Voter Empowerment (MOVE) Act of 2009 improved upon UOCAVA, but imperfections and inefficiencies apparently remain.²⁶ Multiple misconceptions about the nature of the military voter and the military service itself also contribute to the difficulties of voting from overseas. Strong partisan biases remain largely based on these misconceptions. While more research is being conducted to clarify and resolve the problem, few of the results have reached the ears of public policymakers. In the following chapters, some of those misconceptions will be described, as will the impact on public policy.

While parts of the story of the soldier vote have been documented, it has not been told in its entirety. Pieces have appeared in disparate journals, book chapters, and blog posts. *The Soldier Vote* explores the history and politics behind getting the vote to deployed military personnel and, coincidentally, to American citizens living abroad. Beginning with the first serious attempt to enfranchise absentee soldiers—the American Civil War—the following chapters will combine those efforts into a single comprehensible story about the political development of absentee voting in the United States, especially the role played by war, politics, and soldiers. It will describe and detail the role that war and politics played in granting the franchise of voting not only to absentee military personnel but also ultimately to American citizens living overseas.

²⁵Issues Affecting Military and Overseas Absentee Voters: Hearing Before the Subcommittee on Military Personnel, Committee on Armed Services, House of Representatives, 107th Cong. (May 9, 2001) (statement of David M. Walker, Comptroller General of the United States).

²⁶Candice Hoke and Matt Bishop, “Essential Research Needed to Support UOCAVA-MOVE Act: Implementation at the State and Local Levels,” *Overseas Vote Foundation Research Newsletter*, 2(5) (November/December) (Washington, D.C.: Overseas Vote Foundation, 2010.)

Additionally, this book will attempt to deal with some of the misunderstandings, even myths that have arisen about soldiers and sailors. Some of those myths have been with us for a long time while others have come about recently, but all myths have served to misinform the issue of whether military personnel deployed away from their hometowns ought to be able to vote. This book will show the known data about soldiers, how soldiers behave politically, and how enlisted personnel behave differently than do officers.

Of significant interest to those studying the soldier vote will be the role played by the state and federal governments. Up until World War II, the entire effort was centered on individual state legislatures. But after World War II, in spite of heavy resistance from the southern states (and some may say because of it), the role of the federal government increased substantially. While patriotic reasons were often cited, in most cases support or resistance to granting the right to vote to absentee soldiers remained firmly embedded in partisan political strategies. Still, through it all, only when the United States kept large numbers of Army troops deployed away from home did the soldier vote become politically of interest.

References

- Adams, Charles Francis. 1856. *The Works of John Adams, Second President of the United States*, vol. 9. Boston: Little, Brown, and Company.
- Adams, John. 1977. John Adams to James Sullivan, May 27, 1776. In *Papers of John Adams*, edited by Robert J. Taylor, 4:208–12. Cambridge: Belknap Press of Harvard University Press.
- American Political Science Association (APSA). 1952. “Findings and Recommendations of the Special Committee on Service Voting.” *American Political Science Review* 46, 2: 512–523.
- Anderson, Michael. 2001. “Politics, Patriotism, and the State: The Fight Over the Soldier Vote, 1942–1944.” In Andrew Edmund Kersten and Kriste Lindenmeyer (eds), *Politics and Progress; American Society and the State Since 1865*. New York: Praeger Publishers.
- Baldino, Thomas J. and Kyle L. Kreider. 2010. *Of the People, By the People, For the People: A Documentary Record of Voting Rights and Electoral Reform*. Santa Barbara: Greenwood Press.

- Benton, Josiah Henry. 1915. *Voting in the Field: A Forgotten Chapter of the Civil War*. Boston: Privately printed.
- Berg, Manfred. 1994. "Soldiers and Citizens: War and Voting Rights in American History." In *Reflections on American Exceptionalism*, edited by David K. Adams and Cornelis A. Van Minnen, 188–225. Staffordshire, England: Keele University Press.
- Bishop, Corlandt F. 1893. *History of Elections in the American Colonies*. New York: Columbia College.
- Burcher, William M. 1944. "A History of Soldier Voting in the State of New York." *New York History* 25:4, 459–481.
- Cain, Bruce E., Karin MacDonald, and Michael H. Murakami. 2008. "Administering the Overseas Vote." *Public Administration Review* 68, 5: 802–813.
- Campbell, Tracy. 2006. *Deliver the Vote: A History of Election Fraud, An American Political Tradition, 1742–2004*. New York: Perseus Books.
- Fortier, John C. 2006. *Absentee and Early Voting: Trends, Promises, and Perils*. Washington, DC: The AEI Press.
- Greeley, Horace. 1866. *The American Conflict: A History of the Great Rebellion in the United States of America, 1860–'65*, Vol II. Hartford: O.D. Case & Company.
- Hoke, Candice and Matt Bishop. 2010. "Essential Research Needed to Support UOCAVA-MOVE Act: Implementation at the State and Local Levels." *Overseas Vote Foundation Research Newsletter* 2(5) (November/December). Washington, D.C.: Overseas Vote Foundation.
- Hurd, Duane Hamilton. 1885. *History of Hillsborough County, New Hampshire*. Philadelphia: J.W. Lewis & Co.
- Issues Affecting Military and Overseas Absentee Voters: Hearing Before the Subcommittee on Military Personnel, Committee on Armed Services, House of Representatives, 107th Cong. (May 9, 2001) (statement of David M. Walker, Comptroller General of the United States).
- Karlan, Pamela S. 2003. "Ballots and Bullets: The Exceptional History of the Right to Vote." *University of Cincinnati Law Review* 71 (Summer).
- Keyssar, Alexander. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books.
- Laws of the State of New York*. 1886. Albany: Weed, Parsons and Company.
- Lee, Ulysses. 1966. *The Employment of Negro Troops [United States Army in World War II]*. Washington, D.C.: U.S. Government Printing Office.

- Lincoln, Abraham. 1894. *The Complete Works of Abraham Lincoln*. John G. Nicola and John Hay, eds. New York: Francis D. S. Tandy, Company.
- Lounsbury, Thomas R. 1866. "Ought Soldiers To Vote?" *The Nation*. October 25, 331.
- Martin, Boyd A. 1945. "The Service Vote in the Elections of 1944." *American Political Science Review* 39(4): 720–732.
- Mazur, Diane. 2005. "The Bullying of America: A Cautionary Tale About Military Voting and Civil-Military Relations." *Election Law Journal* 4(2): 105–131.
- McKinley, Albert Edward. 1905. *The Suffrage Franchise in the Thirteen English Colonies in America*. Philadelphia: Ginn & Co.
- Rickey, Don. 1999. *Forty Miles a Day on Beans and Hay: The Enlisted Soldier Fighting the Indian Wars*. Norman: University of Oklahoma Press.
- Report of the United States War Ballot Commission to the Congress of the United States. Senate Document #6, 79th Congress, 1st session.
- Smith, Claire M. 2010. "These are our numbers: Civilian Americans Overseas and Voter Turnout." *Overseas Vote Foundation Research Newsletter* 2(4). Washington, D.C.: Overseas Vote Foundation.
- Sydnor, Charles S. 1952. *Gentlemen Freeholders: Political Practices in Washington's Virginia*. Chapel Hill: University of North Carolina Press.
- Williamson, Chilton. 1960. *American Suffrage: From Property to Democracy, 1760–1860*. Princeton: Princeton University Press.
- Winther, Oscar Osburn. 1944. "The Soldier Vote in the Election of 1864." *New York History* 25 (October).