

HEARING ON MILITARY AND OVERSEAS VOTING: OBSTACLES AND POTENTIAL SOLUTIONS

HEARING
BEFORE THE
SUBCOMMITTEE ON ELECTIONS
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
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FIRST SESSION

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MILITARY AND OVERSEAS VOTING: OBSTACLES AND POTENTIAL SOLUTIONS

Thursday, May 21, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The subcommittee met, pursuant to call, at 10:04 a.m., in Room 1539, Longworth House Office Building, Hon. Zoe Lofgren [chairwoman of the subcommittee] presiding.

Present: Representatives Lofgren, Davis, McCarthy, and Harper.

Staff Present: Liz Birnbaum, Staff Director; Tom Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; Victor Arnold-Bik, Minority Staff Director; Peter Schalestock, Minority Counsel; Karin Moore, Minority Legislative Counsel; and Salley Collins, Minority Press Secretary.

Ms. LOFGREN. Good morning and welcome to the Committee House Administration Subcommittee on Elections hearing on Military and Overseas Voting: The Obstacles and Possible Solutions. This hearing is going to provide an opportunity for the committee to learn about the outreach efforts of the Federal Voting Assistance Program, the hurdles that military and overseas voters encounter when they are trying to vote from abroad, and possible policy recommendations to address these obstacles.

In a letter to Congress in March of 1952, President Truman wrote, and I quote: "The men and women who are serving their country and, in many cases, risking their lives deserve above all others the exercise in the right to vote." Unfortunately, nearly 60 years later, we are still struggling with the issue of military and overseas registration and voting.

Members of the military and U.S. citizens who live abroad are eligible to register and vote under the Uniformed and Overseas Citizen Absentee Voting Act of 1986. Despite UOCAVA, it is clear that our military and overseas voters are not able to register and cast their ballots without numerous administrative burdens. Survey data from the Congressional Research Service suggests that one in four ballots from overseas military voters went uncounted in the 2008 election. That figure, coupled with reports from Democrats Abroad that roughly one in five overseas voters were unable to return voted ballots on time, is cause for great concern.

The obstacles to having these ballots counted are varied, but the most common problems are: the delivery of election materials to UOCAVA voters, burdensome absentee ballot requirements, and

varying State requirements and deadlines. While individual States are attempting to address these issues by allowing for electronic transmission of blank ballots or allowing ballots to be returned via fax or e-mail as well as extending registration deadlines, more needs to be done at the Federal level to address the issue.

UOCAVA has produced major improvements, but more effort and resources are needed to ensure the Nation's military and overseas citizens can successfully exercise their right to participate in the American electoral process.

In closing, I want to acknowledge Chairman Brady, who, along with the committee and Ranking Member, Mr. Lungren, are dedicated to removing these obstacles and ensuring that military and overseas voters can successfully cast their ballots; and I hope that this hearing is going to be a material important step forward in making this situation better.

With that, I would recognize the ranking member of the subcommittee, Mr. McCarthy, for any opening statement he may have.

Mr. MCCARTHY. Thank you Madam Chair. I appreciate your having today's hearing.

Last Congress, we had a hearing as well, knowing that the voting procedures continue to fail thousands of military personnel overseas. I have an opening statement that I will submit for the record there, but I would just like to say that this has gone on too long. People have risked their lives for our liberties, and we have to do something about that. Record after record has shown the failure of the process of getting these ballots to the military men and women and actually getting it back and having their vote counted.

I would like to ask the Chair if we could work together. I know there is a new CRS report that Senator Schumer has. It hasn't been shared with anybody else, but it goes along about the military voting and the failure process. I would like to see if we could get a copy of that as well to work together to make sure we solve this problem.

And I thank you for the hearing.

Ms. LOFGREN. Thank you.

And, without objection, your full statement will be made part of the record and the opening statements of other members, without objection, will also be made part of the record.

[The statement of Mr. McCarthy follows:]



Subcommittee on Elections Hearing
"Military and Overseas Voting..."
Rep. Kevin McCarthy, Ranking Member
May 21, 2009

Opening Statement

I want to thank the Chair for calling today's hearing. Two months ago, this Subcommittee held a hearing to examine the successes and failures of the 2008 general election. During that hearing, as we heard from election officials and various advocacy organizations, two facts were evident.

First, despite the numerous, pre-election predictions that this nation's voting systems would fail on account of unprecedented voter turnout and machine malfunctions, it was by and large a success for millions of Americans.

Second, our voting procedures continue to fail thousands of Military personnel serving overseas.

Last November millions of Americans participated in an historic election with unprecedented voter turnout. Yet our troops fighting overseas, protecting our right to participate in the electoral process, are continuously denied their right to vote. What's worse, is that we've known about this issue for decades, and we have failed to act.

Since the enactment of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986, which provided overseas voters back-up federal write-in absentee ballots, there have been countless reports detailing the disenfranchisement of military personnel due to inadequate ballot delivery methods.

In 1992 the Department of Defense reported that 200,000 troops were unable to vote in the 1988 general election because their ballots arrived too late or not at all.

Between 2001 and 2007, The Government Accountability Office issued five reports criticizing the time-consuming process required for military absentee voters, and calling for improved voting assistance.

In 2005, the Election Assistance Commission issued its first UOCAVA report indicating that only one-third of the absentees requested by military and overseas voters were cast in the 2004 election.

And in 2007, the EAC reported that out of 992 thousand ballots sent to military and overseas voters for the 2006 election, over 660 thousand were never returned to election officials to be counted.

While the EAC isn't expected to release its 2008 report until this fall, we've already heard reports that indicate official data on military voting in the 2008 election will be equally disappointing.



We don't need another report, nor can we stand idly by and watch as more of our troops' votes go uncounted. We must take action.

Last week, I joined with my colleague from the House Armed Services Committee, Congressman Dan Boren, to reintroduce the Military Voting Protection Act.

This bipartisan, commonsense legislation will establish procedures for the collection, return transportation, and tracking of marked absentee ballots of our troops serving overseas.

However, this will only solve a portion of the problem. According to the EAC's report on the 2006 election, 70 percent of all rejected absentee ballots were returned undeliverable, which is why I'm currently working with my colleagues on additional legislation that will include provisions that:

- Provide military personnel with access to voting materials and applications within the Department of Defense's secure intranet system
- Add military installations to the list of public agencies required to have voting registration materials available
- And require the Department of Defense to update forwarding addresses for military servicemembers at their request

In 1952, President Truman sent a letter to Congress emphasizing the importance of protecting our troops' right to vote. In his letter, the President wrote:

"...these men and women, who are serving their country and in many cases risking their lives, deserve above all others to exercise the right to vote in this election. At a time when these young people are defending our country and its free institutions, the least we at home can do is make sure that they are able to enjoy the rights they are being asked to fight to preserve."

I have pledged to work with my colleagues to fulfill Congress' obligation to ensure that the brave men and women we send overseas are no longer denied their right to vote.

With that, I want to thank each of our witnesses for their participation in today's important hearing, and I look forward to receiving their testimony.

Ms. LOFGREN. I would like to move now to the panel before us and to get their testimony, and then we will have an opportunity to ask questions.

First, we have Ms. Gail McGinn. Ms. McGinn serves as the Acting Undersecretary of Defense for Personnel and Readiness, and that oversees the Federal Voting Assistance Program. Prior to her appointment as Deputy Secretary in November of 2002, Ms. McGinn was Principal Deputy Assistant Secretary of Defense for Force Management, Policy, and Principal Director for Personnel Support, Families, and Education. She received a bachelor of arts in psychology from William Smith College and her master's degree in education from Boston University.

Next, we have Captain Patricia Garcia. Captain Garcia serves as the officer in charge of the 78th Aerospace Medicine Squadron, the public health flight at Robins Air Force Base in Georgia. In January of 2008, Captain Garcia was appointed the Robins Installation Voting Assistance Officer. During the 2008 election, Captain Garcia directed 65 unit voting assurance officers who served nearly 4,000 military personnel and their dependents with voter registration and absentee voting questions. We thank you Captain Garcia for being here today and look forward to your testimony.

Next, we have Mr. Rokey Suleman. Mr. Suleman currently serves as the General Registrar for Fairfax County, Virginia. Prior to his appointment in 2008, he was the Deputy Director of the Board of Elections in Trumbull County, Ohio. He is a certified election registration administrator through the Professional Education Program Certification Board at Auburn University in Alabama.

And, finally, we have Ms. Jessie Duff, who is a retired gunnery sergeant in the United States Marine Corps. She has served on active duty in the Marine Corps for 20 years. Following her service, Ms. Duff now acts as a volunteer and spokesperson for Military Voting Rights USA, a national network dedicated to ensuring that military voters have their votes cast and counted. And we thank you, Ms. Duff, for being here today.

We have a procedure here where the full statement of each of you will be made part of our official record. We ask that your oral testimony consume about 5 minutes, and at the conclusion of all of your statements we will have an opportunity to ask questions.

That little machine in the middle of the table is a warning light. When the yellow light goes on, it means actually you have a minute to go on your 5 minutes. And when the red light goes on, it means—it always catches people by surprise that the whole 5 minutes is gone. I certainly won't cut you off in the middle of a sentence, but we would ask that you conclude when the light goes on so that everybody can be heard.

STATEMENTS OF THE HONORABLE GAIL MCGINN, ACTING UNDERSECRETARY FOR PERSONNEL AND READINESS, DEPARTMENT OF DEFENSE; CAPTAIN PATRICIA GARCIA, VOTING ASSISTANCE OFFICER, UNITED STATES AIR FORCE; ROKEY SULEMAN, GENERAL REGISTRAR, FAIRFAX COUNTY, VIRGINIA; AND JESSIE JANE DUFF, GUNNERY SERGEANT, USMC (RET.)

Ms. LOFGREN. So if we could begin with you, Ms. McGinn.

STATEMENT OF THE HONORABLE GAIL MCGINN

Ms. MCGINN. Thank you, Madam Chair, Congressman Harper, and distinguished members of the subcommittee. Thank you for the opportunity to testify about the obstacles service members and overseas voters may face in exercising their right to vote and the initiatives we have undertaken to solve those problems.

I am joined at the table here today by Mr. Tom Bush. Mr. Bush is the Acting Director of the Federal Voting Assistance Program; and he can help answer any detailed questions you may have, in addition to me.

The Department is dedicated to making the absentee voting process easier and more straightforward. Time and distance, mobility, and varying State requirements are barriers that make the absentee voting process difficult for service members, their families, and U.S. citizens who live outside the United States.

First is the obstacle of time and distance. The process to register to vote, request an absentee ballot, and return the marked ballot for UOCAVA voters can be much more daunting than for voters who live in the same location as where they vote. While there have been extraordinary efforts to expedite the movement of voting material through the postal system, time and distance create challenges, particularly in areas where mail service is minimal, intermittent, or nonexistent. Peace Corps workers, submariners, forward-deployed service members, to a name a few, may be most affected.

An important solution to the time and distance problem is leveraging technology. Technology can significantly reduce the time constraints and eliminate the distance problem for most UOCAVA voters.

For the 2010 elections, the Federal Voting Assistance Program is pursuing the next generation of electronic tools to assist these voters. We call this initiative the Automated Register, Request, and Receive Ballot Process, or R3. R3 will expand on our previous tools by adding an online capability to complete the Federal write-in absentee ballot and expand and enhance the ability of election officials to transmit blank ballots. Unlike our previous initiatives, this system will be owned and operated by DOD and hosted at DOD facilities, thus mitigating potential threats to personal privacy data and permitting easy refinements and expansion in the future.

The next obstacle is mobility. Military and overseas voters are a dynamic group. Where they are located today may not be where they will be located for the next election. We know where military members are assigned and reside. Therefore, it is easier to encourage them to notify their State election official of their current address. To facilitate this, each military service reports that when military members arrive at a new duty station, they are provided with a voter registration card so they can notify their State election official of their new address.

Further, we have forged and maintained valued partnerships with State and local election officials who carry out the elections, the United States Postal Service, the Military Postal Service Agency, the Department of State, the Department of Justice, other Federal agencies and overseas citizen organizations and advocacy groups.

The Federal Voting Assistance Program uses a network of voting assistance officers both from the military and the Department of State. We have an extensive training program to prepare voting assistance officers to perform their duties. You will shortly hear from an actual voting assistance officer who can describe her work.

Finally and most importantly is the challenge of varying State requirements. The 55 States and territories administer their elections differently. This means that registration procedures, ballot distribution procedures, voted ballot return regulations and deadlines are determined by a large number of independent jurisdictions, each jurisdiction with its unique requirements.

We work with the States to promote passage of legislation that is uniform among all States for UOCAVA citizens. The legislative initiatives we encourage States and territories to enact include providing at least 45 days between ballot mailing date and the date ballots are due, giving chief State election officials the authority to alter election procedures in emergency situations, providing a State write-in absentee ballot to be sent out 90 to 180 days before all elections, and expanding the use of electronic transmission alternatives for voting materials. There have been successes with 47 States adapting one or more of these initiatives.

In conclusion, we know that each UOCAVA voter has a unique set of circumstances and that one solution is not right for everyone. Providing them with as many alternatives as possible to register to vote, request a ballot, and return the ballot will help each voter find the solution that works best for him or her.

I would like to thank the committee for your continued support of our service members, their families, and our overseas citizens and all you have done to make it easier for them to vote. I look forward to answering your questions.

Thank you.

[The statement of Ms. McGinn follows:]

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STATEMENT OF
MS. GAIL H. MC GINN
PERFORMING DUTIES AS UNDER SECRETARY OF DEFENSE
FOR PERSONNEL AND READINESS

BEFORE THE
COMMITTEE ON HOUSE ADMINISTRATION

ON THE
FEDERAL VOTING ASSISTANCE PROGRAM

ON
MAY 21, 2009

NOT FOR PUBLICATION UNTIL
RELEASED BY THE COMMITTEE ON HOUSE ADMINISTRATION

Executive Summary

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* safeguards the right to vote for federal offices by absent uniformed services members and their families, and overseas U. S. citizens. In the administration of this law, the Director, Federal Voting Assistance Program (FVAP) works cooperatively with state and local election officials to carry out its provisions.

The absentee voting process for *UOCAVA* citizens requires the successful completion of three basic steps. Step 1: Register to vote and request an absentee ballot. Step 2: Local election official determines the citizen's legal voting residence and provides a state absentee ballot. Step 3: Vote the ballot and return it to the local election official. Traditionally these steps have been accomplished by mail. Modern information technologies provide alternative methods to streamline the process to better support absentee voters. The Department continues to advocate for expanding use of technology through electronic transmission alternatives. Fax and email options for registering to vote, requesting an absentee ballot, receiving the absentee ballot, and returning the voted absentee ballot greatly reduce the amount of time needed to complete the absentee voting process, and gives *UOCAVA* voters additional alternatives when regular mail is slow or unreliable.

Expediting ballots is a critical aspect of the absentee voting process. In 2004, 2006 and again in 2008, the FVAP, in conjunction with the U. S. Postal Service and Military Postal Service Agency, ensured that military absentee ballots were expedited. The U. S. Postal Service handled ballots using Express Mail procedures while those ballots were within its system. Additionally, FVAP redesigned its website to make it easier for *UOCAVA* citizens to register to vote and request a ballot via this website.

In July 2008, the FVAP launched the Voter Registration and Ballot Delivery (VRBD) system, continuing and improving on systems the Department provided in 2004 and 2006. This included an automated version of the Voter Registration/Ballot Request form that voters could print, sign, and submit to their local election officials, as well as receive their blank absentee ballot. FVAP is currently pursuing the next generation of electronic tools to include the online capability for completion of the Federal Write-In Absentee Ballot in the event a state ballot is not received.

The Department continues to build on the successes and take lessons learned from past elections to minimize or remove barriers that make it difficult or impossible for *UOCAVA* voters to exercise their right to vote. The ongoing efforts of the Department, the U.S. and Military Postal Services, the Department of State, other federal agencies, state and local governments, and a variety of not-for-profit and non-governmental organizations are giving more voters a greater opportunity to participate in elections. Through these collective efforts to improve ballot transit time and promote and implement expanded electronic transmission alternatives, voters will continue to reap the benefits of these improvements in future elections.

Mr. Chairman, Representative Lungren, and members of the Committee: thank you for this opportunity to testify on the problems faced by uniformed service members and overseas voters. These voters face unique challenges in exercising their right to participate in our election process. The Department of Defense continues to identify the individual and systemic barriers these voters face and to assist them in overcoming these obstacles. I will review some of the steps the Department's Federal Voting Assistance Program has taken and the plans to lessen the burdens faced by these voters.

Background

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* safeguards the right to vote for federal offices by absent uniformed services members and their families, and overseas U. S. citizens. In the administration of this law, the Director, Federal Voting Assistance Program (FVAP) works cooperatively with state and local election officials to carry out its provisions. As mandated by the *Act*, the Director, Federal Voting Assistance Program prescribes the Federal Post Card Application which is a uniform registration and ballot request form, and the Federal Write-In Absentee Ballot which is used by voters as a back-up federal office ballot in cases where their requested state ballot does not arrive promptly. In 2005, both forms were revised to make them easier to use while safeguarding the citizen's private information, and provide additional important information to election officials, such as the citizen's email address and an alternate mailing address.

The absentee voting process for *UOCAVA* citizens requires the successful completion of three basic steps. Step 1: The citizen registers to vote and requests an absentee ballot from his or her local election official. This step can be accomplished by using the Federal Post Card Application. Step 2: The local election official determines the citizen's legal voting residence based on the information provided, and provides a state absentee ballot to the citizen. Step 3: The citizen votes the ballot and returns it to his or her local election official. Traditionally these steps are accomplished by mail via the United States Postal Service, Military Postal Service Agency, and foreign postal systems. Modern information technologies provide alternatives to the traditional by-mail process, which can significantly reducing transit time and streamline the process.

FVAP Goals

The Federal Voting Assistance Program goals for supporting all *UOCAVA* citizens in the absentee voting process are straight forward:

- ensure all U.S. citizens are aware of their right to vote
- ensure all *UOCAVA* citizens have the opportunity to vote and have their votes counted
- encourage all states and territories adopt legislation and procedures to make the absentee voting process simple and uniform for *UOCAVA* citizens

To accomplish these goals, the Department continues to reach out to *UOCAVA* citizens, to work with federal, state and local government officials to improve voting practices and

procedures with particular emphasis on the use of existing and emerging technologies, and to encourage states to adopt legislation that is uniform among all states and territories as it applies to *UOCAVA* citizens. If states would adopt uniform procedures, this would significantly simplify the duties of the voting assistance officers and would be particularly beneficial to military voters who frequently move. As we work on a new edition of the *Voting Assistance Guide* for the 2010 elections, we are streamlining its design based on stakeholder and user feedback to increase uniformity and reduce its size and complexity. However, we are limited in this effort by the necessity to include the different laws, requirements and deadlines for 55 states and territories. This alone makes a relatively basic process appear arduous and complex. We have worked directly with the states to encourage them to enact uniform legislation, and to help advance this goal, we are now participating in the National Conference of Commissioners on Uniform State Laws (the Uniformed Law Commission) drafting process to create model legislation for *UOCAVA* voters that the states could adopt. The Uniform Law Commission is a 116 year old organization that provides states with legislation intended to bring clarity and stability to critical areas of the law that helps support the federal system and facilitates the movement of rules that are consistent from state to state.

The Federal Voting Assistance Program staff monitors the mailing of absentee ballots from local election officials to *UOCAVA* citizens and, when these ballots are not mailed in a timely manner, the Director, Federal Voting Assistance Program works with the Department of Justice to ensure these citizens have sufficient time to vote and have their votes counted. While we strongly encourage states to legislatively provide at least 45 days between the time ballots are mailed out and when they must be received by the local election official in order to be counted, the historical precedence for the Federal government to take enforcement action with a state is 30 days. We continue to see reports and hear stories that more time is needed, particularly if the only option available to voters is to use the mail. Therefore, we will review empirical evidence to determine the minimum ballot transit time that must be allowed to ensure the votes of *UOCAVA* voters will be counted.

Recent Statutory Direction

Title VII of the *Help America Vote Act of 2002* required the Secretary of Defense to prescribe regulations and procedures so that Voting Assistance Officers are provided time and resources necessary to perform their duties; to implement measures to ensure a postmark or other official proof of mailing is placed on ballots collected by the Department overseas or on vessels at sea; and to develop a standard oath for *UOCAVA* voting materials. All of these provisions required by Title VII have been successfully implemented.

The Department and Service regulations require Commanding Officers to provide Voting Assistance Officers with the time and resources they need to perform their duties and rate them on how well they performed their duties. We meet regularly with the Service Voting Assistance Officers to discuss their voting assistance programs and to identify any challenges they are experiencing. Before the 2008 election, the Under Secretary of Defense for Personnel and Readiness was briefed on a regular basis by general/flag officers on the steps they were taking to inform and assist their members with voting in the upcoming election.

The Military Postal Service Agency provided postmarking devices to all overseas military post offices and the direction to ensure absentee ballots are properly postmarked. They also marked and prioritized voting material so it was expedited through the system. Finally, a standard oath has been proscribed to the states and has been incorporated in the 2005 revision of the Federal Post Card Application and Federal Write-In absentee Ballot forms.

The *Act* required states to designate a single office responsible for *UOCAVA* citizen procedures; to report to the Election Assistance Commission on the number of *UOCAVA* absentee ballots sent, received and cast; to extend the effective period of the Federal Post Card Application through the next two regularly scheduled general elections; to inform *UOCAVA* voters if their registration or ballot application was refused and the reason for the refusal; and to accept a Federal Post Card Application submitted early in the calendar year. The Director, Federal Voting Assistance Program issued a *Help America Vote Act* interpretative memorandum dealing with *UOCAVA* related issues and sent the memorandum to state and local election officials in August 2003.

Title V, Subtitle I of the *Ronald Reagan National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2005* expanded the use of the Federal Write-In Absentee Ballot to allow for its use by uniformed service members and their eligible family members within the United States, thereby allowing all *UOCAVA* citizens to use the Federal Write-In Absentee Ballot if their state absentee ballot had been requested but not received, providing that the request was received by their local election jurisdiction either 30 days before the general election or the state deadline for registration and ballot request, whichever is later. These changes to the law have helped improve the absentee voting process by removing some of the obstacles faced by *UOCAVA* voters.

The *NDAA for FY 2005* also required that, prior to proceeding with any electronic voting demonstration project, electronic absentee voting guidelines and standards must be established by the Election Assistance Commission. The Director, Federal Voting Assistance Program signed a Memorandum of Understanding with the Election Assistance Commission and the National Institute of Standards and Technology regarding responsibilities and roles in developing these guidelines and standards. The parties are developing a plan of action and milestones for the issuance of guidelines and standards. The Department has provided the Election Assistance Commission and the National Institute of Standards and Technology with system design information and lessons learned from electronic voting projects previously carried out by the Federal Voting Assistance Program.

In June 2007, the Government Accountability Office (GAO) issued a report recommending specific strategies for the DoD to apply in the planning and development of a future electronic voting project, which were to (1) comply with DoD information security requirements, (2) incorporate lessons learned including adding cautionary statements for *UOCAVA* voters using these systems to remove personal data from their computers, (3) institutionalize a process to review online guidance provided by FVAP, and (4) create an integrated, comprehensive, results-oriented plan for future electronic voting programs. The Department agrees with those recommendations and published similar observations in a report to Congress released prior to the GAO findings.

Progress in Working with State Governments

For several years, the Federal Voting Assistance Program has proposed legislative initiatives to state officials that would facilitate absentee voting for *UOCAVA* citizens. Our top four legislative priorities for states and territories to adopt are:

- provide at least 45 days between the ballot mailing date and the date ballots are due
- give State Chief Election Officials the emergency authority to alter election procedures in certain circumstances (e.g., to extend the ballot return deadline, or to allow electronic transmission of blank or voted ballots)
- allow election officials to provide a state write-in absentee ballot, to be sent out 90-180 days before all elections. This state write-in absentee ballot would allow the voter to cast votes for federal and state offices
- further expand the use of electronic transmission alternatives for voting materials

There have been many successes in this area over the past few years. Many states have adopted legislation that has brought simplicity, uniformity, consistency and clarity to the absentee voting process. Currently:

- 27 states, 3 territories and the District of Columbia provide at least 45 days between the ballot mailing date and the date ballots are due
- 17 states and the District of Columbia give Chief Election Officials the emergency authority to alter election procedures in certain circumstances
- 27 states allow election officials to provide a state write-in absentee ballot
- 47 states, 3 territories and the District of Columbia provide for the electronic transmission of AT LEAST SOME voting materials

We believe that with involvement of the National Conference of Commissioners of Uniform State Laws, more states will adopt uniform legislation.

Observations by State Election Officials

A bipartisan group consisting of five Secretaries of State from Pennsylvania, Indiana, Mississippi, Florida and California was invited by the Secretary of Defense to visit the troops to promote voting participation. These are the Chief Election Officials of their states and, through their positions in national election organizations, represent all the states. The delegation travelled from September 28 to October 4, 2008 to Kuwait, Iraq, Afghanistan and Germany.

The delegation saw first-hand how the voting assistance programs operate at the installation and field level through meetings with installation commanders and key officials, Installation Voting Assistance Officers and with the troops both individually and in panel discussions. The delegation also visited Military Postal Service facilities and observed the priority postal clerks at these forward deployed postal facilities placed on expediting voting

materials. Finally, they visited with wounded warriors at the hospitals at Balad Air Base in Afghanistan and Landstuhl Army Medical Center in Germany.

As a result of this visit, the Secretaries of State found that "Our troops are tuned in to the electoral.... Many are eager to vote and are pleased with the efforts of their commanding officers and voting assistants to help them cast their ballots." The Secretaries also made several recommendations:

1. require local election official to capture the email address of the military personnel at the time the request for absentee ballot is received
2. require the local election official to confirm via email the absentee request has been received and inform the voter the estimated date the ballot will be sent to the voter
3. require local election official to notify the voter via email that their voted absentee ballot was received
4. allow the transmission of balloting materials via email, both outgoing and incoming

Educating

The Department devotes considerable resources to inform *UOCAVA* citizens about the process of absentee voting. This includes formal training of Voting Assistance Officers, providing information to state and local election officials, and ensuring that *UOCAVA* citizens have access to the necessary materials and the means to request and submit their absentee ballot.

The voting assistance workshops conducted by the Federal Voting Assistance Program staff members prepare Voting Assistance Officers for upcoming elections. These workshops give Voting Assistance Officers the hands-on training they need to understand their mission and to perform their duties. To prepare for the 2008 election, the Federal Voting Assistance Program conducted a total of 193 workshops worldwide starting in September 2007 and continuing through September 2008. These workshops included:

- 27 at the Federal Voting Assistance Program headquarters in Rosslyn, Virginia
- 95 at military installations around the world
- 71 at Department of State posts for State Department personnel and members of overseas citizen organizations who help facilitate the process.

For Voting Assistance Officers who were unable to attend a workshop in person, learning options were available to complete certified training via the internet or using a CD-ROM. A slide presentation for use by installation or unit level Voting Assistance Officers was also available online.

In addition to the in-person and on-line training opportunities, the Federal Voting Assistance Program maintains a website that provides Voting Assistance Officers and local election officials with a wealth of information that will help them fulfill their responsibilities.

Since state and local election officials are the individuals who administer elections, they are crucial allies in facilitating absentee voting. The success of *UOCAVA* relies on their actions. It is important that these election officials be kept abreast of the latest issues with *UOCAVA* voting. The Federal Voting Assistance Program regularly sends memoranda and letters to local election officials providing information and clarification of *UOCAVA* issues. A monthly newsletter for election officials specifically addressing military and overseas citizens' issues is also provided by the Federal Voting Assistance Program. In addition, the Federal Voting Assistance Program staff routinely makes presentations to officials at conferences held by the:

- National Association of Secretaries of State
- National Association of State Election Directors
- International Association of Clerks, Recorders, Election Officials and Treasurers
- National Association of Election Officials (Election Center) and the Joint Election Official Liaison Committee
- National Association of County Recorders, Election Officials and Clerks
- National Conference of Commissioners on Uniform State Laws

The Federal Voting Assistance Program staff addressed state and local election officials at conferences hosted by 32 different states. When addressing these state and local election officials, the Director, Federal Voting Assistance Program recommends practices and procedures to maximize the effectiveness of *UOCAVA*. These recommendations include:

- providing 45 days ballot transit time
- providing simple ballot marking and return instructions with absentee ballots, including instructions to return the voted ballot by fax or email, where authorized
- differentiating between *UOCAVA* and other state absentee voters in state and local literature, in state laws and administrative codes, and on state and local election websites
- ensuring all employees in local election offices throughout the state are trained on their responsibilities under *UOCAVA*
- preparing a state *UOCAVA* Voter Guide for publication on website and in hard copy
- providing a webpage dedicated to *UOCAVA* citizens and elections in which *UOCAVA* citizens can participate, including portals for voter registration verification
- using electronic alternatives for the transmission of balloting materials

The Department uses a variety of communications media to inform uniformed service members and overseas citizens about upcoming elections and the procedures for registering and requesting an absentee ballot through commercial print and broadcast media outlets. Stories on absentee voting are run on the American Forces Radio and Television Service, the American Forces Network, the Pentagon Channel, American Forces Information Service, and Defense Link, as well as in private and military-focused print publications such as *Stars and Stripes* and in overseas publications.

Our outreach efforts have been designed with redundancy to reach all members, whether at a headquarters staff, at a military installation, or in a foxhole in Afghanistan or Iraq. At the installation and unit level, messages regarding absentee voting are included on Service websites, in the Plans of the Day, and at Commander's Call briefings. Billboards are posted on installations informing members of their right to vote. The Department's new Infonet system, which is made up of video screens throughout the Pentagon and the Navy Annex, are used to broadcast messages that encourage voters to register and vote. Installations support Armed Forces Voters Week by conducting voter registration drives and voter awareness outreach events. These activities are extended to family members through displays, voter registration drives, and information at Morale, Welfare and Recreation Facilities, Family Service Centers, medical facilities, commissaries and exchanges, and DoD Dependent Schools. As in years past, the Department used Absentee Voting Week to encourage voters to return their voted ballots for the General Election to their local election official offices.

To be effective, voting outreach must have command support. The Secretary of Defense sent memoranda to the Service Secretaries, DoD-wide emails were sent and multiple voting reminders were placed on the Leave and Earnings Statements for civilian and military personnel. Additionally, the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments and the commanders of the local units distributed memoranda, motivational videos and emails directly addressed to service members to remind them of the importance of voting participation and the steps needed to successfully vote.

Absentee voting information and materials are distributed to the Department of State posts through the State Department's internal communication networks. The Federal Voting Assistance Program provides on-site training to post Voting Assistance Officers to ensure that they are equipped to provide non-partisan voting assistance. Additionally, the program supports overseas citizens groups by directly providing voting assistance and thousands of copies of the Federal Post Card Application, Federal Write-In Absentee Ballot, the *Voting Assistance Guide*, and other informational and motivational voting materials. Overseas Citizens Voters Week, scheduled by the Department biennially since 1994, is promoted through the Federal Voting Assistance Program's training workshops and their monthly newsletter, the *Voting Information News*. State Department posts and overseas citizens groups are encouraged to use this week to conduct voter registration drives, inform U.S. citizens residing abroad about their voting rights and responsibilities, and provide them with the materials they needed to successfully vote absentee.

The Federal Voting Assistance Program website (www.fvap.gov) provides uniformed service members, voting age family members, and overseas citizens with remote access to voting information. The site received 11,536,125 separate page requests during calendar year 2008. During that time period, the online version of the Federal Post Card Application was accessed 1,060,203 times. The site is updated frequently with information pertinent to absentee voters. Recognizing that the website is a vital resource for both individuals who provide voting assistance and to voters, we recently redesigned the site to enhance content and improve usability for all visitors to the site by incorporating recommendations from stakeholders and then refined the changes based on usability testing conducted with focus groups. The most significant change

to the website was to make it easier to register to vote and request a ballot. Now when visitors access the site, they are immediately able to complete fillable pdf forms to register to vote and request an absentee ballot through this step-by-step process with instructions specific to the state in which they want to vote.

The Federal Voting Assistance Program provides up-to-date information to Voting Assistance Officers through its monthly newsletter and issues special news releases to announce time sensitive information (e.g., changes in absentee procedures or the holding of special federal elections). Both the newsletter and the news releases are distributed via email and posted on the Federal Voting Assistance Program website. The newsletter is also made available in a hardcopy format.

Currently, the Federal Voting Assistance Program is coordinating a completely revised *2010-2011 Voting Assistance Guide* with the individual states. The new streamlined *Guide* will be distributed in early September of this year. The Services distribute *Voting Assistance Guides*, Federal Post Card Applications and Federal Write-in Absentee Ballots to their Voting Assistance Officers and individual voters through their normal supply chains. All of these materials are also available through the Federal Voting Assistance Program website.

These program activities must be cascaded down to the unit level. An example of the effectiveness of these efforts is illustrated by the Army. Even with the high operating tempo, in preparation for the 2008 election, the Army:

- mandated that Voting Assistance be a top priority for all Commanders. Each Army command has a Senior Voting Assistance Officer (SVAO) to oversee the command's Army Voting Assistance Program and ensure every Soldier has the opportunity to vote.
- 85 Installation Voting Assistance Officers (IVAO) were appointed across the Army who coordinate voting assistance efforts on their installation and ensure voting responsibilities were executed in accordance with all applicable laws, Army regulations and guidelines. At the unit level, depending on the size of the unit, there may have been several voting assistance officers to accomplish the mission. The Army had 5,515 Voting Assistance Officers Army-wide to accomplish this mission during the 2008 election.
- if a Soldier encountered problems with casting his or her vote, that Soldier could go directly to the unit voting assistance officer. Election date calendars were distributed to units and contained voting assistance officer contact information. If a Soldier continued to experience problems, he or she could report the matter to the Commander, SVAO or IVAO.
- published several Strategic Communications (STRATCOMs) in an effort to get Soldiers to send their ballots in on time to be counted in the 2008 general election. Each STRATCOM stated that if individuals had not received their absentee ballot 45 days prior to their respective State deadline, they should complete and send a FWAB. During the 2008 election, the Army distributed 572,754 Federal Write-In Absentee Ballots Army-wide.
- during the 2008 election year, the Army improved the voter awareness of Soldiers by increasing its public service announcements (PSAs) and running them regularly on Armed Forces Network worldwide. Additionally, several of the Army Commands produced their own PSAs and advertised them through local media outlets.

In order to assess the effectiveness of the Army Voting Assistance Program, Secretary Geren directed the Army Inspector General to conduct a special inspection of the Army Voting Assistance Program both at home and abroad. The IG team interviewed over 1,200 Soldiers and received survey feedback from nearly 3,400 Soldiers, family members and civilians. Their assessment was that the program was in good shape with sufficient command emphasis and reinforcement from senior Army leaders. They found that Voting Assistance Officers were actively working to assist individuals in registering to vote and submitting their ballot. The IG concluded that eligible Army voters at home and abroad were given the opportunity, the "how to" to navigate the myriad of state and local systems as well as extensive voting exposure if they chose to cast their votes as American citizens.

Facilitating Ballot Transmission

The Department continues to develop initiatives that will make it easier for members of the uniformed services, their family members, and overseas citizens to vote. The primary focus of these efforts is on expediting ballots through any and all media accepted by state and local election officials.

In 2004, 2006 and again in 2008, the Federal Voting Assistance Program, in conjunction with the U. S. Postal Service and Military Postal Service Agency, ensured that military absentee ballots were expedited. The U. S. Postal Service handled ballots using Express Mail procedures while those ballots were within its system. The Military Postal Service also used special handling and expediting procedures while transporting ballots outside the U.S. to and from overseas military post offices. These special handling procedures were used to ensure that absentee ballots arrived promptly. This expedited delivery included special marking and handling of absentee ballots. The Military Postal Service Agency ensured absentee ballots from overseas military postal activities were expedited back to the local election official.

The Department's effort to expedite delivery of ballots starts well before the election year. The Military Postal Service Agency (MPSA) ensured that its postal personnel are trained, certified and have the necessary resources to handle absentee ballots. For the 2008 elections, MPSA published a Voting Action Plan and Calendar, and sent monthly voting messages to all military postal activities reminding them of the proper ballot handling procedures. All military postal activities in forward deployed areas have postmarking devices to ensure that ballots are legibly postmarked. The Military Postal Service Agency published recommended mailing dates based on transit times and geographic locations to help ensure ballots were received by state deadlines and that service members were aware of these mailing deadlines. These recommended mailing dates were established by considering the average transit time for all mail from the collection point to the military gateways. The average transit times, from collection point to gateway, for FY 2008 ranged from three days for mail in Europe to seven days for mail in Southwest and Central Asia.

For the 2008 general election, the MPSA processed approximately 191,000 ballots sent to service members overseas. Of these ballots, only three percent were returned to election offices as undeliverable. Six percent of these ballots contained outdated addresses and the MPSA was

able to determine the member's current address and forward the ballot to that member. MPESA processed almost 189,000 voted ballots being returned by service members to local election offices.

These figures highlight that the lack of a current mailing address is a significant reason why absentee ballots are undeliverable to the recipient. To emphasize this, the Department has directed that during recruit training and whenever a service member arrives at a new duty station that the member be provided with Federal Post Card Application forms to notify his or her local election office of the new address. Similarly, mobilized National Guard and Reserve members are provided these forms, and instruction on their use, during mobilization processing.

For those citizens who may not be able to vote by mail, technology provides an alternative means for voters and local election officials to send and receive voting materials. In 1990, the Federal Voting Assistance Program initiated an emergency measure (with the cooperation of the states and territories) to use electronic transmission (facsimile technology) and established the Electronic Transmission Service so that uniformed services members deployed during Operation Desert Shield could participate in the upcoming general election. The Electronic Transmission Service allowed service members deployed to the Persian Gulf to fax their registration request application and the local election official to fax the blank ballot to the voter. What began as a special effort is now widely accepted by most states and institutionalized through state laws. Currently:

- 29 states, 2 territories and the District of Columbia allow *UOCAVA* voters to submit a Federal Post Card Application for registration by fax.
- 47 states, 3 territories and the District of Columbia allow *UOCAVA* voters to submit a Federal Post Card Application for absentee ballot request via fax.
- 36 states, the District of Columbia and the U.S. Virgin Islands allow *UOCAVA* voters to receive the blank ballot via fax.
- 23 states, the District of Columbia and the U.S. Virgin Islands allow *UOCAVA* voters to return the voted ballot via fax.

The Department continues to advocate for expanding use of technology through electronic transmission alternatives. Fax and email options for registering to vote, requesting an absentee ballot, receiving the absentee ballot, and returning the voted absentee ballot greatly reduce the amount of time needed to complete the absentee voting process, and give *UOCAVA* voters additional alternatives when regular mail is slow or unreliable. The Department urges the states to provide as many options as possible to meet citizens' needs. Electronic transmission by fax, email or over the Internet has become worthwhile alternatives to the by-mail absentee voting process for our men and women in uniform and citizens overseas. We know that there is still work to be done in this area to address concerns about security and privacy. But we continue to hear from *UOCAVA* voters that they would like to have these options.

Many states and territories have expanded their electronic transmission alternative capabilities to include email. The Federal Voting Assistance Program urges states to consider using email as an integral part of the electronic alternatives made available to their citizens.

Since many forward deployed soldiers have email capabilities but do not have access to fax capabilities, institutionalizing email ballot request, ballot delivery, and ballot return can be crucial to enfranchisement. Currently:

- 29 jurisdictions allow *UOCAVA* voters to submit a Federal Post Card Application for absentee ballot request via email.
- 16 states allow *UOCAVA* voters to submit a Federal Post Card Application for registration via email.
- 21 states allow *UOCAVA* voters to receive the blank ballot via email.
- 11 states allow *UOCAVA* voters to return the voted ballot via email.

Since 2005, the Federal Voting Assistance Program has encouraged states and territories to make available to citizens website portals that allow voters to check their registration status. To date, ballot registration status sites have been launched in 39 jurisdictions.

In July 2008, the Federal Voting Assistance Program launched the Voter Registration and Ballot Delivery (VRBD) system, continuing and improving on systems the Department provided in 2004 and 2006. This included an automated version of the Voter Registration/Ballot Request form (Federal Post Card Application or FPCA) embedded with state specific requirements that produced an electronic version of the FPCA that voters could print, sign, and submit to their local election officials. This feature provided all citizens covered by *UOCAVA* an easy way to fill out their FPCAs. In total, the system guided over 21,000 military and overseas citizens through completion of the form online.

The system also included options for states to receive the FPCA for registration and ballot request, as well as provide a blank ballot to the voter via a secure server. Only citizens from 425 local election offices from 11 states were able to use one or both of these features. From July 23 –November 4, 2008, 780 citizens uploaded ballot request forms to local election offices, and 124 voters downloaded their blank ballots.

The system used a multi-layer approach to security which ensured that the voter's personal information was not viewed by anyone except the intended recipient. The VRBD system provided military and overseas voters an easy way to register and request absentee ballots, as well as an alternative to the by-mail process of absentee voting, without sacrificing the security of the voter's identity.

FVAP is currently pursuing the next generation of electronic tools to assist *UOCAVA* voters called the Automated Register, Request and Receive Ballot Process (R3). R3 will expand the VRBD process to add the online capability for completion of the Federal Write-In Absentee Ballot in the event a state ballot is not received. R3 will expand and enhance the election community's means to provide blank ballots and, unlike all the previous initiatives, would be owned and operated by DoD and hosted at DoD secure facilities, thus mitigating potential threats to personal privacy data and permitting easy refinement and expansion in the future.

Results

There is little consensus on the validity of data used to determine voting participation rates. The results from previous DoD surveys have been questioned, as have results from other surveys and data collection efforts. *UOCAVA* requires the Election Assistance Commission (EAC) to collect comprehensive data from the states on all of the ballots sent to and received from *UOCAVA* voters within 90 days after each regularly scheduled general election, and to make the data available to the general public. The data from the states should improve reliability. The report published by the EAC for the November 2006 mid-term election with data collected from 49 states, the District of Columbia and America Samoa cautioned that there were problems with incomplete data and variations in the collecting and reporting of numbers from the states.

The collection of quality data is essential for proper evaluation of the administration of the absentee voting process. To obtain reliable results, rigorous, peer-reviewed, statistically sound methodologies must be applied when collecting the state data and preparing the summary information. It is important that all stakeholders reach a consensus on the meaning and significance of data collected, both from the Department and other sources, and what conclusions may be drawn from that data.

To address the data quality issue, the Department opted to use Status of Forces Surveys—which are administered by the Defense Manpower Data Center—to gauge the effectiveness of assistance by the Federal Voting Assistance Program as mandated by *UOCAVA*. The DMDC Status of Forces Surveys have been accepted as statistically sound. The data from the post-election Status of Forces Survey for the 2008 general election are currently being analyzed and a report of the results will be provided to the President and Congress by December 2009. However, as soon as we have final results, we plan on briefing this committee, and the other committees that have oversight responsibilities for *UOCAVA* matters. We also would like for other agencies and organization to review the methodology and data to see if we can agree on the accuracy and validity of the data.

In both 2006 and 2008 the DoD and our sister Executive Branch agencies, and volunteers with American citizen organizations overseas conducted all-out efforts to inform our men and women in uniform and citizens outside the U.S. about their right to vote, how to go about the absentee voting process, and provided assistance and materials to these citizens to help them participate in elections. Preliminary data from a forthcoming report on the 2008 election from the Congressional Research Service found that 72 percent of military absentee voters in the seven-state study successfully returned their ballot and had their votes counted. That is the good news. The bad news is that 28 percent of ballots were described as not returned (approximately 22%), rejected (approximately 3%) or returned as undeliverable (approximately 3%) by election officials from the seven states. We are anxious to study the report when it is released to see if it identifies the causes, particularly for ballots described as not returned, so we can attack those problems.

In an April 2009 report to Congress, the Department of Defense Inspector General concluded that the Services' "... programs were effective and in compliance with DoD

regulations and public law. The oversight programs of the FVAP Office and the Services continue to evolve, presenting opportunities to improve the effectiveness and compliance aspects of the Voting Assistance Program.” We agree there is room for improvement and we are committed to continuing our cooperative efforts with state and federal officials to improve the absentee voting process and participation in elections by *UOCAVA* citizens.

Looking Forward

The Department continues to build on the successes and take lessons learned from past elections to minimize or remove barriers that make it difficult or impossible for *UOCAVA* citizens to exercise their right to vote. This must be a cooperative effort with state election officials who must comply with the laws governing elections for their particular state. Our challenge is to find new and innovative ways to reach out and assist military members and overseas citizens so they are able to vote and have their vote counted. These efforts involve the Department, the military services, the U.S. and Military Postal Services, the Department of Justice, the Department of State, other federal agencies, state and local governments, and a variety of not-for-profit and non-governmental organizations and are giving more voters a greater opportunity to participate in elections. Through these collective efforts to improve ballot transit time and promote and implement expanded electronic transmission alternatives, voters will continue to reap the benefits of these improvements in future elections. We all share a common goal: Provide every citizen with the opportunity to vote and have his and her vote counted.

Ms. LOFGREN. Thank you very much.
Captain Garcia, we would love to hear from you.

STATEMENT OF CAPTAIN PATRICIA GARCIA

Captain GARCIA. Good morning, Chairwoman Lofgren, Ranking Member McCarthy, and members of the subcommittee. Thank you for the opportunity to testify today on behalf of the Robins Air Force Base Voting Assistance Program.

I was appointed as the Robins Installation Voting Assistance Officer in January, 2008. The Robins Voting Assistance Program supports the voting needs of the Warner Robins Air Logistics Center, the 78th Air Base Wing, and over 30 associate units representing six major commands. I direct the activities of the Robins Voting Assistance Program Committee and 65 unit voting assistant counselors who have served over 4,000 military members and their dependents with voter registration and absentee voting questions.

Before I proceed, I would like to emphasize that I can only speak to our Voting Assistance Program at Robins Air Force Base in Georgia.

Our responsibilities at the base level are to educate and assist military members and their dependents on how to register to vote and how to actually cast their vote. We are mandated not to pressure any individual to register or vote nor to discourage such actions. Our position as voting counselors has no authority to provide any legal advice concerning change of residency laws, nor to resolve conflicts between members and their local registration or voting officials. Military members with these types of problems are referred to either the local legal office or to the Voting Assistance Program hotline.

According to established guidance, unit commanders appoint a minimum of one unit voting assistance counselor per 100 unit members for a total of 65 counselors for Robins Air Force Base. These unit counselors were appointed in writing and were required to complete their initial voting counselor training by means of the Federal Voting Assistance Program Web site online workshop.

In July, 2008, we also held an informational meeting to enhance the online training. A detailed discussion was held concerning their requirements, responsibilities, and different methods that could be employed to accomplish these requirements. Numerous resource materials were distributed to counselors, including standardized briefings that could be used at commander's call or e-mailed directly to their unit members.

Between August and September, the unit counselors educated the Robins Air Force Base populace on the Voting Assistance Program, the Federal Voting Postcard, voter registration deadlines, and how to vote absentee.

We focused our educational efforts more heavily during Air Force Voter Week and Air Force Absentee Voter Week in September and October, respectively. This included articles in the base newspaper, posters, reminders on the base electronic billboards, and various other high-visibility items. Early voting in Georgia for locally registered members was highly publicized during the Air Force Absentee Voter Week in October.

Our program is not limited to the election season. Other instructional activities provided by the Robins Voting Assistance Program include monthly briefings used to introduce and explain the purpose of the Voting Assistance Program to first-term airmen and base newcomers. Static voting assistance displays with motivational posters, election dates, Federal postcard applications, and informational pamphlets are kept stocked and current at the base library, military personnel office, and at the Base Exchange.

One last activity I would like to discuss is voting assistance services provided to our deployers. Prior to deploying at Robins Air Force Base, members are required to attend a pre-deployment fair. During this fair, we distribute the Robins Voting Assistance Program informational tri-fold. Our hope is that these deployers will reference this pamphlet and know where to get help with voting questions while deployed.

The biggest challenges faced by the Robins Voting Assistance Program were primarily caused by factors outside of our control. The voter registration process is not standardized from State to State, not even county to county in some States. This lack of consistency makes learning how to properly fill out the Federal voting postcards very confusing and difficult.

These Federal voting postcards are primarily filled out by hand and therefore at times can be difficult to read. Talking to different airmen at Robins, I learned that sometimes this illegibility factor cause the postcards to be returned to the member by the Postal Service. In at least one instance, the member reported information was input incorrectly by a registration clerk, which led to disqualification questions when the member went to vote. Several members were initially denied registration because the voter registration clerks did not know the laws pertaining to military residency. The variable deadlines for registration and absentee voting confused several military members who thought because the Georgia deadlines had passed it was too late to register or send in their absentee ballot even though their home States had later deadlines.

As an American military voter, I would personally like to express my gratitude to all the members of this committee for your concern and your assistance in our effort to vote and be counted. I look forward to answering your questions concerning the Robins Air Force Base Voting Assistance Program.

[The statement of Captain Garcia follows:]

Subject: Proposed Statement for the US House of Representatives, Committee on House Administration, Subcommittee on Elections (Thursday, May 21, 2009)

AF witness, base level voting assistance officer: Capt Patricia B. Garcia, Robins AFB, GA – Installation Voting Assistance Officer

Proposed statement:

Chairwoman Lofgren, Ranking member McCarthy and Members of the Subcommittee:

Thank you for the opportunity to testify today on behalf of the Robins Air Force Base Voting Assistance Program. I was appointed as the Robins Installation Voting Assistance Officer in January 2008. The Robins Voting Assistance Program supports the voting needs of the Warner Robins Air Logistics Center, the 78th Air Base Wing, and over 30 associate units representing 6 Major Commands. I direct the activities of the Robins Voting Assistance Program Committee and 65 Unit Voting Assistance Counselors who have serve over 4,000 military personnel and their dependents with voter registration and absentee voting questions.

Before I proceed I would like to emphasize that I can only speak to our voting assistance program at Robins Air Force Base, Georgia.

Our responsibilities at the base level are to educate and assist military members and their dependents on how to register to vote and how to actually cast their vote. We are mandated not to pressure any individual to register or vote nor to discourage these actions. Our position as voting counselors has no authority to provide any legal advice concerning change of residency laws, nor to resolve conflicts between members and their local registration or voting officials. Military members with these types of problems are referred to either the local legal office or to the Federal Voting Assistance Program hotline.

According to established guidance, Unit Commanders appoint a minimum of one Unit Voting Assistance Counselor per every 100 unit members for a total of 65 counselors for Robins AFB. These unit counselors were appointed in writing and were required to complete their initial voting counselor training by means of the Federal Voting Assistance Program website online workshop. In July 2008, we also held an informational meeting to enhance the online training. A detailed discussion was held concerning their responsibilities and different methods that could be employed to accomplish these requirements. Numerous resource materials were distributed to the counselors including standardize briefings that could be used at commander's call or emailed directly to their unit members. Between August and October, unit counselors educated the Robins Air Force Base populace on the Voting Assistance Program, the Federal Voting Post Card, voter registration deadlines, and how to vote absentee. We focused our educational efforts more heavily during "AF Voter Week" and "AF Absentee Voter Week" in September and October, respectively. These included articles in the base newspaper, posters, reminders on the base's electronic billboards and various other high-visibility items. Early voting in Georgia for locally registered members was highly publicized during the AF Absentee Voter Week in October.

Our program is not limited to the election season. Other instructional activities provided by the Robins Voting Assistance Program include monthly briefings used to introduce and explain the purpose of the Voting Assistance Program to First Term Airmen and base New Comers. Static Voting Assistance displays with motivational posters, election dates, federal post card applications and informational pamphlets are kept stocked and current at the base library, military personal office and the Base Exchange.

One last activity I would like to discuss is the voting assistance services provided to our deployers. Prior to deploying all Robins Air Force Base members are required to attend a pre-deployment fair. During these fairs, we distributed the Robins Voting Assistance Program informational tri-fold. Our hope is that

these deployers will reference this pamphlet and know where to get help with voting questions while deployed.

The biggest challenges faced by the Robins Voting Assistance Program were primarily caused by factors outside of our control. The voter registration process is not standardized from state to state, not even county to county in some states. This lack of consistency, makes learning how to properly fill out the federal voting post card very confusing and difficult. These federal voting post cards are primarily filled out by hand and therefore can at times be difficult to read. Talking to different Airmen at Robins, I learned that sometimes these illegibility factors caused the postcard to be returned to the member by the Postal Service. In at least one instance, information was input incorrectly by a registration clerk, which led to disqualification questions when the member went to vote. Several members were initially denied registration because the voter registration clerks did not know the laws pertaining to military residency. The variable deadlines for registration and absentee voting confused several military members who thought because the Georgia deadlines had passed, it was too late to register or send in their absentee ballot even thou their home states had later deadlines.

As an American military voter, I would personally like to express my gratitude to all the members of this committee for your concern and assistance in our efforts to vote and be counted. I look forward to answering your questions concerning the Robins Air Force Base Voting Assistance Program.

Ms. LOFGREN. Thank you very much.
Mr. Suleman, we would love to hear from you.

STATEMENT OF ROKEY SULEMAN

Mr. SULEMAN. Good morning, Madam Chair, and distinguished members of the committee.

Military and overseas voters encounter significant obstacles when it comes to exercising their right to vote. The distance a ballot must travel and the short timeframe in which it has to travel creates problems that the average American voter does not face.

I have great sympathy for these absentee voters. The first vote I ever cast was an absentee ballot in Navy boot camp. Although I was medically discharged soon afterward, the experience left a definite impression about the importance of absentee and military voting.

Changes have been made to make it easier for military and overseas voting citizens to enjoy their franchise. But, given today's technology, these changes are not enough.

The U.S. Postal Service has created a system to help election officials disseminate ballots to overseas voters. Green tags such as these are now available to mark trays of absentee ballots to expedite delivery. APO and FPO ballots are sent to three centers based on zip code. They are sent to either New York, Miami, or San Francisco. These changes help separate time-sensitive absentee mail from the regular flood of mail that the USPS processes on a daily basis.

However, many election officials do not know these extra tools are available to them. Education of election officials across the country may be needed to help alleviate this problem.

In Fairfax County, my office issued 8,623 UOCAVA ballots during the November, 2008, general election. Out of those 8,623 ballots, 7,332 were returned, a rate of 85 percent.

A significant reason for the high rate of return of our overseas ballots has to be attributed to the fact that Virginia allows ballots to be e-mailed to UOCAVA voters. In November of 2008, 3,483 of our ballots were sent via e-mail. By utilizing e-mail, we dramatically shorten the time it takes for UOCAVA voters to receive their ballots. This, in turn, allows the voter greater time to return their ballot to us. This extra time is especially important for military voters in a war zone.

During the last legislative session, Virginia expanded the use of e-mail balloting to include any military voter in the United States as well as overseas. I believe it is the first step towards allowing election officials to e-mail a ballot to anyone outside the borders of the Commonwealth. I will welcome that advancement.

A natural extension of this benefit would be to allow voters to return their vote to an office of elections electronically. Currently, a Virginia voter must print their e-mail ballot, fill it out, and return it via the mail or a commercial delivery service. This may be problematic for military voters in a war zone or civilians in remote areas of the world. Allowing electronic transmission of a ballot to an office of election will be of great help to our overseas voters.

Virginia faces a significant problem regarding the Federal write-in absentee ballot. State law required an address from a witness

if the FWAB was used simultaneously as an application for an absentee ballot and a ballot. The FWAB, and only under this specific requirement, was the only absentee ballot in Virginia that required this extra information from a witness. Only after a late opinion by the Attorney General that the statute was in conflict with Federal law were we able to accept the ballots without that information.

This is an example where a State may put up extra barriers to UOCAVA voters. Although the intention of these laws may be noble, the fact remains that these laws erect significant barriers to many citizens for participating in our most basic right.

The time in which a ballot is available also creates a problem for overseas voters to timely receive a paper ballot. The Code of Virginia requires offices of elections to have a ballot at least 45 days prior to any November general election, 30 days prior to any other general, special, or primary election, or as soon after the deadline as possible in the case of a special election when the deadline is unavailable to be met. Virginia is fortunate enough to have the time available to deliver the ballots in a general election. States that have mid-September primaries may not have that luxury for a November general election. The time it takes to certify the election, then create and print paper ballots may push a jurisdiction well into the 30 days prior to an election. That is not enough time to process, send, and return a paper ballot for a UOCAVA voter.

In Fairfax County, my office will have held five elections in the first 6 months of this year, three of which were special elections called with a short amount of lead time. Special elections provide the best example of the drastic need to improve our ability to deliver ballots to our UOCAVA voters.

For our February special election, my office issued 5,918 absentee ballots. 3,352 of those ballots were UOCAVA voters. Of those, 1,431 were e-mailed. Only 281 UOCAVA ballots were returned for this election, a rate of 19.6 percent.

Our March special election there were only 35 days between the dates. There was no way we could get a ballot to an overseas voter in time unless it was transmitted electronically. We e-mailed 139 UOCAVA ballots and mailed 214. Thirty UOCAVA ballots were returned, a rate of 8 percent.

If our office only had the ability to send ballots overseas via regular mail, I can guarantee you that our return rate would be significantly less. Virginia is a good example that electronic transmission of ballots works and should be used for any UOCAVA voter that requests it.

Not all of this dismal return rate can be attributed to the difficulty of receiving and returning ballots. Most of these voters received ballots to an election that they had no idea was occurring. We assume that some ballots were just deleted or thrown away. But every week we still receive one or two ballots from an overseas voter for one of our elections. We recently received a ballot for the November general election. We have no idea why these ballots take so long to arrive to our office, but they do.

I thank you for the opportunity to speak to you today and I look forward to answering any questions.

[The statement of Mr. Suleman follows:]

**UNITED STATES CONGRESS
HOUSE OF REPRESENTATIVES**

The Committee on House Administration, Subcommittee on Elections

**Testimony of
Rokey W. Suleman, II
General Registrar
Fairfax County Office of Elections
Thursday, May 21, 2009**

Good morning Madame Chair and distinguished Members of the Committee. My name is Rokey W. Suleman, II, and I am the General Registrar of the Fairfax County Office of Elections in Fairfax, Virginia. I am pleased to be here this morning to discuss the issue of Military and Overseas Voting: Obstacles and Potential Solutions.

Military and Overseas voters encounter significant obstacles when it comes to exercising their right to vote. The distance a ballot must travel and the short timeframe in which it has to travel creates problems that the average American absentee voter does not face. I have great sympathy for these absentee voters. The first vote I ever cast was an absentee ballot in Navy boot camp. Although I was medically discharged soon afterward, that experience left a definite impression about the importance of absentee and military voting.

Changes have been made to make it easier for Military and Overseas citizens to enjoy their franchise. But, given today's technology, these changes are not enough.

The US Postal Service (USPS) has created a system to help election officials disseminate ballots to overseas voters. Green tags may now be used to mark trays of absentee mail. APO and FPO ballots are sent to three centers based on zip code to expedite the delivery overseas, New York, Miami and San Francisco. These changes help separate time-sensitive absentee mail from the regular flood of mail that the USPS processes on a daily basis.

However, many election officials do not know that these extra tools are available to them. I, myself, did not know about the green absentee tags offered by the USPS until January of this year. Utilizing these tags would certainly have helped my absentee division mail ballots promptly during the presidential election. Education of election officials across the country may be needed to alleviate this problem.

In Fairfax County, my office issued 8,623 UOCAVA ballots during the November, 2008 General Election. Out of those 8,623 ballots 7,332 were returned-a rate of 85%. The return rate of our regular absentee ballots was 89.7%.

A significant reason for the high rate of return of our overseas ballots has to be attributed to the fact that Virginia allows absentee ballots to be e-mailed to UOCAVA voters. In November of 2008, 3,483 UOCAVA ballots were sent via e-mail. By utilizing e-mail we dramatically shorten the time it takes for UOCAVA voters to receive their ballots. This, in turn, allows the voter greater time to return their ballot to us. This extra time is especially important for military voters in a war-zone.

During the latest legislative session, Virginia expanded the use of e-mail balloting to include any military voter in the United States as well as overseas. I believe this is the

first step towards allowing election officials to e-mail a ballot to anyone outside the borders of the Commonwealth. I will welcome that advancement.

A natural extension of this benefit would be to allow voters to return their vote to an office of elections electronically. Currently, a Virginia voter must print their e-mail ballot, fill it out and return it via the mail or a commercial delivery service. This may be problematic for military voters in war-zone or civilians in remote areas of the world. Allowing electronic transmission of a ballot to an office of election will be of great help to overseas voters.

Virginia faced a significant problem regarding the Federal Write-In Absentee Ballot (FWAB). State law required an address from a witness if the FWAB was used simultaneously as an application for an absentee ballot and a ballot. The FWAB, and only under this specific requirement, was the only absentee ballot in Virginia that required this extra information from a witness. The problem was compounded by the fact that the form no longer had a box for the witness to provide that information. The only warning to a voter was to include the information if it was required by your state. Only after a late opinion by the Attorney General that the statute was in conflict with federal law and rendered void were we able to accept the ballot without that information.

This is an example where a state may put up extra barriers to UOCAVA voters. Although the intention of these laws may be noble, the fact is that the laws erect significant barriers to many citizens from participating in our most basic right.

The time in which a ballot is available also creates a problem for overseas voters to timely receive a paper ballot. § 24.2-612 of the Code of Virginia requires offices to have ballots available at least 45 days prior to any November general election, 30 days prior to any other general, special or primary election or "as soon after the deadline as possible" in the case of a special election when the deadline is unavailable to be met. Virginia is fortunate enough to have the time available to deliver the ballots in a general election. States that have mid-September primaries may not have that luxury for a November general election. The time it takes to certify the election and then create and print paper ballots may push a jurisdiction well into 30 days prior to an election. That is not enough time to process, send and return a paper ballot for a UOCAVA voter.

In Fairfax County, my office will have held five elections in the first six months of this year-three of which were special elections called with a short amount of lead time. Special elections provide the best example of the drastic need to improve our ability to deliver ballots to our UOCAVA voters.

For our February special election my office issued 5,918 absentee ballots. 3,352 of those ballots were UOCAVA voters. Of those, 1,431 were e-mailed. Only 281 UOCAVA ballots were returned for this election-a return rate of 19.6%.

Our March special election was a direct result of our February special. There were only 35 days between the election dates. There was no way we could get a ballot to an

overseas voter in time unless it was transmitted electronically. We e-mailed 139 UOCAVA ballots and mailed 214 for a total of 353 ballots. 30 UOCAVA ballots were returned-a rate of 8%.

If our office only had the ability to send ballots overseas via regular mail I can guarantee you that our return rate would be significantly less. Virginia is a good example that the electronic transmission of ballots works and should be used for any UOCAVA voter that requests it.

Not all of this dismal return rate can be attributed to the difficulty of receiving or returning ballots. Most of these voters received ballots to an election that they had no idea was occurring. We assume that some ballots were just deleted or thrown away. But, every week, we still receive one or two ballots from an overseas voter for one of our elections. We recently received a ballot for the November general election. We have no idea why these ballots take so long to arrive to our office but they do.

Virginia does suffer from a law that requires a voter to have their ballot delivered to an office of election by the close of the polls on Election Day. I do believe that UOCAVA voters should be afforded 10 days from the election to return their ballot provided it is postmarked by Election Day. Electronic receipt of a voted ballot would also fix this problem.

The barriers to UOCAVA voters vary from state to state. But the common theme is time. However we can increase the time to allow a voter to properly return an overseas ballot we should do so.

I thank you for the opportunity to speak to you today and I look forward to answering any of your questions.

Ms. LOFGREN. Thank you very much.

And we will turn to our final witness, Ms. Duff. Thank you so much for your testimony.

STATEMENT OF MS. JESSIE JANE DUFF

Ms. DUFF. Good morning, Chairwoman Lofgren, Ranking Member McCarthy, and members of the committee. Thank you for letting me testify today.

I served in the United States Marine Corps for 20 years and retired rather recently; and while I was on active duty I will express that I was stationed overseas on four separate tours in Okinawa, Japan. Doing this time overseas is very, very difficult. The Marine Corps is a very, very unique force. It's an expeditionary force. It essentially is not in contact with a lot of the United States during the times that they are overseas.

Many civilians may find it very hard to grasp their lack of capability to stay in contact. There is no Blackberry. There is no iPhone. Even if the technology is with you, it doesn't necessarily work overseas. So you are very limited. You do not have Internet access, as many people seem to assume that the technology will be a quick solution. Often while you are in the field you are not out there in a 9 to 5 workday. You are out there for weeks. You are out there for months. And often getting access to any type of Internet usage is not possible for you.

Our access to voting information during my time while on active duty was very, very limited. I did not get approached but one time while on active duty by a voting officer to get registered to vote; and, unfortunately, I wasn't even stationed overseas. I was at Camp Pendleton, California.

Military members are often disenfranchised for several reasons. The reality is that there isn't the information accessible to them while they are on forward deployment, even, often, when they are in a situation on a normal base that you would expect to see more support.

April 15 is Tax Day. Two months prior to your taxes being due, throughout every military installation for two months they help you get your taxes done. And then there is a CFC campaign where military members are able to volunteer to donate money. Guess what? They provide mandatory briefings for everybody so that they can donate to CFC. Whether they choose to or not is up to them. But yet there aren't mandatory briefings on registration processes, and the teams that are available are so limited that you don't have readily access to information available.

The most important thing that can happen now for military members to get their vote counted—and I am talking about the immediate near future, not long term—would be an express mail delivery service. And the reason that I feel that this is so important is, right now, the technology isn't available to the military.

We do have a unique opportunity as military members with a CAC card. The CAC card is your military ID card. The military ID card allows you to go into any computer system, and it automatically identifies who you are. For the future, it would be incredible that a military member can have a voting station set up wherever they are at, slide their card. Their ballot is signed into wherever

that their home or record is, and they get their absentee ballot, and they are able to fill it out, and then they can express mail it back. But, right now, we don't have that system available.

So there are a lot of ideas out there that we need the training and we need the opportunity for military members to actively register.

But in order to get those ballots back on time is probably the most critical question right now. A delivery time of 4 days means that military ballots can be cast on a Friday afternoon. A military man or woman overseas can say, I'm casting my ballot today; it is going to be counted by Tuesday. That is an incredible feeling when you are in the military. To have to cast your ballot 30 days out and not really know how the turn of the election is going to go is a very disturbing thought for many of us on active duty.

An overseas military voter can judge candidates on the full period of election. As we all know, things do pop up right before election time. A delivery time of 4 days with express mail, not 3 weeks, will increase turnout because interest in elections is highest near the end of the election. You know, to force a military member to get actively, aggressively involved and there really hasn't been a lot of the interest going until that last few weeks is very difficult for them, also.

Express mail will reduce the need for faxed ballots, which can honestly force a military member to lose the integrity of their ballot. You don't know who will see that fax. You don't know who will witness it.

Military mail often doesn't have a postmark. This is another thing a lot of people don't recognize. MPS does not necessarily postmark your mail. So if we say we can accept it 3 weeks after, how do we know that it was cast before the election? We don't. So it is critical. With express mail, you are able to see a postmark on that. Four days over 3 weeks of delivery is a critical element for military people. An express mail delivery time of 4 days, not 3 weeks, would ensure far fewer military voters will be disenfranchised and ballots arriving late. Express mail would maintain secrecy of the ballot, ensure public confidence, which the public does not have a lot of confidence in some of the technology right now, and military voters will have their ballots counted.

I respectfully appreciate the opportunity to testify this morning, and I am open for any of your questions at this time.

[The statement of Ms. Duff follows:]

Testimony of Jessie Jane Duff
Gunnery Sergeant, U.S. Marine Corps (Ret.)

Before the
Elections Subcommittee
Committee on House Administration
U.S. House of Representatives
May 21, 2009

Good morning Chairwoman Lofgren, Ranking Member McCarthy, and members of the committee. Thank you for the opportunity to testify before you. My name is Gunnery Sergeant Jessie Jane Duff. I retired from the United States Marine Corps in 2004 after serving 20 years on active duty. Among my other activities, I now act as a volunteer and spokesperson for Military Voting Rights USA, a national network dedicated to ensuring that military voters have their votes cast and counted.

During my 20 years on active duty, I often served in a tactical role in motor transport. I served 4 separate one year tours overseas in Okinawa, Japan. While working on active duty, mission was first. No other aspect of my life took priority as high as the mission to support the Marine Corps infantry and air wing units. I worked as a motor transport non-commissioned officer and as a motor transport chief while based in Okinawa. In each case, I was responsible for multiple Marines and ran a tactical motor pool during my last overseas tour in Japan.

Many civilians may find it hard to grasp the isolated conditions military can experience even when stationed in an economically developed society overseas. Due to language barriers and different technology services available, there isn't a flow of information from newspapers and television stations like most experience here in the states. The information is limited based upon various armed forces radio, television, and military newspapers. The reality is, information

flows slowly to the majority of personnel. Many locations throughout the world don't have the technology that Americans take for granted in their Blackberry or iPhone.

The Marine Corps is an expeditionary force. Mail to overseas locations must go through a central Fleet Post Office address in San Francisco or New York before it is forwarded through the Military Postal System to the overseas location. When Marine Corps personnel are training, they are usually in austere conditions and train to reflect combat conditions. Everything is geared towards combat readiness and the Marines, along with other military personnel, focus strictly on that purpose. Field operations have limited services and mail is delayed even in non-combat environments.

Our access to voting information was minimal and due to the nature of our work, Internet and computer access was limited. We spent hours, weeks, and even months in field operations to support training. During training cycles, there wasn't a 9 to 5 day or a 40 hour work week. Deadlines often pass before personnel realize an election is right around the corner. Delays with overseas mail often prevent absentee ballots being received and returned to the states in time to meet the deadlines.

After I retired from the Marines, I learned there is a Federal Absentee Write In ballot available for service members to use if they don't receive their absentee ballot on time. However, information on this ballot was NEVER provided to me during my 20 years of service. That is an appalling fact considering the Federal Absentee Write-In Ballot was created by a law enacted in 1986.

One Major in the Marine Corps, an infantry officer, told me he never heard of the Federal Absentee Write-In Ballot until he didn't receive his absentee ballot on time while serving in Iraq this past election. He was fortunate enough to have access to the Internet when he came out of the field. The Major took time on the Internet to research and discover the Federal ballot was available to him to replace his absentee ballot. However, many members don't have access to the Internet while in the field. Realistically, most military personnel do not know this federal write-in ballot even exists.

Voter registration is advertised and pushed in communities across America. In 20 years of service, I do not recall seeing an absentee ballot request booth, poster with information on how to register, or any voter advertising campaign on any installation I was based or visited. I have been on Army, Navy, Air Force, and Marine Corps installations. I was approached only one time during my entire career with information to request an absentee ballot; I was based at Camp Pendleton, California at the time.

As a comparison, every year, several months before April 15, tax centers are set up throughout every military installation. Personnel in administrative support positions are trained and pulled from their regular duties to work in tax centers throughout installations. The effort to enable military to pay their taxes on time is remarkable. On the other hand, the effort to enable military members' their right to vote on how those tax dollars are spent is deplorable.

Military members also receive an annual brief to participate in the Combined Federal Campaign, a campaign that informs military members they can contribute monthly from their paycheck to various charities if they volunteer to participate. Like tax centers and CFC campaigns, training should be provided for state and federal elections to voting teams to support military personnel. Voting deserves as much attention as taxes and charity.

The National Defense Committee reported in March 2009 that 22% of the military voted in 2006, as compared to 40% of the general population. This is disgraceful. To add to discouragement, media and news sources have reported military absentee ballots have been late and uncounted. These reports give military members a lack of confidence that their absentee ballot will count. The Department of Defense has a responsibility to ensure military members are not disenfranchised while serving their country.

The military has a unique tool available to ensure privacy and security if service members request or obtain a ballot electronically. This process can utilize the military Computer Authorization Card, or CAC card, for electronic signature by each military member. Department of Defense could set up an absentee ballot request Internet page with use of the CAC card. Various means of voter registration and absentee ballot requests should be accessible and widely advertised for military members, particularly those stationed overseas.

The most important thing we can do right now is ensure absentee ballots are received on time. It's unacceptable that the current delivery time for ballots sent home from overseas takes three weeks. Express Mail delivery system established by the federal government could shorten that time to four days and ensure:

- A delivery time of four days means an overseas military voter could mail his or her ballot on the Friday before an election and be sure that it will be cast and counted on time. All states would receive their ballots by close of the polls on Election Day.
- An overseas military voter can judge candidates based on the full period of the fall campaign and cast their ballot with confidence they have enough information to make their choice.

- A delivery time of four days with Express Mail, not three weeks, will increase turnout because interest in elections is highest close to the election.
- Express Mail will reduce the need for faxed ballots which force the military voter to give up the secrecy of the ballot.
- Military mail often doesn't have a postmark. With Express Mail, there will be assurance that the ballot was cast before Election Day and an official record of when it was picked up. It should not be rejected for lacking a postmark.
- An Express Mail delivery time of four days, not three weeks, would ensure far fewer military voters will be disenfranchised from ballots arriving too late.

Express Mail would maintain the secrecy of the ballot, ensure public confidence in the election process, and allow more military voters to vote and have their ballots counted. With the Express Mail system in place, Military personnel will have confidence to register and vote in the very election process that they put their lives on the line to defend.

In conclusion, I recommend the following solutions to help ensure military members can have their ballots counted while they serve their country:

- Provide Express Mail system to all overseas service members to ensure absentee ballots are returned in 4 days instead of 3 weeks.
- Provide updated training during each election cycle to voting teams who will provide active assistance to military personnel for their absentee ballot and voting needs.
- Provide accessible voter registration and absentee ballot request locations throughout military installations to assist military personnel and their dependents.

Thank you again for the opportunity to testify and I look forward to answering your questions.

Ms. LOFGREN. Thank you very, very much for your testimony; and thanks to all of the witnesses for all of your testimony and statements.

Now is the time when we can follow up with our questions, and I would turn first to the ranking member to begin our question period.

Mr. MCCARTHY. Thank you, Madam Chair.

I appreciate all the testimony today. I found it very, very intriguing.

Just one quick question to Mr. Suleman. You did bring up—I remember the issue about military absentee ballots in your jurisdiction, believe that you had to have a witness. Even though if you voted absentee and you lived there, you did not have to have a witness, and you brought that up in your testimony. Was there any jurisdiction in Virginia that interpreted it the same way that you guys did?

Mr. SULEMAN. There were several jurisdictions in Virginia that chose to ignore the law that—

Mr. MCCARTHY. So they didn't interpret it the same way you did.

Mr. SULEMAN. No. They interpreted the law correctly, and the Secretary of the State Board of Elections interpreted the law that way, but they were choosing to ignore the law.

In Fairfax County, we felt that we don't have the ability to ignore the law. We don't like the law. We brought the law to everybody's attention before the election. So this was going to be a significant problem and only by the Attorney General's opinion saying that the law was in conflict were we able to accept those ballots.

Mr. MCCARTHY. Did you go back and count those ballots?

Mr. SULEMAN. All of those ballots were counted. That is correct.

Mr. MCCARTHY. Ms. Duff, thank you for your testimony. I found it very intriguing especially from—one, for your service that you provided for 20 years, for all of the service that you provided.

But you made some very interesting comments, to me. I mean, we look at how do we solve the system today in the best manner that we can and in the future even improve it? Some of the testimony talked about the Internet and stuff and real-life experience that you gave that you don't have the option for that. And you talked about express mail, which I happen to put in a bill and that does the express mail in the 4 days.

But when we talk about this issue, we talk about military voting and we talk about overseas voting; and it always gets lumped together. But in your testimony you brought a lot of attention to me that the different hardships if you are in the military could be much different than if you are just a citizen overseas. And if you could explain and maybe elaborate a little more, the difference, and should they be treated different? Because, right now, it doesn't seem that they are being treated differently.

Ms. DUFF. Military members are sent overseas not necessarily out of choice. They are sent there by the Federal Government, and they will ensure that they serve their duty over there. They are going to be subjected to, usually, long periods away from their families. There are often enduring circumstances in the field operations

that do not offer facilities that most people would experience who are civilians overseas. The hardships are very, very difficult.

And I am not even talking about combat operations. Keep in mind I served in field operations that were not combat related. We trained explicitly for combat, and we duplicated combat conditions, but I wasn't in a combat situation. My mail was delayed constantly. I mean, I remember getting vacation postcards after my mother got home a month earlier. So that was quite interesting.

But those may be humorous examples, but when you are talking about an election, military members do not have the choices that a lot of their civilian counterparts have. You are talking 7-day workweeks, often. And sometimes you go to sleep literally to get right up and go back into your post.

Mr. MCCARTHY. Another point that you brought up that was very intriguing to me is you have got Tax Day, you have got CFC. That is Combined—

Ms. DUFF. Combined Federal Campaign.

Mr. MCCARTHY. The campaign. Those are mandatory, but you had no mandatory when it came to voting assistance within there?

Ms. DUFF. I wouldn't say that the tax offices that they set are mandatory. What they do, though, is about 2 to 3 months prior to your taxes being due, they set up offices throughout the base to assist people with taxes. And the teams are trained. Not just one officer. You are trained on basically submitting State and Federal taxes.

Now, those tax laws get pretty complicated, I would assume, too. So, obviously, voting laws can be something that they can be trained in, and I think there should be facilities that are easily accessible for military members to acquire. Not only when they come onto base do they get registered with that CAC card. That CAC card is a guaranteed signature that this is a real person. They can utilize that.

But, also, the Federal absentee write-in ballot, that has been around since 1986. I never heard of it while I was on active duty, not once.

One of the members—one of my friends who served in Iraq on his third tour told me that he had not received his absentee ballot on time. He had to pull himself out of the field, found the Internet, found a Federal write-in ballot, and never heard of it himself, and got his ballot cast on time.

Now, with express mail, you get the Federal write-in ballot mailed in, or you can get your absentee ballot write-in. I mean, 2010 is right around the corner. I think we have got to have a quick solution and then we can work on some of these technology issues so they are proficient and good for the rest of the population.

Mr. MCCARTHY. One thing, when you said express mail, you talked about they don't even postmark your mail. So we wouldn't know—that would give Mr. Suleman difficulty of knowing when it was mailed or if you could count it in time when the election is over.

So, one, we are putting a burden upon you currently the way the system is? But if you had a tracking system, with express mail you could track each ballot so you would know where it was at and

where it was coming from. Would you find that as something that would be helpful in—

Ms. DUFF. Absolutely. Military members often feel like they are going into a big abyss when they cast that ballot. They don't know that it even gets there.

The reality is, with express mail, we are going to go from 3 weeks to 4 days. And it sounds like there have been times when it has been longer than 3 weeks, sometimes 4 or 5 weeks. That is an undue burden on a military member to ensure that they get that ballot in the mailbox on time.

Express mail can happen. I have seen many things happen in the military. When they are told to do it, they do it. And they can get those express mail forms filled out Friday, and it is counted on Tuesday, and everything is on time, and States don't have to modify their laws now.

Ms. LOFGREN. The gentleman's time has expired.

I would turn to the gentlelady from California, Mrs. Davis, for her questions.

Mrs. DAVIS of California. Thank you, Madam Chair; and thank you all for being here and for your service as well.

I am glad that my colleague brought up the tracking system, because we are working together on a bill that would allow voters overseas—military voters, of course—to do this. There are several States that already have it, and even in our area in San Diego there were something like 98,000 voters who checked our online system to see where their ballots were. So we think that's very, very valuable; and you mentioned, Ms. Duff, that that would be helpful.

Let me just see if I could ask others as well if this would make a difference. One of the things that was mentioned is that you can't always have access to the Internet, but still the tracking would be helpful, and would that be—

Ms. DUFF. Well, you can always—eventually, you will have access to the Internet. So it is not something that—eventually, you can go back and see that your vote was counted. And I am not saying all military is unable to use the Internet. But even if you could go back a week after you come out of the field and say, yea, my vote counted.

Mrs. DAVIS of California. Could the rest of you respond in terms of the ability of voters to track their ballot and how helpful that would be?

Ms. MCGINN. I think it would be very helpful. I think you are back to the situation where the States treat—have different rules about electronic transmission and what they pass back and forth, and so you are back to struggling with how do you get States to do that as a whole.

I think that Ms. Duff raises an interesting point and one of the things that we talk about which is that nobody's situation is the same. And so some people need to send their ballot; some people can fax their ballot. In some cases, they can actually transmit their ballot electronically. So we need to cover all those bases somehow, which is a challenge of the programs. But that would be my sense, that it would be good to be able to track it.

Mrs. DAVIS of California. I think even thinking about a tracking system, being able to do it online but also an 800 number would be included in that legislation.

Captain GARCIA. Thank you, ma'am. I think it would be very satisfying for military members to know that their vote is counting and it doesn't get lost in the abyss.

The only thing I would like to add is we are only talking about our overseas where there are still a lot of military members here in the States who feel like their vote doesn't count. So the only thing I would ask—I don't know the specifics of the legislation, if it's also going to include absentee within the U.S., not just our overseas members.

Mrs. DAVIS of California. Yes, absolutely. That is the whole idea, yes. Countrywide and I guess overseas, so that is global, right?

Mr. SULEMAN. From an election administrative standpoint, I would truly welcome an online ability to check the status of your absentee ballot. We do have something like that in Virginia, and anything that can take the burden of phone calls away from our office during the last 30 days of an election to help us prepare for everything that we have to have to do is a welcome advancement.

The tracking for express mail would also be a significant help to us if we can determine when a ballot was put into the mail in the first place. That way we don't have to worry about, you know, attempting to check postmarks.

In Ohio, my previous jurisdiction, we were able to accept absentee ballots up to 10 days after the election as long as they were postmarked; and we also received a directive from the Secretary of State that if we could not determine a postmark, if there was not a postmark, we have to assume it was mailed prior to the election. So we at least open up a window to allow a little bit more ballots to be accepted.

In Virginia, unfortunately, all absentee ballots have to be received by my office by the close of election day. That's a significant impediment to collecting overseas ballots. I would welcome a standard uniform rule where any overseas ballot would be accepted within a 10-day or a 5-day window, whatever that window is selected to be, but at least a window after the election so that we can get a little bit more of these ballots counted.

Ms. MCGINN. We actually have some experience with tracking, I hear, so if I could just turn to my colleague, Mr. Bush, for a minute.

Mr. BUSH. I think it is just important to note for the 2008 election we did work with the United States Postal Service and not in every region, but we did use a tracking system where they had the technology. They were in the process of doing that. So they were putting a bar code on the ballots so we could track them coming back.

We also used express mail the last week of the election to expedite mail coming back, working with the Postal Service.

And one of the comments that was made is that the military postal service doesn't postmark material. In fact, the Postal Service for balloting material, they were issued a postmark so they could postmark every ballot so we could identify and track when it was received into the system.

Mrs. DAVIS of California. Thank you.

Can you all think of any reason why we shouldn't do that?

It sounded pretty unanimous to me.

Okay, thank you very much, Madam Chair. I actually have a few other questions if there is another round, but, otherwise, I want to thank you all.

Ms. LOFGREN. All right. The gentleman from Mississippi, Mr. Harper.

Mr. HARPER. Thank you for being here today.

It is a great concern we have to make sure that the votes of our men and women in the military are counted. Do any of you think that those that are in uniform overseas should be treated differently than just civilians who are overseas in the process?

Ms. DUFF. I do.

Mr. HARPER. Why do you think they should be treated differently?

Ms. DUFF. Because of the conditions they have to endure that most of your civilians who choose to be overseas are not enduring. Military members are sent there by the Federal Government, and the Federal Government should be responsible for ensuring that their vote is counted, and the conditions that they are under do not allow that normally.

Mr. HARPER. So extra attention and extra effort to make sure that those are properly cast.

Ms. DUFF. Absolutely. They are there in service of their country, sir.

Mr. HARPER. And I know they seem to always be lumped together in these requirements. So, Ms. McGinn, I would love to have your views on that.

Ms. MCGINN. I expect that—I guess maybe I am thinking of the State Department now specifically or industry, but I suspect that our military members probably tend to be younger and maybe away from home for the first time. And so, therefore, I think we need to be very assertive in getting the word out to them, as Ms. Duff said.

We try to use every possible way to get the word out to people about voting. Our senior leaders have commented, you know, they go into our deployed areas and everywhere they look as election approaches, there are banners and posters and it is hard to not see them. But I think that the fact that they are younger and they don't have as much experience perhaps really does mean we need to do a very, very proactive effort, outreach effort to them.

Mr. HARPER. Now, the Department of Defense knows what the declared state of permanent residence is of every member of the military, do they not? They would have that information somewhere within their files, whether they were——

Ms. DUFF. Yes.

Mr. HARPER [continuing]. From Texas or whatever State. Would that be correct?

Mr. BUSH. If I can answer that.

Mr. HARPER. Yes.

Mr. BUSH. We know what their home of record is. We know where they are currently stationed. That may be different than where they register to vote.

So, right now, in fact, I am exploring with our Privacy Act folks if there is a way that we can get the place where they are registered to vote. There are some concerns. I have got to work through that. But that would be helpful then if we could target where they are registered to vote. Because in our business that is what really matters.

Mr. HARPER. And I know we are talking about many, many people, but if you had that in the system where their declared voter residency was and then there was a change of duty, is that something that you could envision that the DOD could notify then of a new or a change of address for them for that purpose?

Mr. BUSH. What we could do when we—that is part of the privacy concern, is what we share with the States. But if we had that information we could push information to that particular member, just like we have somebody that checks in a new duty station, but we could push that information to the members, reminding them that they need to register to vote, they need to change their location when they do change that.

If I could just point out one thing that you were talking about, the difference between military and civilians stationed overseas. There is a difference, I think, but you also have to think of people like Peace Corps workers who may be in remote locations that may have the same sort of hardships that some military members experience.

So we have to—you can't just separate, I think, the two into two distinct groups. We have to think holistically, but an extra effort in the military and those that are in remote locations clearly is an area that we need to focus on.

Mr. HARPER. Certainly we appreciate what those in the Peace Corps do, but it is a little different for those who are in uniform who put their lives on the line in combat situations. Is there any problem giving them preferential treatment to make sure that we don't miss those opportunities to cast those ballots?

Mr. BUSH. No, sir. I am not saying we should not make every effort to keep our military informed and help them in the voting process, no.

Mr. HARPER. Captain Garcia, if I could ask you, is there any voter registration card or information that when somebody comes to your base and gets information that perhaps could be used to help them in that process?

Captain GARCIA. Yes, sir. As I mentioned in my statement, when people come in, we continue our continuous education instruction. We have monthly briefings for first-term airmen and newcomers to the base. Anybody who comes into the base will have to go to either one of those venues. At that point, we do have a brief and our counselors are trained to help them actually fill out their Federal Voting Assistance Program.

Also, as I mentioned, we have the static displays that are located at the MPF, the BX, and the library. So as you are walking by you can see the large displays; and if you have any questions, the pamphlets can direct you to your unit counselor to help you fill those.

Mr. HARPER. Is there any follow-up to monitor who has filled those out and who has not?

Captain GARCIA. We are not allowed to do that, sir.

Mr. HARPER. Okay. Thank you very much. That's all the questions I have.

Ms. LOFGREN. The gentleman yields back.

I think this has been very helpful. And as I think about the testimony here today, it strikes me that we need to do everything, not choose among alternatives. For example, as Mr. Bush has said, we have got people who are in remote areas in the Peace Corps, in the CIA, in the military, I mean, in the State Department, USAID, who have different constraints; and then we have people, Americans, who are in the State Department, but they are in London, and the challenges are going to be different.

So I think that the use of technology, the use of priority mail, I mean, those are all good things. And whatever we do, we need to make sure that they are all approached so that we can serve everybody.

In terms of the military, I mean, we have got—2 years ago, nearly 46,000 of our American military were noncitizens. So we need to make sure—I like the military ID card, but not everybody with a military ID card is eligible to vote because they are not an American citizen. So we can use that, but there needs to be another level of assurance on that.

I am interested, Mr. Suleman, on the Internet issue. Because for some voters abroad or even military within the United States, for example, New York, New York has a September primary. I guess that is up to them, but it makes it very difficult to mail out—it is almost impossible to mail out a ballot to Iraq and get it back with a September ballot. So the Internet example I think is very attractive to me, and certainly the use of the Internet has exploded even since you were in the military in 2004. A friend of mine was just deployed to Iraq. He has a blog. So I mean really the Internet is exploding.

What kind of security do you have? That's the question we always get what about the security if we use the Internet? I always think I feel secure enough when I do my banking on line, but what would you recommend when somebody worries about the integrity of the system?

Mr. SULEMAN. The security of an Internet e-mail ballot to me would be almost the same as the security, as long as it is sent on a secure server, the same as security for a regular absentee ballot. There is some thought that people lose the secrecy of the ballot when they would potentially e-mail a ballot. The same thing exists when you submit any sort of absentee ballot, because an election official has to separate that ballot from that identification envelope, and at that particular moment there is a potential to identify a vote to a voter.

I do believe that we should start looking for more e-mail and Internet solutions. I mean, you said about your banking. I pay all my utility bills online. I buy concert tickets online. I buy pizza online. I do my banking online. I really don't see why we cannot, you know, afford people the ability to both receive and submit a ballot online. There are secure methods to transmit material over the Internet, and we do it all the time, and I really don't see why we can't do that for our ballots for overseas citizens.

Ms. LOFGREN. Ms. McGinn, what do you think about the Internet option? What are the constraints that you see?

Ms. MCGINN. I think it is a very valuable option. I mean, we have deployed in Iraq right now Internet cafes for the troops who are over there so that they have access to Internet sites.

What we are trying to do with our next step in technology is to create the secure environment and to expand the use of the Internet for receiving a ballot, maybe someday submitting a ballot. I think, as we said before, it's an option that's very important. Someday we will probably all do it.

Of course, there are security issues involved; and we are awaiting some advice from the Elections Assistance Committee and NIST on what we would need to do to create a secure environment for voting. But we have had several initiatives in that way, and I think it is important for us to continue to pursue them.

Ms. LOFGREN. I will just say I know that NIST is the expert on all of these technologies. We are blessed in the United States to have that government entity that is so nerdy and so on top of this stuff. So we will look to them for good advice. But I think that this has been an important first step.

Obviously, we want to make sure that the men and women who are American citizens have every chance to vote and to know that they have the right to vote, but also our Peace Corps and everybody has got a right to vote, has that chance to go ahead and exercise that franchise. So I think this has been enormously helpful.

We will be holding open this hearing for 5 legislative days to allow for additional questions; and if we do have them, we will forward them to you and ask that you answer them as promptly as possible.

I think we had a few requests for testimony to be submitted, and I would ask unanimous consent that the following documents be made part of the official record: a statement from Democrats Abroad, a statement from the Uniform Law Commission; a statement by Dr. Alec Yasinsac; a statement by Everyone Counts; a statement by FAWCO, AARO, and ACA; a statement by PEW; a statement by OVF; a statement by FairVote; and a statement by Congressman Rush Holt. And, without objection, those statements will be made part of the record.

[The information follows:]



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May 21, 2009

Committee on House Administration: Subcommittee on Elections
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

Dear Committee Members:

Thank you for holding this important hearing on "Military and Overseas Voting: Obstacles and Potential Solutions." Ensuring that the men and women serving our nation in the armed forces and those Americans living overseas have the opportunity to cast a ballot is at the heart of our democratic process. All too often, administrative obstacles and bureaucratic barriers lead to these Americans having a difficult time voting, leading to frustration and potential disenfranchisement on Election Day.

FairVote recommends a specific policy that has tested very well in states enacting it: allowing overseas voters and out-of-state military voters to use ranked ballots to allow these voters to participate in our elections that have more than one round of voting. Specifically, more states should consider this policy when holding a runoff election soon after a first round, as is done in primary and city elections in many states. This ranked "instant runoff" ballot system is currently used for overseas and military voters for federal elections in Arkansas, Louisiana and South Carolina and was adopted by voters in Springfield (IL) by 91% to 9% in a 2007 ballot measure.

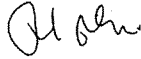
Ranked ballots allow an overseas voter to rank as many candidates on the ballot as he or she likes in order of preference. Overseas voters receive two ballots - a standard ballot for the first election and a ranked choice ballot for the second election. The ranked ballot contains all the candidates from the first election, and voters rank them in order of preference, from first to last. Both ballots are returned before the first election, and the standard ballot is counted as usual. In the event of a runoff election, the ranked ballot is counted towards the highest ranked candidate who advances to the second round. It has been hard to get good data on how overseas voters are handling this system in states implementing this policy, but what evidence we have is positive and election officials seem pleased. In polling place elections with ranked ballots, voters tend to handle it very well, including a valid ballot rate of more than 99.99% in the last two cities holding instant runoff elections in Burlington (VT) and Aspen (CO).

Overseas and military voters participating in local elections also face similar problems, where the turnaround time between rounds of primary elections are often much shorter. For example, only two weeks separate the first and second rounds of New York City's citywide primary elections, leaving few overseas voters and out-of-state military with time to participate in the runoff.

FairVote Board of Directors: John Anderson ◦ Edward Hales ◦ Hendrik Hertzberg
 Malia Lazu ◦ Pete Martineau ◦ Krist Novoselic ◦ William Redpath
 Ken Ritchie ◦ Cynthia Terrell ◦ David Wilner

Setting a national standard of using ranked ballots for military and overseas voters would cut down significantly on administrative costs and increase opportunities for our men and women in uniform to have a greater chance of participating in key elections. Thank you for holding this important hearing and we look forward to working with the committee in expanding access to the polls for all Americans.

Sincerely,



Rob Richie, Executive Director



The Honorable Robert A. Brady, Chairman
 Committee on House Administration
 1309 Longworth House Office Building
 Washington, DC 20515-6167

May 18, 2009

RE: Hearing of May 21, 2009: "Military and Overseas Voting: Obstacles and Potential Solutions"

Dear Chairman Brady,

We thank the Committee for its commitment to overseas and military voters as well as its efforts to continue to examine the causes and possible solutions to ongoing problems of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voting process.

Overseas Vote Foundation (OVF) is a nonprofit, nonpartisan organization that helps overseas and military voters participate in federal elections. We do this by providing public access to interactive web services including voter registration, ballot download, election official contact information, dates and deadline information, voter help desk and express ballot return services.

In 2008, OVF launched and managed 17 overseas and military voters' services sites including 7 for individual states through the OVF State Hosted Systems Program. 4.75 Million individuals visited the sites to use OVF's seven voter services. Furthermore, OVF teamed with FedEx to offer "Express Your Vote," the first express ballot return delivery program, from mid-September through October 2008. Approximately 10,000 voters took advantage of Express Your Vote in 2008.

We call your attention to the results of our expansive 2008 Post Election Survey, which bring unbiased, non-politicized insights into the real issues facing military and overseas voters and recommendations for increasing participation. Our results are based on the responses of **24,031 overseas and military voters** in 186 countries, and more than **1,000 local election officials** in the United States.

The research findings are astonishing and demonstrate that **America is still not doing enough to eliminate the problems that interfere with overseas and military voting**. OVF's report reveals that approximately 20% of eligible voters, *who wanted to vote*, could not. Given the overseas population, that is about 900,000 individuals or the city of Jacksonville, Florida. Other highlights of the report include:

- More than half (52%) of those who tried but could not vote, were unable to because their ballots were late or did not arrive.

- Despite concerted efforts, less than half of UOCAVA voters are aware of the Federal Write-in Absentee Ballot.
- Early state attempts to apply fax and email technologies are not improving chances of receiving ballots. 23.8% of respondents who sent in a request by email did not receive a ballot and 21.5% of respondents who used fax did not receive a ballot.
- Although Local Election Officials (LEOs) appear to be increasingly satisfied with their processes, undeliverable ballots continue to be a problem. LEOs confirm the frustrations of the voters: missed deadlines are a persistent problem

In short, registrations continue to be rejected because of state specific requirements, ballots are late and many citizens are not aware of their options.

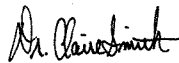
However, several states that participated in the OVF State Hosted Systems Program have showed improvements, such as Minnesota and Texas. During the 2008 General Election, Minnesota sent 5,745 absentee ballots to military personnel and their dependents stationed overseas; 3,702 of these were returned, of which 306 were rejected by election officials. This compares to 1,276 such ballots returned in the 2006 General Election, 204 of which were rejected. Not only do their numbers prove substantially increased participation and higher acceptance rates, but the 2008 post-election survey shows that Minnesota voters now report a higher level of satisfaction with the entire registration and voting process.

In an effort to inspire effective action, the OVF report details policy recommendations for election administrators at the federal and state levels. Chief amongst these are:

- Implementation of technology measures including online ballot request for registered voters and online blank ballot delivery to alleviate the transmission and timing difficulties inherent in the overseas and military voting process
- Innovation and investment in the Federal Write-in Absentee Ballot to broaden the practice of "Same Day Registration and Balloting" for overseas and military voters effectively collapsing the required voting timeline
- Inclusion of overseas and military voters into any federal "universal voter registration" initiative where they stand to benefit from such legislation

The complete survey report is submitted with this letter for inclusion on the record as official testimony, and is available at: www.overseasvotefoundation.org/initiatives-research.

Sincerely,



Dr. Claire M. Smith
Research Program Director
Overseas Vote Foundation

2008 OVF POST-ELECTION
EIOCAVA SURVEY REPORT
AND ANALYSIS

A DETAILED LOOK AT HOW
OVERSEAS AND MILITARY VOTERS
AND ELECTION OFFICIALS FARED
IN THE 2008 GENERAL ELECTION
AND WHAT TO DO ABOUT IT

FEBRUARY 2009



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Acknowledgements

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Victoria Doyon for her consulting and editorial contributions;
and Kira Song for her design assistance.

We also thank the voters and the local election officials, whose participation made this report possible.

For additional information on Overseas Vote Foundation, please visit
www.overseasvotefoundation.org

February 2009

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4786 N. Williamsburg Blvd., Arlington, VA 22207

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I. EXECUTIVE SUMMARY

Overseas Vote Foundation (OVF) is proud to release the results of its 2008 Post Election UOCAVA Voter Survey and its Local Election Officials Survey.¹ These surveys, now in their third year, provide a unique look into the voting experiences of overseas citizens, and are an unequalled resource in OVF's ongoing mission to help overseas and military Americans register and vote in federal elections. In 2008 more than 24,000 voters in 186 countries and more than 1,000 local election officials in the US participated in the OVF surveys.

The results of the 2008 surveys demonstrate that America is still not doing enough to eliminate the problems that interfere with UOCAVA voting. Although voter satisfaction was high, our report reveals that too many things that should have improved have not yet changed:

- More than one in four, 22%, of the 24,000 voter survey respondents did not receive the official ballot they expected. Of the total respondent pool, 8% used the FWAB when their official ballot did not arrive, and the resulting number of voters that hoped for their ballot but did not vote was 14%.
- Nearly one-quarter, 23.7%, of experienced overseas voters still have questions or problems when registering to vote.
- 4% of experienced voters with questions, had questions about re-filing registration forms.
- More than half (52%) of those who tried but could not vote, were unable to because their ballots were late or did not arrive.
- Despite concerted efforts, less than half of UOCAVA voters are aware of the Federal Write-in Absentee Ballot as a fallback option to a regular, locally-supplied ballot.

¹ The *Uniformed and Overseas Citizens Absentee Voting Act* is commonly referred to as *UOCAVA*. *UOCAVA* citizens are U.S. citizens who are active members of the Uniformed Services of the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their family members, and U.S. citizens residing outside the United States. The Act, passed in 1986, provides the legal basis for absentee voting requirements for these citizens.

- Early state attempts to apply fax and email technologies are not improving chances of receiving ballots. 23.8% of respondents who sent in a request by email did not receive a ballot and 21.5% of respondents who used fax did not receive a ballot.
- Minnesota was identified as an example of a state that pursued UOCAVA friendly voter policies (such as a late registration deadline, electronic ballot delivery, and voter outreach programs), which increased voter satisfaction by almost 8%.

Based on the results of OVF's surveys and our experience supporting UOCAVA voters, OVF makes the following recommendations:

1. We call for ensuring the important role of UOCAVA through legislative updates, in particular those that pursue greater uniformity in the application of this key act.
2. We encourage adoption of the anticipated UOCAVA Uniform Law intended to harmonize UOCAVA implementation for overseas and military voters across all states and territories.
3. We suggest the implementation of technology measures including online ballot request for registered voters and online blank ballot delivery to alleviate the transmission and timing difficulties inherent in the UOCAVA equation.
4. We encourage innovation and investment in the Federal Write-in Absentee Ballot and broadening the practice of "Same Day Registration and Balloting" for UOCAVA voters.
5. We underscore the importance of privacy and security considerations when applying technology to UOCAVA processes.
6. We propose a willingness to include UOCAVA voters into any federal "universal voter registration" initiative as they stand to benefit from such legislation.

The full report can be downloaded from the OVF website:
<https://www.overseasvotefoundation.org/initiatives-research>

Since OVF's first survey in 2004, a growing awareness of the problems of overseas voting and a growing participation by voters living abroad has changed the reform landscape. The Americans Abroad Caucus was formed, Overseas Vote Foundation launched a new set of integrated applications, and the 2008 OVF UOCAVA Summit took place in Munich, Germany with strong Washington, D.C. and U.S. election official participation. A new Alliance for Military and Overseas Voting Rights has just been announced. There is momentum and support from all sides to improve overseas and military voting. The OVF 2008 Post Election UOCAVA Voter Survey results reflect some these efforts. For example, increasing numbers of UOCAVA registrations and ballot requests, coupled with improved levels of satisfaction with the overseas voting process, provide evidence of some overall progress. In an election cycle that included historic increases in participation, especially among first-time voters, these observations might not be given the full attention that they deserve.

Despite some improvements, however, progress is uneven, and the surveys point to numerous areas ripe for reform. Indeed, OVF's 2008 survey findings corroborate FVAP legislative initiatives put forward to the states. Similarly, the results provide evidence of the need to prioritize select FVAP election administration enhancements as recommended in The Pew Charitable Trusts' highly valuable report, "No Time to Vote," which included a list of potential reforms.²

2008 Post Election Survey of UOCAVA Voters

OVF's 47-question 2008 Post Election Survey of UOCAVA Voters was launched on Election Day, November 4, 2008 and ran through January 12, 2009. 24,031 UOCAVA voters completed the survey, resulting in a 23% response rate. The survey focused primarily on matters affecting their voting experience with intent to gain both quantitative and qualitative data. This is OVF's third post election voter survey.

2008 Local Election Official (LEO) Survey

The 2008 Local Election Official (LEO) survey was sent to 4,944 LEO's in jurisdictions around the US. All 50 states, the

District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands were included in the survey distribution. The 46-question LEO survey ran from December 5, 2008 through January 12, 2009, and 1,025 LEOs responded. It was the second post election LEO survey that OVF has executed.

About Overseas Vote Foundation

Overseas Vote Foundation (OVF) helps overseas and military voters participate in federal elections. We do this by providing public access to innovative voter registration tools and services. If you are an overseas or military voter, OVF's goal is to make it easy for you to get your ballot and vote.

Overseas American citizens, State Department employees, and active duty uniformed service members and their accompanying families within and outside of the United States vote under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and can all register to vote from abroad using OVF's services.

OVF is not connected in any way with any US government or US military organization. OVF is a 501(c)(3) nonprofit, non-partisan public charity incorporated in Delaware.

OVF is committed to open dialogue, and aims to nurture a renewed constructive discussion on the role and use of technology in UOCAVA voting. OVF believes that, when applied appropriately and transparently, new technologies and the power of the Internet can bring UOCAVA forward faster than any other element in the mix of tools. In 2008, 4.75 million visitors to our websites utilized OVF's Internet-based voter services.

² The Pew Charitable Trusts' Center on the States: No Time to Vote, January 2009; http://www.pewcenteronthestates.org/news_room_detail.aspx?id=47962, accessed January 24, 2009.

II. POLICY RECOMMENDATIONS AND CONCERNS

A. KEEP UOCAVA DYNAMIC AND RELEVANT

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is the legal foundation protecting the voting rights of U.S. citizens who are active members of the uniformed services, their family members, and other U.S. citizens residing outside the United States. Signed into law by Ronald Reagan in 1986, UOCAVA is administered by the Federal Voting Assistance Program, which is part of the Department of Defense.

With each post election survey, we learn more about UOCAVA's implementation, both from the standpoint of election officials and directly from voters. In 2008 OVF once again captured the growing size and active participation of the UOCAVA population in federal elections. As a nonpartisan organization serving voters and election officials alike, OVF has built a reputation for providing reliable and unbiased data and analysis to policy makers, journalists, election officials and overseas voters.

Based on our survey findings, several aspects of UOCAVA implementation stand out as priorities: late ballots, ballot delivery timing and methods; use of the write-in ballot; and uniformity of requirements across states, to name a few. This section of our report deals with these issues. Our findings complement the recently-released report by The Pew Charitable Trusts' Center on the States, "No Time to Vote".

Overseas voters face a long series of small but significant hurdles in order to register and vote successfully. The cumulative effect of these persistent issues is significant. Requirements regarding affidavits and signatures on envelopes; to use pre-paid postmarking; to have ballots notarized or witnessed; and to follow allowable ballot return methods chip away at the total percentage of UOCAVA voters who are successful and satisfied with the process.

UOCAVA must remain dynamic, and Congress should move to amend UOCAVA to address the long-running problems

identified in this report. Our survey data and experience, which is derived from technical support to individual voters provided by OVF's Voter Help Desk over four years, reveal some of the most nagging issues:

1. Uniform laws
2. Blank ballot delivery methods
3. Completed ballot return methods
4. Ballot envelope and postmarking issues
5. Voting residence terminology on ballot affidavits
6. Notarization and witness requirements
7. Federal Write-in Absentee Ballot limitations
8. Election administration issues plaguing UOCAVA ballot request validity and voter address maintenance
9. Problematic and various deadlines amongst states

B. MAKE STATE LAWS MORE UNIFORM

Since the Help America Vote Act of 2002, the U.S. government has attempted to increase and improve information and processes for UOCAVA voters. However, there is plenty of room for improvement.

OVF's survey research demonstrates that the UOCAVA voting process still confounds many. For example, nearly one quarter (23.7%) of experienced overseas voters continue to have problems and questions about re-registration or filing requirements. First-time voters had many questions about the process of voting, such as deadlines, voting addresses, and filing requirements. Why all this confusion?

While FVAP is the designated federal agency administering UOCAVA, it actually falls to state and local officials to make sure that overseas voters are treated according to the law. These thousands of jurisdictions operate under different requirements and resources, and often develop processes that are arduously complex. These prerequisites to registration, receipt and submission of a valid ballot range from the type of identification, to extra documented proof of citizenship, to identifying your overseas employer or previous voting address.

OVF's post election survey findings have consistently shown that many voters worry that their request may be denied for lack of compliance.

To properly develop the OVF software applications, OVF first analyzed state requirements as documented in the federal Voting Assistance Guide. We worked to incorporate the details and differences across states. What is striking is how what might appear to be small differences in state requirements can have major effects on overseas voters.

To illustrate, would you know how to handle these circumstances?

- You are from Oklahoma and don't have a valid US driver's license.
- You are from Ohio and forget to indicate the length of time you lived in Ohio prior to moving overseas.
- You don't know whether your state wants a complete nine-digit Social Security Number, or if it, like most other states, accepts the last 4 digits.
- Or you are from Virginia and don't know that you must provide the name and address of your employer.

These are just a few examples of the level and variety of detail that states require. Systems for handling UOCAVA voters often differ at the sub-state or jurisdictional level.

There is growing consensus for increased uniformity in state requirements. Increased uniformity would enhance voter confidence in the UOCAVA program by reducing the unintentional consequences caused by disparate rules and regulations, and also increase confidence in its equitable implementation. A "no surprises" system would fundamentally support greater participation and user confidence.

There are many regulations that need to be addressed. However, the most important are those directly related to accurate and timely ballot receipt and submission: filing deadlines, required identification, and notarization and witnessing of registration and or ballots. To this end, the Uniform Law Commission (ULC) is developing a proposed set of guidelines for uniformity in implementing UOCAVA across all states.

A study committee met in December 2008, and additional ULC meetings will be held in February and March 2009 with the objective of delineating the recommended common implementation of UOCAVA. OVF encourages broad participation from a diverse group of delegates from overseas and military voter groups, states and legislators, using research, data and experience available to determine the recommended uniform law implementation of UOCAVA.

C. REFORM UOCAVA BALLOTING

C.1. Move to Online Ballot Delivery

The survey results in this report underscore the need to move away from postal systems for ballot delivery to online systems for ballot delivery or access. This is a crucial policy recommendation.

Our research indicates that in 2008, two out of every five (39%) of voters received their ballots during the second half of October or later, which is too late to guarantee return in a timely manner. This finding represents an increase from the one in four (25%) who reported receiving late ballots in 2006 mid-term election, despite the increasing attention paid to the problems of overseas voters in the intervening years. Given that the majority of overseas voters must rely upon traditional post to return completed and valid ballots in order to comply with voter regulations, many individuals face the very real possibility that their ballots will not meet receipt deadlines. Indeed, election officials cite "late arriving ballots" as the number one reason for ballot rejection.

Furthermore, 6% of survey participants did not send in their official ballots. Among voters who did not return their ballots, more than half (52%) cited the chief reason as "late ballot receipt." This is consistent with the findings of the 2004 and 2006 OVF Post Election surveys. The results of three post election surveys show one common reason for not voting: I didn't get my ballot on time.

Online ballot delivery is simple and helps solve the problem of timely registration and ballot submission. After a voter has submitted a ballot request, the local election official can email, fax or provide online access to a blank ballot. The voter then prints the ballot, fills it in and mails it. This system eliminates up to two weeks in the balloting process.

Online ballot delivery supports the trend toward paper balloting in the US. Online ballots, when formatted to A4 international standard paper size, can be easily printed and returned by standard physical post. Voters can print ballots they receive or are able to access directly online and benefit from quicker returns on delivery time. As documented by NIST, online ballot delivery can be implemented safely and need not introduce unmitigated risk into our election system.

C.2. Improve Write-in Ballots

The Federal Write-in Absentee Ballot (FWAB) is more than a brilliant solution to late ballot receipt issues – it also presents an opportunity to reduce what is now a multi-step process. To date, it has been largely limited to registered voters who filed the UOCAVA voter registration/ballot request “FPCA” by the filing deadline of the state (or 30 days prior to the election, whichever provides the most time).

OVF recommends the following:

- a) the FWAB function simultaneously as a voter registration/ballot request and as a completed ballot;
- b) the FWAB be considered for upgrade investments to optimize its function;
- c) state and local level voting be better integrated into the FWAB;
- d) state level candidate information be openly available in a standard open format to support third party development initiatives.

C.2.1. Boost FWAB Awareness

Unfortunately, the FWAB in its current format remains largely invisible to most voters. Information about the required processes may not be widely communicated by local election officials.

In 2008 we asked those respondents who did not receive a ballot if they were aware of the FWAB. About half (52%) of these voters were not aware of the FWAB. We also asked those voters who received ballots if they were aware of the FWAB. Again, more than half of voters (58%) were not aware of the FWAB. It is important to note that awareness of available FWAB must also address educational outreach efforts,

which are necessary to inform the high percentage of first time overseas voters.

C.2.ii. Collapse the UOCAVA Absentee Voting Timeline

Several states allow the FWAB to be used in federal elections as a simultaneous voter registration/ballot request and completed ballot, effectively collapsing the UOCAVA voting process into one step. For voters initiating the UOCAVA ballot request process after the primaries, which our research shows is the most common practice, this presents an ideal solution. 66% of voters attend to their registration and balloting request in the 60 days prior to the election.

It should be noted that the “cover page” of the FWAB is nearly identical to the official FPCA registration form. That is, the critical information required for UOCAVA voter registration and ballot request is duplicated on the FWAB cover page.

We suggest that all states accept the FWAB whether or not the voter requested a ballot prior to sending in their FWAB and simply treat it as a combined registration/ballot request form and ballot. Extension of this practice to other states would greatly alleviate the extended time period that is otherwise required to register and vote from overseas. As noted in the Pew “No Time to Vote” report, nearly half the states’ processes for UOCAVA do not allow the time necessary for overseas military to effectively vote. A “same day” federal write-in absentee registration and ballot provides a ready solution to that 25 state problem.

C.2.iii. Upgrade the FWAB System

In 2008, with support from Pew’s Center on the States, OVF upgraded the online FWAB concept to create a “Vote-Print-Mail” FWAB (VPM-FWAB) system. The system builds on OVF’s suite of tools and provides integrated zip-to-district matching and dynamic candidate list generation. The voter enters his/her US voting residence address, and the system determines the list of federal candidates on the ballot in the voter’s jurisdiction. The voter can point, click, vote, and print the ballot with complete instructions, including notarization requirements where applicable, their specific election jurisdiction mailing address, and a completed fax form for states that

permit fax transmission. The output prints in the form of the FWAB. However, this is completely flexible and the output could also be any other ballot style.

The VPM-FWAB, when combined with the new "Express Your Vote" OVF-FedEx reduced-rate international ballot return shipping, created an affordable, express ballot return solution for US citizens and military voters overseas. Approximately 10,000 voters used Express Your Vote to return their ballots in 2008. Although this was fewer than anticipated, it was enough to sufficiently prove and test the concept as well as the back-end systems and processes for use future elections. We recommend further development of the online VPM-FWAB application.

C.2.iv. Adopt the FWAB as the Standard State Write-in Absentee Ballot

Rather than initiating separate forms and processes for State Write-in Absentee Ballots, OVF strongly encourages common adoption of the FWAB form as the standard for voting in state contests as well. The current form of the FWAB is quite rudimentary and may require an upgrade. It does, however, contain blank lines below the federal offices section to allow for write-in of state candidates.

C.2.v. Make it Easier for Voters to Vote in State and Local Elections

It would be very useful if states made available, in a standard format, information about the contests and candidates on the ballot in their state. This would enable further development of online absentee ballot solutions and encourage overseas voters to participate in races below the federal elections. Currently voters are divided up by Congressional districts. There are some state and local contests that will be on every ballot in that district. The state could provide a listing, for each federal district, of all such state/local contests. This approach might include contests like governor, state propositions, state bond measures, etc. With this information available in an open standard format, OVF, the states, the FVAP or other third parties could use it to expand the online VPM-FWAB application to assist eligible overseas voters vote not just on federal races but also on many state races.

One final note about the FWAB: Of great concern to OVF

is the rejection rate of FWABs. It is not only a question of whether voters know to use the FWAB, but what the administrators do with it. Close examination of the upcoming US EAC's 2009 Election Day Survey may shed further light on this topic.

D. ENHANCE BOTH TECHNOLOGY AND SECURITY

OVF believes that technologies can be used without compromising voter's identities or ballot security, and that there are tremendous technology developments and practical solutions to look forward to in the coming years. We recommend that security considerations be maintained in the key areas of online ballot request and voted ballot return, and for privacy assurance.

D.1. Online Ballot Request

OVF recommends that registered UOCAVA voters with signatures or other authentication data on file be able to request a ballot through online methods.

- States worried about security could make such services available only to voters who have already registered or requested a ballot once in the past.
- States could work with OVF or FVAP to link this into the registration/ballot request "FPCA" process that they already provide. When the voter gets to the end of the process, instead of being given a PDF to mail back in, the voter can "submit" the information electronically to the state.
- The primary technical issue is that states/counties must authenticate voters. For voters who have already registered, the voter registration rolls should contain plenty of information for their authentication. For instance, the state could have a web page where the voter enters in their name, last US address, driver's license number or social security number, and the web site uses that to authenticate the voter and then allows the voter request a ballot online.

D.2. Security Measures for Electronic Return of Voted Ballots

Voting systems that involve electronic return/transmission of voted ballots over public telecommunications networks incur

special risks, as well documented in the recent NIST report. Suggested guiding principles include:

- **Seek technical experts:** There are people with special expertise on these subjects. Involve them in the process.
- **Conduct an independent security evaluation:** When buying voting systems from a vendor, don't rely upon the vendor; get a second opinion from independent experts who don't have any commercial interest in the subject. Part of the state certification process should include an independent technical evaluation of the system, including its security, reliability, and other technical properties. Experts should be given full access to the system, including source code, technical documents, and user documentation, plus access to the developers. The final report should be published.
- **Embrace transparency:** Use of the Internet and other networks for electronic ballot return is controversial. In light of this, transparency is important. Publish all technical documents. Conduct a public hearing. Seek to involve important parties in the process to air concerns early, rather than delivering a fait-accompli.
- **Consider requiring software disclosure:** One thing that exacerbates controversy is the use of proprietary software that is not available for scrutiny by interested parties. This heightens tensions because it puts vendors in a privileged position: they can make strong claims about their software, making it impossible for independent parties to evaluate the evidence directly.

Without access to source code, advocates on both sides of the debate are denied access to information that would be needed to present evidence for their position. The result is that advocates often end up arguing based upon first principles rather than from hard evidence, which might contribute to increased polarization. When procuring new voting systems, states may want to consider the benefits of solutions that enable them to provide access to the source code to interested parties.

D.3. Privacy Protection

Designers of online ballot request and ballot delivery systems should be sensitive to privacy risks and should protect voters from identity theft and related risks. Techniques to mitigate

these risks include: minimizing the amount of personal information requested and retained; providing controls to prevent unauthorized access to this information; avoiding 'clear-text' unsecured online transmission of sensitive personally identifiable information; protecting against phishing attacks; avoiding asking or training users to behave in unsafe ways that make them more susceptible to phishing and other problems online; and following best practices from the commercial world.

E. UOCAVA AND UNIVERSAL VOTER REGISTRATION

Universal Voter Registration (UVR) is currently at the top of the wish list for many in the election reform community. With UOCAVA voting, the universe of UVR moves geographically beyond the US border. Close examination of how any federal universal voting legislation would impact UOCAVA is necessary, and UVR, should it come about, is no exception.

Although it would not eliminate the need to determine one's proper US voting residence address or to maintain an up-to-date ballot delivery address with the voting jurisdiction, UOCAVA voters stand to benefit enormously from a properly implemented UVR. US citizenship is not the only guiding principal in whether voters can vote under UOCAVA. As discussed in an earlier section of this document, there are unlimited varieties of state implementations of UOCAVA and the registration guidelines that encumber the registration process. Tremendous discretion rests with the local election authorities and is complicated by individual circumstances that overseas voters may have in determining their right to vote.

Voters and election officials invest tremendous amounts of time maintaining up to date UOCAVA voter registration. Some states allow permanent UOCAVA absentee voter registration status, but not all. There is confusion on this point. Data reveals that the top reason that voters did not send in a new form is that they thought they were already registered and their ballot would simply arrive. Re-registration and re-filing requirements also represented the number one question of experienced UOCAVA voters.

Presently the FPCA form grants UOCAVA voters ballots for four years; however, due to the high mobility of these voters, many states nonetheless require submission of the FPCA as a

"ballot request" for each election. This is to confirm the voter's address, but it is not consistently applied and some voters are unaware of this requirement. This is a double edged sword affecting election officials as well: UOCAVA voter address maintenance is yet again the number one problematic issue arising from our post election survey of local election officials, with more than one-third (37%) of respondents citing it as the greatest problem.

American citizens living overseas can be rejected from the voting process as ineligible. Citizenship is currently no guarantee of voting rights where overseas citizens are involved, for example children born to U.S. citizens overseas who are U.S. citizens themselves but who may not have established a U.S. residence and therefore do not have a previous U.S. address to use as their voting residence address when requesting a ballot. Although they may be passport- and social security card-holding Americans and they are required to file taxes, currently only 16 states allow these U.S. citizens to vote using their U.S. parent/s' voting residence address. We would assert that these 16 states have sufficiently vetted the process for the remaining states. However, expansion of this right is virtually stagnant. It's nothing short of tragic that many young, would-be, first-time voters were denied the right to cast ballots in the last election. With UVR, the fundamental question of whether to allow these US citizens to vote would finally have just one answer: affirmative.

F. UOCAVA VOTER RESPONSIBILITIES

A UVR system would not abdicate overseas voters from certain responsibilities. If a US citizen is leaving the country, and there is no requirement to report his/her new address to the State department or other US government entity, there remains a measure of direct responsibility on the voter to inform his/her election official of his/her new address overseas and desire to receive a ballot. This holds true for each time the voter changes his/her address. In effect, address maintenance is essential with or without universal voter registration rights. Not all critical aspects of UOCAVA evaporate.

An effective ballot request system for overseas and military voters to support the necessary address update and "voter status and type" update to the database must be taken into

account when designing any new systems. This same system might be used for when such voters return to the U.S. and re-establish domestic voter status.

If new UVR tracking systems are developed, they should be planned from the start to accommodate "voter status" (local, domestic absentee, overseas elector, military absentee, etc.) and to track multiple addresses (voting residence, forwarding address, current address). Other key voter data, such as "temporarily or indefinitely" overseas, plays a determining role in whether the voter is provided with a full-state or federal-only ballot.

The US Census does not collect data on citizens overseas and the USPS does not forward to overseas addresses. The default best starting list for overseas voters is likely a compilation of existing UOCAVA registration lists from past and current years, coupled with proactive outreach to the voters to confirm their locations. State department lists maintained by local U.S. Consulates and Embassies around the world may also provide additional voter data. Military voter addresses would likely be derived from and regularly updated through integration with the DEERS database.

With the current system, registered UOCAVA voters fall off the voting rolls every four years if they do not re-file the FPCA form. Most voters do not understand the four-year / two-year election cycle timing and many forget where they stand on this point. If voters were considered "registered" and the overseas process was largely designed, not to determine eligibility, but to provide them their ballot in a timely manner, perhaps the information requested on the ballot request form could be altered with security in mind - enough to make it perfectly safe to send overseas by electronic means.

III. POST ELECTION SURVEY

In 2008, for the third straight election cycle, OVF sponsored its unique post election survey of overseas and military voters. Launched on Election Day, November 4, 2008, the survey was completed by 24,031 UOCAVA voters as of January 12, 2009.¹ The 47-question voter survey focused primarily on issues affecting their voting experiences. The data will support the efforts of OVF, election officials at the local, state and federal levels, scholars and advocates to understand and improve voting and registration for citizens who live abroad or serve in the military. In the following pages we review the findings of the survey and compare it to OVF's previous surveys from 2004 and 2006.

A. METHODOLOGY AND DATA CONSIDERATIONS

Three different groups took the online voter survey. The content and form of the survey remained constant across the three groups. In the first group, OVF invited 105,759 individuals to complete the survey. These invitations allowed one-time completion of the survey and were auto-disabled after use or if forwarded. This list of individuals was compiled from the OVF mailing list. 23,369 (22.1%) of those invited completed the survey. In the second distinct group, OVF set up an open URL to the survey for the use of any overseas voter wanting to complete the survey. 529 individuals completed the survey, but were not specifically invited by OVF. In the final group, 133 students were sent the survey URL by their study-abroad program office. The total number of respondents is 24,031.

Because Americans are not required to register when they move overseas, it is not easy to identify the exact number of overseas voters and how to contact them. Thus, it is difficult to gather a completely representative random sample of respondents. In light of these limitations OVF was committed to gathering as many responses as possible. OVF is a nonpartisan organization and its services are customized and offered through many other types of websites ranging from Secretaries of State websites to overseas and domestic voter outreach

¹ The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), first enacted in 1986, is the current federal legislation for overseas and military absentee voters.

organization sites to political campaigns. Therefore, it was possible to develop the survey invitation list from multiple sources. With a variety of list sources, combined with its sheer size and the resulting number and diversity of the respondent pool, we believe the sample offers strong representation of the target group. Respondents lived across 186 countries and voted in all states and territories.

Partially completed surveys were not included in the calculated response rates or analyses. Unless indicated, the reported results are for the total number of respondents from all three groups.

B. RESPONDENT PROFILE AND DEMOGRAPHICS

Although there was greater youth participation than in previous years, the respondent profile was consistent with past surveys. The average respondent was over the age of 30 and highly educated. Respondents have generally lived overseas indefinitely, have lived overseas longer than 10 years and live overseas for personal reasons (i.e. marriage or preference).

B.1. Voter Respondent Types

Nearly three-quarters of respondents to the survey live outside of the U.S. indefinitely or permanently. This is a decrease from 2006, which indicates that OVF is successfully reaching out to Americans who are living abroad temporarily. While military voters continue to be under-represented in our survey, they made up three times the share in 2008 than they did in 2006, which is a sign that OVF's voter services are increasingly being utilized by military voters and their families.

TABLE 1: VOTER RESPONDENT TYPES

Description	2008	2006
U.S. citizen residing outside of the U.S. Temporarily	23%	14.4%
U.S. citizen residing outside of the U.S. Indefinitely or Permanently	72%	80.9%
Active Duty Military or Spouse or dependent of Active Duty Military	4.8%	1.6%

NOTE: Respondents were asked, "Which of the following best describes you?" Question was not asked in 2004. Figures represent percent of respondents.

Other notable characteristics include:²

- 41% of respondents have lived overseas for more than 10 years (compared to 56% in 2006, and 46% in 2004). Once again, the second largest group of respondents has lived overseas for between 5 and 10 years (17%).
- 76% of the respondents had higher education degrees (i.e. a BA, MA, PhD, or Post Doctorate).
- 16.9% of the respondents were under the age of 30.
- In regards to the respondents' profile, the results for the Youth Sample (between the ages of 18 and 29) are different from those of the merged data, in that 77% of youth voters are outside the U.S. temporarily and 21% are outside the U.S. indefinitely. Youth voters have lived outside the U.S. for a short amount of time and are predominantly female (72%). Among youth voters, 88% were either first time voters or voting outside the U.S. for the first time.
- The primary reasons for living overseas were "marriage/partnership" (29%), "employment" (24%), and "personal preference" (15.3%).

B.2. Where Survey Respondents Live

The data includes respondents from 186 countries, which is an increase from 142 countries in 2006. However, 61.1% of voters lived in just 10 countries; most in Western Europe. This result represents a larger dispersion than in 2006, when 70% of respondents lived in 10 countries.

² These characteristics are slightly different when we consider OVF website users only. See Section V for more information. These differences demonstrate that we were able to reach a wider audience outside of OVF.

TABLE 2: WHERE SURVEY RESPONDENTS LIVE

Country	2008	2006	2004
Canada	14%	25%	26%
United Kingdom	13%	11%	13%
Germany	8%	8%	6%
France	5%	6%	6%
Israel	5%	2%	3%
Australia	4%	5%	5%
Switzerland	4%	3%	5%
Japan	3%	4%	4%
Italy	3%	3%	3%
China	2.6%	1%	1%

NOTE: Respondents were asked, "In which country were you living at the time of the November 4, 2008 General Election." Figures represent percent of respondents.

The number of respondents in China and Israel increased from 2006 and 2004. Note that two Asian countries, Japan and China, are now in the top 10 of survey respondents reflecting shifts in US overseas population. However, Mexico is still underrepresented in the sample. Although approximately 1 million Americans live in Mexico, only 2.3% of our respondents live in this country. Americans in Mexico report to OVF that not only is the postal mail service unreliable and slow, but telecom and Internet services are also not widely available. Due to the lack of a reliable communications infrastructure we see lower participation than one might expect in Mexico and Latin America as a whole. 319 respondents (1.3%) reported being "active duty military within the U.S."

B.3. Voting History

Voting history can impact the number of problems that a respondent experiences. **52.3% of respondents had voted previously either overseas or as domestic US voters.**

TABLE 3: VOTING HISTORY

Possible Responses	2008	2006	2004
First time voting	13.9%	4%	25%
Voted before in the US, but never as an overseas voter	33.8%	11%	48%
Voted before, but only as an overseas voter	10.3%	18%	3.4%
Voted before in the U.S. and as an overseas voter	42.0%	67%	20%

NOTE: Respondents were asked, "What is your voting history?" Figures represent percents of respondents.

If we compare 2004 and 2008, we can see that OVF is reaching more experienced voters. This may reflect repeat users of the OVF website. Since 2006 was a congressional election, the election tended to draw more experienced voters with a keen interest in politics.

B.4. Where UOCAVA Voters Registered

Voters who participated in the survey came from all 50 states, with the highest number of UOCAVA registrants coming from California, New York, Texas, Florida and Pennsylvania. This is unchanged from the 2006 results.

TABLE 4: WHERE VOTERS WERE REGISTERED

State	2008	2006	2004
California	14.1%	17%	15.8%
New York	12.6%	17%	12.8%
Texas	8.6%	5%	4.7%
Florida	4.7%	4%	4.1%
Pennsylvania	4.1%	5%	4.9%
Illinois	3.8%	5%	4.9%
Massachusetts	3.7%	4%	4.7%
New Jersey	3.7%	3%	
Ohio	3.3%	3%	
Minnesota	3.3%	3%	

NOTE: Respondents were asked, "In which U.S. state or territory did you register or would you have registered to vote?" Figures represent percent of respondents to the question.

The most significant change is the number of survey respondents from Texas. We attribute this to the state's launching of their customized OVF State Hosted System. After the launch of the system, Texas rose to the top of the OVF state website usage ranking.

C. UOCAVA VOTER REGISTRATION ISSUES

Section C highlights how increasing numbers of voters are using the Internet to register to vote.³ While the sample of this Internet-based survey may be skewed toward those most likely to use the Internet to register, the change from previous years suggests that this is not wholly attributable to our mode of collection.

As seen below in Table 5, 84% of respondents sent in a registration form or ballot request. These results are similar to 2006 and 2004. Approximately 4% of respondents were still not able to complete the process.

TABLE 5: VOTER REGISTRATION/BALLOT REQUEST

Registration	2008	2006	2004
I sent in a voter registration/request form	20150 83.9%	66%	88%
I did not send in voter registration/request form	1100 4.6%	21%	3%
My ballot arrived without filing a new form	1763 7.3%		
I tried, but was unable to complete the process.	1018 4.2%	4%	9%

NOTE: Respondents were asked, "Did you file a voter registration/ballot request form for any of the 2008 elections?" "My ballot arrived without filing a new form" was not a response option in the 2006 and 2004 surveys. Figures represent percent of respondents to the question.

C.1. Top 5 Registration/Ballot Request Methods

In comparison to 2006, when 31% of the voters continued to use a combination of manual and online voter registration/ballot request methods, in 2008 the majority of respondents used website programs to complete their request forms.

³ Because so many respondents used the OVF website to register, the case of registration for overseas voters as a whole may be overstated.

TABLE 6: TOP REGISTRATION METHODS

Method	2008	2006	2004
OVF Website	67%	41.3%	49.2%
Paper Provided by Local Election Office	6.6%	30.9%	
FVAP Website	5.7%	12.6%	18%
State Website	5.2%		
Youth Vote Overseas Website	3.2%		
FPCA Form			17.9%

NOTE: Respondents were asked, "Which of the following did you use to complete the registration/request form for the 2008 election?" "State Website" and "Youth Vote Overseas Website" were not response options in the 2006 and 2004 surveys. "FPCA Form" was not a response option in 2006 and 2008. Figures represent percent of respondents to the question.

C.2. Sending in the Registration/Ballot Request

More individuals also used electronic methods such as fax and email to return their ballot requests than in 2006 (18.2% in 2008 versus 11% in 2006). However, traditional post was still the dominant method, which could have resulted in a higher risk of missed deadlines and late ballots. Combined physical delivery methods represented 80% of registration/ballot request return in 2008.

TABLE 7: METHODS FOR SENDING IN REGISTRATION/BALLOT REQUESTS

Method	2008	2006
Regular Mail	59.9%	73%
Email	5.9%	5%
Certified Mail	5.5%	7%
FAX + original by mail	4.7%	6%
FedEx, DHL or other commercial courier	4.3%	3%
Email + original by mail	3.9%	
FAX	3.7%	
Delivered in person or mailed in the US	3.2%	2%
Embassy or Consulate mail pouch	2.3%	2%
Express Your Vote (OVF/FedEx)	2.1%	
Military Post	2.0%	2%
Other	1.9%	

NOTE: Respondents were asked, "How did you return your voter registration/ballot request form?" In 2004 questions about the

method for sending in registration request was combined with questions about ballot return. See Table 15 for details. Figures represent percent of respondents to the question.

The increased use of email and fax may speed up the registration process, but it also introduces privacy and security issues of which many voters may not be aware. The NIST report recommended that, "While the threats to telephone, e-mail, and web can be mitigated through the use of procedural and technical security controls, they are still more serious and challenging to overcome."⁴ Although online solutions for UOCAVA voting are attractive from many perspectives, OVF continues to recommend caution. Appropriate online solutions should not risk the security, confidentiality, or identity of voters.

As seen below in Table 8, how a registration form/ballot request was sent in also influenced whether or not a voter received a ballot. 23.8% of respondents who sent in a request by email did not receive a ballot and 21.5% of respondents who used fax did not receive a ballot. Voters don't always realize that an emailed or faxed request in most states does not exempt the voter from sending in the signed original. "In effect it is twice the work and therefore we are not actively encouraging it," stated Katie Blinn, Assistant Director of Elections, Washington State Secretary of State. "Our state still requires that the signed form arrive by the deadline, regardless of the earlier electronic transmission, and for voters this practice can be misleading."

⁴ Regenscheid, Andrew and Nelson Hastings. 2008. "A Threat Analysis on UOCAVA Voting Systems." National Institute of Standards and Technology, US Department of Commerce.

TABLE 8: METHODS FOR SENDING IN REGISTRATION/BALLOT REQUESTS

How did you return your voter registration/ballot request form?	Did you receive a ballot from your U.S. election office?		
	Yes	No	Total
Regular Mail or International Mail	10347 62.2%	1638 48.8%	11985 59.9%
Certified Mail	951 5.7%	151 4.5%	1102 5.5%
Express Your Vote (OVF/FedEx)	320 1.9%	91 2.7%	411 2.1%
FedEx, DHL or other commercial courier	690 4.1%	167 5.0%	857 4.3%
Military Post	357 2.1%	47 1.4%	404 2.0%
Embassy or Consulate mail pouch	357 2.1%	101 3.0%	458 2.3%
FAX	576 3.5%	156 4.7%	732 3.7%
FAX + original form by mail	734 4.4%	203 6.1%	937 4.7%
Email	854 5.1%	324 9.7%	1178 5.9%
Email + original form by mail	631 3.8%	139 4.1%	770 3.9%
Sent it to FVAP	32 .2%	11 .3%	43 .2%
Emailed it to the FVAP	59 .4%	38 1.1%	97 .5%
Delivered in person or mailed in the US	541 3.3%	103 3.1%	644 3.2%
Other	190 1.1%	185 5.5%	375 1.9%
Total	16639	3354	19993

NOTE: Figures represent percent of respondents. Respondents were asked, "How did you return your voter registration/ballot request form?" "Did you receive a ballot from your U.S. election office for the Nov. 4, 2008 General (Presidential) Election?"

C.3. What Gets in the Way of Registering to Vote?

4.6% of respondents did not send in a registration form. Below are the top five reasons that voters did not send in a form. Compared to 2004 and 2006 more respondents missed the deadline for voter registration and ballot requests. Furthermore, many survey participants are still having problems obtaining information during the registration and ballot request process.⁵ The higher number of infrequent or first-time voters in 2008 compared to the Congressional election of 2006 may explain some of this increase.

TABLE 9: TOP 5 REASONS A BALLOT REQUEST WAS NOT SENT IN

Reason	2008	2006	2004
I thought I was still registered.	339 31%	184 20%	
"Other"	247 22%	423 46%	218 71%
I missed the deadline.	268 25%	184 20%	52 17%
The process seemed too complicated.	170 16%	81 9%	
I didn't feel my vote would matter.	99 9%	89 10%	22 7%

NOTE: Respondents were asked, "Why didn't you send in a voter registration/ballot request form for the 2008 elections. (Check all that apply.) Percentages are based on the number of respondents to the question and not the number of respondents for the survey. Figures represent percent of respondents to the question and sample size.

4.2% of respondents tried to send in a voter registration/ballot request, but were unable to complete the process. What hindered them? As we can see below, voters are still confused about the registration/ballot request process, and despite increased efforts by OVF, FVAP and PEW, many individuals are still missing registration deadlines.

⁵ This result is also reflected in the comments left on the OVF website. Many voters contacted OVF using misinformation from friends in other states. "Because my friend from state X..." Variations in state laws cause confusion and dampen registration.

TABLE 10: TOP 5 OBSTACLES TO COMPLETING THE VOTER REGISTRATION PROCESS

Obstacle	2008	2006
I missed the deadline	358 36%	45 27%
Problems with process	348 34%	
I thought my form was sent online	208 20%	
I didn't mail my original form	158 16%	
I didn't know who to contact	137 13%	28 17%

NOTE: Respondents were asked, "What prevented you from completing the voter registration/ballot request process? (Check all that apply)." Question was not asked in 2004. Figures represent percent of respondents to the question and respondent size.

When encountering these obstacles, voters develop a number of questions. Hypothetically, individuals who have voted before may experience fewer problems because they have been through the process before. However, as seen below in Table 11, 48% of those respondents that had questions or problems with the process were experienced overseas voters.

TABLE 11: VOTING HISTORY AND REGISTRATION QUESTIONS

"In the voter registration/ballot request process, did you have any questions and/or problems?"

Did you have a problem?	What is your voting history?			Total
	First Time Voter or First Time Overseas Voter	Experienced Overseas Voter		
Yes	2601 (52%)	2387 (48%)		4988
No	7341 (49%)	7745 (51%)		15086

NOTE: The responses for the question "What is your voting history?" are collapsed into two categories. "First time voters" and "Voted before but never as an overseas voter" are put into one category. "Voted before but only as an overseas voter" and "Voted both in the U.S. and as an overseas voter" are put into the second category.

In Table 12 below, we see that the nature of the questions that first time voters and experienced voters have differ. Experi-

enced voters had more questions about re-registration or filing requirements. First time voters had more questions about their voting address and electronically produced forms. However, it is telling that even experienced overseas voters still have problems with registration and ballot requests. Both groups had trouble identifying appropriate deadlines.

TABLE 12: VOTING HISTORY AND REGISTRATION QUESTIONS

"What did your questions and/or problems concern? (Check all that apply)"

Type of Problem	What is your voting history?	
	First Time Voter or First Time Overseas Voter	Experienced Overseas Voter
Voting Eligibility	202 (5%)	159 (4%)
Voting rights for Citizens who never lived in the U.S.	85 (2%)	62 (2%)
Registration Deadlines	601 (14%)	469 (13%)
Re-Registration or filing requirements	360 (9%)	508 (14%)
Misunderstandings in the form was transmitted electronically on paper	492 (12%)	375 (10%)
My US voting residence	421 (10%)	278 (7%)
Personal Identification Requirements	193 (5%)	147 (4%)
Notarization or Witness requirements	123 (3%)	129 (3%)
Election office mailing address	187 (4%)	133 (4%)
My election office required additional forms	134 (3%)	98 (3%)
Mistakes on the forms	111 (3%)	134 (4%)
Tax Implications	33 (1%)	40 (1%)
Other	1287 (30%)	1208 (32%)
TOTAL	4229	3740

NOTE: The responses for the question "What is your voting history?" are collapsed into two categories. "First time voters" and "Voted before but never as an overseas voter" are put into one category. "Voted before but only as an overseas voter" and "Voted both in the U.S. and as an overseas voter" are put into the second category. Respondents were asked, "What did your questions and/or problems [regarding the registration/ballot request process] concern? (Check all that apply.)"

From the above, we can conclude that straightforward, easy to access information about the process is the key to increasing registration. If even experienced overseas voters are having problems, then both government agencies and NGOs need to ensure that deadlines and forms are explained consistently on all websites.

C.4. Registration Satisfaction Rate and Confirmation

Receiving a confirmation of their ballot request appears to be an important determinant of voter satisfaction. 42% of respondents received confirmation of their ballot request. 75.6% (or 14,918 out of 19,731 participants) indicated that they were either "very satisfied" or "satisfied" with the voter registration and ballot request process. 14.2% were either "dissatisfied" or "very dissatisfied."

These two variables appear to be related and positively correlated.⁶ As can be seen in Table 13 below, voters that receive confirmation of their registration are more likely to be satisfied with the process.

TABLE 13: REGISTRATION CONFIRMATION AND VOTER SATISFACTION

Satisfaction with registration	Did you receive confirmation that your registration form was accepted?	
	Yes	No
Very Satisfied	4789 (58%)	3587 (31%)
Satisfied	2370 (29%)	4172 (36%)
Neutral	509 (6%)	1513 (13%)
Dissatisfied	310 (4%)	1155 (10%)
Very Dissatisfied	314 (4%)	1012 (9%)
Total	8292 (100%)	11439 (100%)

NOTE: Respondents were asked, "Did you receive confirmation that your registration form was accepted?" and "How satisfied were you with the registration process?"

Providing confirmation for registration and ballot requests is costly, however it not only improves voter satisfaction, but might also increase absentee voting. These results are sup-

ported by the comments that respondents made during the survey:

- "...all states need to institute a receipt policy, so let people know that their registration or ballot was received."
"I then was unable to determine whether this [my registration form] was received until I actually received the ballot."

D. OVERSEAS BALLOT ISSUES

D.1. Reasons Why UOCAVA Voters Didn't Vote

After registration, the next step in successful absentee voting is receiving a ballot. The FVAP recommends that states send out their ballots 30 to 45 days before an election. Overseas voters who receive ballots two weeks before the election have little time to return them via traditional post. In 2008, 78% of respondents received their ballots. However, as we see in Table 14 below, 39% of voters received their ballots after the middle of October. Although this is better than 2004 when 43% of voters received their ballots late or not at all, it is worse than 2006. Despite the increasing attention paid to the problems of overseas voters, 2008 was worse than the 25% who reported receiving late ballots in 2006. Given that the majority of overseas voters still use traditional post to send in their ballots, many individuals face the possibility that their ballots will not meet return deadlines.

TABLE 14: BALLOT RECEIPT

When did you receive your ballot?	2008	2006	2004
September or earlier	18%	36%	22%
1st half of October	42%	37%	37%
2nd half of October	28%	20%	29%
Week of the Election	9%	5%	
Election Day	1%	1%	5%
After Election Day	1%		
Don't know/remember	2%		
Never			9%

NOTE: Respondents were asked, "When did your official ballot from your election office for the November 4, 2008 General Election arrive?" In 2004, responses for "Election Day or after" are combined. Figures represent percent of respondents to the question.

⁶ There is a Cramer's V of .281 with a significance of .001

Table 14 does not reflect the large number of respondents who reported in comments that they never received a ballot. The question, "When did you receive your ballot?" was posed only to voters who indicated in an earlier question that they had received a ballot. Fully one-fifth, 22% of voter respondents, claimed they did not receive their ballot at all. But just one third, 35%, of these voters were aware of and used the Federal Write-in Absentee Ballot.

Of those who did receive their official ballots, 6% did not send them in. Slightly over half, 52%, of the total number of voters who did not return their ballots, cited the reason as late ballot receipt. This is consistent with the findings of the 2004 and 2006 Post Election Surveys. The main reasons why voters were unable to vote in 2006 stemmed from the combination of late and non-arriving ballots (45% of the total who did not vote or 20% of the total of all respondents). Thus, although it appears the number of survey participants who wanted to vote may have increased, many continue not to be able to because of late ballots or ballots not being sent to them by their election office. These frustrations were echoed in the comments left by respondents:

- *"I did FINALLY receive a ballot from my county in [state], but it arrived on November 4, and the postmark was October 28. Who thought it was OK to send an absentee ballot out on October 28, knowing that it needs to be postmarked by November 3 (going back to the US) to be counted at all?"*
- *"My ballot arrived only 2 days prior to general election, I would have preferred to receive it earlier in order not to have to pay for express-mailing."*
- *"How unfortunate that I was finally inspired to vote in the 2008 Presidential elections and the ballot did not arrive."*
- *"Registered to vote. Serving in Afghanistan. Never received a ballot. Tried to use the Federal Absentee Write in process still required me to mail in the ballot and I was out of time. Got screwed by my state and am VERY angry!"*
- *"The mail sent from Iraq seems to arrive without any problems but the mail to Iraq is not delivered consistently. I think [state] should have allowed me to vote electronically, by e-mail or on-line. I am very disappointed to have lost my opportunity to vote because of an inadequate mail system. I even went to the Post Office here where they allowed me to look through the mail and I still couldn't find my ballot."*

▪ *"I was disappointed not to receive my absentee ballot from my local election office, although they told me in a long-distance phone call from Sweden that I was registered. Many friends here in Sweden experienced the same thing and were consequently too late in submitting an emergency absentee ballot. They unfortunately were unable to vote."*

D.2. Ballot Issues

The number of issues related to the use of ballots appears to have declined since 2006. However, problems remain.

First, 433 respondents reported receiving ballots marked "Sample." This was a problem in one county, and more voters contacted OVF reporting the issue. Although the ballots were valid and should have been used, many voters were understandably confused and some threw them away.

Second, many respondents (97 total) were not sure who they were eligible to vote for, i.e. whether for federal offices only or for state and local offices too. Of those individuals who received ballots, 9.5% received a full ballot when they only expected to vote for federal offices. 7% received a limited ballot when they should have received a full ballot.

As in 2004 and 2006, concerns about signing a ballot affidavit existed. 261 respondents reported affidavits. These affidavits states that the voter was "currently resident" at their stateside voting address. In 2006 OVF recommended simple modifications or clarifications regarding terminology on ballots sent overseas which could make a difference. This recommendation holds. Voters need a small clarification to inform them that their US "voting residence address" is not their "current overseas living address," rather it is their previous US address which is used for voting purposes only.

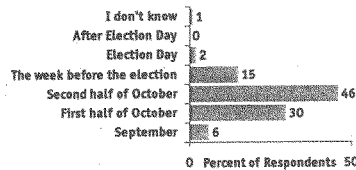
In the comments section several survey participants complained about the required paper size being US standard instead of Din A4, which is used worldwide with exception of Japan, which uses a similar size to Din A4. As the comments demonstrate below, some states format their ballots to US Legal size paper. Thus, even voters in Canada have problems, as they cannot easily get US legal size paper. It appears that printing your own state ballot has introduced a new set of problems.

- "I received my ballot electronically, but the paper size they said I should use doesn't exist in this country. I emailed my county office to see if it was okay to use a different size and they said yes, but seemed a little confused about it. I hope my ballot counted even though it wasn't the same size!"
- "Some pages in my ballot PDF document were landscape format, which made it VERY difficult to print, especially as paper is not US letter size outside of the US. I recommend that all non-military ballots be designed for A4 paper, which is used by everyone else (except Japan uses a modified, very similar size)."
- "The email ballot instructions were to print the ballot on 8 1/2" by 14" inch paper which is nearly impossible to get outside of the US."
- "In this election, a PDF of the ballot was sent via email. I printed it out, but the ballot would not fit on A4 paper. I had to reduce the size to about 90% to get it on one sheet of paper. I filled it in and sent it back via airmail. However, I am doubtful if scanning equipment will properly register the results since the size and positions are different than the actual ballot."
- "It would have been very nice for those of us receiving email ballots to have been able to print them at 8.5x11 instead of 8.5x14 because I had a difficult time finding a print shop that would print at that size. It put off my ability to send my ballot by almost a week."

D.3. Ballot Return

17,418 respondents (72.4% of the entire data set) reported receiving an official ballot and using it. 75% of respondents in 2006 reported receiving a ballot. As in 2006, the majority of voters sent their ballots back during or after the second half of October.

FIGURE 1: BALLOT RETURN



NOTE: Respondents were asked, "When did you return your completed ballot for the November 4, 2008 General (Presidential Election)?"

Similar to 2006, some form of physical post was used to return ballots in 88% of cases. 520 voters (3%) reported using the Express Your Vote (OVF/FedEx) Courier Express Ballot Return Program. The number of respondents using the military post office is low because only 3% of the sample represents military voters.

TABLE 15: METHODS FOR RETURNING BALLOTS

Method	2008	2006	2004
Regular Mail	68%	79%	62%
Certified Mail	7%	7%	21%
FedEx, DHL or other commercial courier	5%	3%	6%
Embassy or Consulate mail pouch	3%	2%	4%
Express Your Vote (OVF/FedEx)	3%		
Military Post	2%	1%	1%

NOTE: Respondents were asked, "How did you return your completed ballot for the November 4, 2008 Presidential (General) Election?" In 2004 questions about the method for sending in registration request was combined with questions about ballot return. Figures represent percent of respondents.

The consistency of return methods overtime indicates that traditional post is the dominant method of ballot return. If we are going to seek ways to "save time" in the overseas voting process, then ballot return may not be the easiest element to change. Although it is a growing trend, only a small percentage of UOCAVA voters use electronic means to return ballots. To gain time in the process, electronic means to deliver the ballots to the voter may be the fastest manner of reducing the overall duration of the voting process.

D.4. Ballot Return Envelopes

Those voters who were able to return their ballots indicated several problems with return envelopes. Election officials should be careful when designing overseas absentee ballot envelopes, and should consider international postal norms. As the difficulty of envelope use increases, then the probability that a ballot will be returned decreases. Over one quarter, 27% of respondents receiving ballots, cited problems with ballot envelopes, and certain problems persist.

TABLE 16: TOP 5 BALLOT RETURN ENVELOPE PROBLEMS

Problem	2008	2006	2004
Postage required / not required	1612 10%	824 25%	505 31%
"USA" not included in address	1527 9%	609 19%	81 3%
Size of the return envelope	591 4%	212 7%	402 23%
Missing ballot secrecy envelope/sleeve	402 2%	78 2%	
Witness or notary requirements	321 2%	96 3%	214 12%

NOTE: Respondents were asked, "Ballot return envelope: Did any of the following cause problems? (Check all that apply.)" Figures represent percent of respondents and sample size.

Many Americans abroad are used to the "Postage not required" stamp on government envelopes. Unfortunately, these envelopes are only valid if the document is mailed within the domestic or U.S. Military Postal system. Many voters either do not put the correct postage on these non-standard, oversized envelopes or overlook the postage entirely. They see the postage-paid insignia, ignore the fine print, and drop it in the mailbox. It begs the question: should civilian absentee and military absentee overseas voters receive different envelopes? Many respondents shared this concern in their comments.

D.5. Satisfaction with the Balloting Process

Despite deadlines and problems with envelopes, 85% of those voters who received a ballot and voted reported being either "very satisfied" or "satisfied" with the process. This is consistent with previous years. We can conclude that satisfaction is fairly high for those that are able to navigate the process and has not changed over time.

TABLE 17: SATISFACTION WITH THE VOTING PROCESS

Satisfaction	2008		2006		2004	
	Registration	Balloting	Registration	Balloting	Registration	Balloting
Very Satisfied	43%	47%	45%	44%		
Satisfied	33%	38%	35%	42%	72%	
Neutral	10%	9%	10%	9%		
Dissatisfied	7%	4%	4%	4%	28%	
Very dissatisfied	7%	2%	5%	2%		

NOTE: Respondents were asked, "How satisfied were you with the registration aspect / balloting aspect of your November 4, 2008 voting experience?" In 2004 respondents were asked if they were satisfied or dissatisfied with the experience as a whole.

E. FWAB

The Federal Write-in Absentee Ballot (FWAB) is an alternative, downloadable ballot which voters can use in General Elections for the offices of President/Vice President, U.S. Representative, and U.S. Senator, as well as the non-voting congressional representatives from the District of Columbia, Puerto Rico, etc.⁷ The FWAB, by federal law, is accepted by all states and territories.

OVF asked questions about the FWAB to two sets of voters: those who did not get a ballot and used the FWAB, and those who received a ballot but also used the FWAB. 18% of those respondents who received a ballot used the FWAB before getting their ballot.

⁷ A few states allow the FWAB to be used as a combined registration and ballot. Some states also allow use of the FWAB for non-federal and for primary elections.

E.1. Awareness

We asked those respondents (5330) who did not receive a ballot if they were aware of the FWAB. 52% of these voters (2779 respondents) were not aware of the FWAB. 35% were aware of the FWAB and used it and 13% were aware of the FWAB but did not use it. We also asked those voters who received ballots if they were aware of the FWAB. 58% were not aware (8795 respondents).

This appears to indicate a decrease in awareness. In 2006 only 46% percent knew about the FWAB. 14% of the respondents who voted used the FWAB, of which 3% also ended-up sending in their state ballot as well. 48% of respondents in 2004 were aware of the FWAB. These results are summarized in Table 18 below, which collapses the two groups into one.

TABLE 18: FWAB AWARENESS

Awareness	2008	2006	2004
Yes	44%	46%	48%
No	56%	54%	52%

NOTE: Respondents were asked, "The Federal Write-in Absentee Ballot (FWAB) is a ballot option for registered voters whose official ballots do not arrive in time. Were you aware of the FWAB?"

This finding is discouraging. The 2008 efforts of the FVAP, OVF and Pew's Center on the States into building FWAB awareness, do not show significant impact. However, these results may also reflect the high percentage of first time overseas voters to whom the concept of the FWAB is entirely new.

E.2. Access

For the first time, OVF actively promoted the new FWAB and incorporated new questions into its yearly survey. As seen below in Table 19, the majority of respondents received their FWAB via the Internet.

TABLE 19: WHERE DID YOU OBTAIN YOUR FWAB?

Where	Respondents who used the FWAB	Respondents who received a ballot and used the FWAB
Overseas Vote Foundation	62%	58%
Youth Vote Overseas	3%	3%
OVF Military Voter Services	1%	1%
Federal Voting Assistance Program (FVAP)	11%	8%
Voting Assistance Officer (VAO)	1%	1%
US Consulate or Embassy	6%	4%
Sent by local election office	2%	14%
State Election Website	4%	5%
Other voter registration organization	2%	2%
Political Party	4%	2%
Other	3%	3%

NOTE: Respondents were asked, "Where did you obtain your FWAB?" The total number of respondents for both columns is 5089.

This finding is confirmed in Table 20, which indicates that the majority downloaded an online version of the FWAB.

TABLE 20: PAPER VS ONLINE FWAB

Version	Respondents who used the FWAB	Respondents who received a ballot and used the FWAB
Paper version	14%	33%
Downloaded an online version	86%	67%

NOTE: Respondents were asked, "Did you receive a paper version of the FWAB or did you use and download an online version?" The total number of respondents for both columns is 5182.

E.3. Usage

21.6% of our respondents (5182 individuals) used an FWAB. As we can see in Table 21, the FWAB is used as a last resort by many voters and sent it during the second half of October or later. Those who received a ballot and used the FWAB appear to have used the FWAB earlier out of concern that their ballot was late. Thus, voters are using it after mid-October as FVAP and OVF advise.

TABLE 21: WHEN DID YOU RETURN YOUR COMPLETED FWAB?

When	Respondents who used the FWAB	Respondents who received a ballot and used the FWAB
September	6%	18%
First half of October	22%	32%
Second half of October	37%	32%
Week before the Election	27%	10%
Election Day	6%	2%
I don't remember	2%	7%

NOTE: Respondents were asked, "When did you obtain your FWAB?" The total number of respondents for both columns is 5027.

Approximately 35% of those individuals, who received a ballot but did not use it, said that was because they had already used an FWAB. These voters may have understood that if their official ballot arrives after using the FWAB, they should send it in. Results of the US Election Assistance Commission's Election Day Survey, expected by mid-2009, will provide another view of FWAB usage from the standpoint of election officials.

In Appendix 2 and 3, FWAB usage by state is listed. These tables demonstrate that the largest numbers of FWAB users voted in California, New York, Texas, Florida and Pennsylvania.

F. VOTER OUTREACH

Since the Help America Vote Act of 2002, the U.S. government has attempted to increase and improve information for overseas voters. However, as has been mentioned throughout this report, the need for more straightforward information is still paramount to successful voting. Each state can have different deadlines or additional registration requirements. This can confuse voters and we see that they use a variety of websites for information.

TABLE 22: SOURCES OF VOTER INFORMATION

Top 5 Voter Websites	Number of Respondents
Overseas Vote Foundation	19,268
Political Party (Any)	2,262
Political Campaign (Any)	1,951
American Citizens Abroad	1,788
Youth Vote Overseas	1,171

Top 5 Government Organizations or Websites	Number of Respondents
Federal Voting Assistance Program (FVAP)	5,295
Local Election Office or Website in US	4,372
State Board of Elections/Secretary of State	3,052
US Embassy or Consulate	2,849
US Department of State	768

NOTE: Respondents were asked, "Which of the following websites did you consult for voting information or assistance? (Check all that apply.)" "Which of the following government organizations or websites did you consult for voting information or assistance? (Check all that apply.)"

As seen above in Table 22, the Overseas Vote Foundation was the number one voter website and the FVAP was the number

one government organization.⁸ An import step in future research is an investigation and comparison of these websites in order to identify information inconsistencies.

F.1. Youth Voters

In 2008 OVF targeted youth voters (i.e. between 18 and 29 years of age) via our special Youth Vote Overseas website. 17% of our respondents were between the age of 18 and 29, of which only 22% had experience voting overseas. Only 23% of youth voters were students studying abroad, of which 64% were involved in undergraduate studies. 10% of youth respondents were born abroad and 17% were working abroad. 86.4% of youth voters sent in a voter registration form. 70% were either "satisfied" or "very satisfied" with the registration process and 80% were satisfied with balloting. Family or friends were the number one consultant for voting information followed by OVF or Youth Vote Overseas. 84% of students found it easy to locate information about overseas voting.

Quotes from young voters:

- *"I think absentee ballots should be sent out earlier. Mine came in LATE October and I was getting really nervous."*
- *"I would have liked some type of email or confirmation that my ballot request was received. I was worried for weeks that I was not going to receive a ballot in time."*
- *"This will be the first time I am voting. I was excited but did not get my ballot I requested."*
- *"It was made very easy because of the help from the administration of my study abroad program."*

It seems young voters found information and registered, but many had to wait nervously for their ballots to arrive. Some never received their ballots, which caused deep disappointment. Receiving ballots in the first or second week of October is just too late for voters who live in Chile, Uruguay, or even Italy (to mention just a few) to return them to the United States by postal mail in order to meet their state's ballot return deadlines. Those who knew about the FWAB were still able to vote, but for those who didn't, as those quoted above, their first election experience was not positive.

⁸ These results may be an artifact of the data; i.e. the OVF email list was used to invite people to take the survey. However, when compared to the open sample, the rankings stayed the same. Voters were not asked about their satisfaction with these websites as they were in 2006 and 2004.

F.2. Military Voters

In 2008 OVF also hosted a special site for military voter services. 1,140 of our respondents were either military voters or spouses and dependents of military voters. 63% of these participants were new to overseas voting. The information resources used by military voters were slightly different than the civilian population. Whereas the majority of respondents used the OVF website to complete their voter registration request, 22.5% of military voters used the FVAP website and 5.7% used a paper form provided by their Voting Assistance Officer (VAO). 18% of military voters used the military post to return their ballot request forms. Only 70% were "satisfied" or "very satisfied" with the registration process and 85% were satisfied with the balloting process.

27.5 % of military voters did not get their ballots, as opposed to the 22% of civilian voters who did not get a ballot. This is an improvement over 2006 when 36% of military voters did not get their ballots. Unfortunately, of those respondents who received a ballot, 40% got their ballots late, which is the same result as 2006.

Given that military voters suffer even more from late ballots, the FWAB option is very important to this set of voters. 59% of military voters are aware of the FWAB option, which is higher than the nonmilitary results. Of those voters who did not receive a ballot, 39% used an FWAB. It appears that FWAB awareness and usage is higher in the military sample than in the civilian sample.

G. STATE SPECIFIC EXPERIENCES: MINNESOTA, CALIFORNIA AND NEW YORK

By examining state specific examples, we can see which states have been the most successful in implementing new policies. These results provide us with direction in making policy recommendations. Below we examine three different states which exhibit variation in voting policies: Minnesota, a "progressive" state; California, a mixed policy state; and New York, a state with traditional overseas voting laws.

Minnesota is a "progressive" state in terms of overseas voting. The deadline for registration is "late" (i.e. November 3), providing the voter with a lot of time. Voters may submit an absentee ballot application by mail, email or fax. Voters may

also choose whether to receive their ballot by mail, email or fax. Regardless of how it is received, ballots must be returned by mail or an express delivery service by Election Day. Furthermore, the Minnesota Secretary of State Office was proactive in reaching out to overseas voters. They had a customized OVF state hosted system, and employed an outreach staff person for UOCAVA voters. There were 785 Minnesota respondents to the survey.

California, on the other hand, has a mixture of progressive and standard policies on overseas voting. The state features a late ballot request deadline for registered voters (October 28). They allow ballot requests to be transmitted by fax, but not by email. However, faxed new voter registration/ballot request forms must arrive by October 20 and be followed by original, signed forms in the mail. Ballots are sent via traditional post. There were 3,377 California respondents to the survey.

Finally, New York is the least progressive of these three states in their voting materials transmission options. In addition, they have a very late primary, which often results in ballot being sent out late to UOCAVA voters. The registration deadline was earlier (i.e. October 10 for unregistered voters) and fax or email requests are not permitted. Furthermore, if a ballot mailing envelope lacks the required postmark or other date/time marking or indicia, it should be witnessed when signed. There were 3,016 New York respondents to the survey.

Only 28% of Minnesota voters reported receiving their ballots late. 32% of California voters and 48% of New York voters reported late ballots.⁹ 37% of New York voters who had a late ballot used an FWAB, compared to 34% in California and 36% in Minnesota. As seen below in Table 23, Minnesota voters also appear more satisfied with the voting experience.

TABLE 23: SATISFACTION WITH THE VOTING PROCESS

	Percent of Respondents Who were "Satisfied" or "Very Satisfied"	
	Registration	Balloting
California	73.6%	80.9%
Minnesota	81.4%	87.2%
New York	71.1%	84.5%

NOTE: Respondents were asked, "How satisfied were you with the registration aspect / balloting aspect of your November 4, 2008 voting experience?"

The progressive policies of Minnesota appear to work. Minnesota voters get their ballots on time and when they do not, they are aware of the FWAB and use it. They are also more satisfied with the voting process.

⁹ Ballot arrival by state is summarized in Appendix 1.

IV. 2008 LOCAL ELECTION OFFICIAL SURVEY REPORT

A. INTRODUCTION

Local election officials (LEOs) are the frontline administrators of elections in the United States. Our goal in this survey is to examine the various issues that LEOs encounter in serving voters who are covered by the Uniformed and Overseas Civilian Absentee Voting Act (UOCAVA). By gathering information on the current problems that are encountered by LEOs, Overseas Vote Foundation (OVF) hopes to raise awareness and suggest ways in which such problems can be ameliorated. OVF conducted its first survey of LEOs after the 2006 midterm election.

Following the 2008 general election, OVF once again surveyed LEOs in the United States. The 46-question survey covered a wide variety of overseas and military voting issues. Among the notable results:

- 45% of LEOs said that they saw a noticeable increase in both military registration/ballot requests and civilian registration/ballot requests. Only 10% of LEOs witnessed a noticeable drop in registration/ballot requests for military voters, and only 8% saw a noticeable drop in registration/ballot requests for civilians.
- 33% of the responding jurisdictions reported sending out a record number of overseas and military ballots in 2008.
- 36% of LEOs said they saw an increase in the use of the Federal Postcard Application (FPCA) for registration/ballot requests versus other forms, although 17% said they required information in addition to the FPCA.
- Problems with voter registration and a voter's ability to vote persisted from 2006 into 2008. The most common reason cited for rejecting registrations, ballot requests, and ballots was missed deadlines. This provides more evidence of the longstanding problems associated with getting ballots and other materials back and forth over long distances in traditional postal delivery. Incomplete forms and missed signatures continue to be a problem, particularly in those states that insist on witnessed or notarized signatures.
- LEOs expressed confidence that their processes were working well, and most do not think changes need to be made to the system. 91% said the training they received was sufficient. However, OVF has concerns that the acceptance of the current status of UOCAVA voting administration could allow the problems cited above to persist long into the future or slow the rate of improvement. Impetus for change coming from the LEO level is a vital component to developments in the UOCAVA program.
- The forms of communication used by LEOs are changing rapidly. A majority now say that email is their primary form of communication, almost twice what was reported in 2006. The increasing utilization of email is a major step in overseas voting as it cuts out the lag time of normal postal mail communication and significantly improves the communications between LEOs and voters. In many individual cases, the speed of email communications is the enabler of the UOCAVA franchise. The acceptance of this online technology is a marked advancement since 2006. Unfortunately, email ballot requests combined with signature requirements can lead to confusion and even more voters falling out of the process.

B. SURVEY RESPONSE RATE

The survey was sent to 4,944 local election officials in jurisdictions around the US. The survey was issued through an online survey program that provided a unique one-time use URL link to each participant in the survey. State-level election officials did not receive survey invitations. All 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands were included in the survey distribution. The survey ran from December 5, 2008 through January 12, 2009. 1,025 fully completed surveys were received, resulting in a 20.7% response rate.¹ Partially completed surveys were not included in the results analysis.

We received responses from 48 states, as well as Guam and Puerto Rico. As can be seen below in Table 1, 53% of our

¹ In 2006, 3,814 LEOs were invited to complete the survey. 690 fully completed surveys were received resulting in an 18% response rate.

responses came from just 10 states. However, this represents a higher dispersion than in 2006, which indicates that OVF was able to reach a wider variety of LEOs. 94% of these respondents reported that they were either the election official in charge of overseas and military absentee voting in the jurisdiction or one of several officials in charge.

TABLE 1: TOP RESPONDING STATES

State	2008	2006
Wisconsin	16%	29%
Texas	7%	5%
Connecticut	5%	2%
Virginia	5%	3%
Vermont	4%	2%
North Carolina	4%	5%
Ohio	3%	2%
Missouri	3%	0%
Georgia	3%	2%
Tennessee	3%	2%

NOTE: Figures represent percent of respondents.

C. UOCAVA VOTER PARTICIPATION: REGISTRATION AND BALLOT REQUESTS

Although the relative size of each LEO's jurisdiction varied, the majority had fewer than 100,000 registered voters. Of the surveyed LEOs, 73% of respondents had 0 to 24,999 registered voters, 13% had 25,000 to 49,999 registered voters, and the remaining 14% had more than 100,000 registered voters in their jurisdictions.

82% of survey respondents (1006) reported an estimated 0 to 99 ballot requests from military voters in their jurisdiction for the 2008 General Election. This represents a 2% increase from the 2006 Midterm Elections. Another 14% estimated 100 to 499 requests. The remaining 4% estimated that there were more than 1,000 military requests, which is similar to the 2006 sample.

Although the number of ballot requests is consistent from 2006 to 2008, when asked if they noticed an increase or decrease in military ballot requests, 45% said that they noticed an increase, which is comparable to the 50% increase that LEOs experienced in 2006. Only 10% of LEOs said they saw

a decrease in registration and ballot requests from military voters. This may be because the reporting jurisdictions are so small that an increase, for example from 20 to 90 requests, is significant.

Of the sampled LEOs approximately 87% estimated that 0 to 99 civilian voters requested ballots in their jurisdiction for the 2008 General Election. Another 8% estimated that 100 to 499 civilian voters requested ballots in their jurisdictions, and 5% projected that more than 1,000 overseas civilians requested ballots. Similar to estimates of military requests, when asked if there were increases or decreases in civilian registrations and ballot requests, 45% said they saw a noticeable increase in overseas civilian registrations and ballot requests. Only 8% of LEOs said they saw a decrease in civilian overseas voting registration and ballot requests.

TABLE 2: ESTIMATED BALLOT REQUESTS FROM OVERSEAS CIVILIAN AND MILITARY VOTERS

Total Overseas Civilian Voters	Jurisdiction Size			Total
	1 to 24,999	25,000 to 99,999	More than 100,000	
Under 100	71.1%	14.3%	1.2%	86.5%
100-999	2.0%	3.5%	5.0%	10.5%
Over 1,000	0.3%	0.6%	1.6%	2.5%
Don't Know	0.0%	0.4%	0.1%	0.5%

Total Military Voters	Jurisdiction Size			Total
	1 to 24,999	25,000 to 99,999	More than 100,000	
Under 100	70.7%	10.0%	0.8%	81.5%
100-999	2.7%	8.0%	5.3%	15.9%
Over 1,000	0.0%	0.6%	1.7%	2.3%
Don't Know	0.0%	0.2%	0.1%	0.3%

NOTE: Data represents percentage of respondents to the questions, "How many overseas civilian voters / military voters in your jurisdiction do you estimate requested ballots for the 2008 General Election?" There are 1005 respondents to the civilian question and 1006 respondents to the military question.

These results are summarized above in Table 2, which reports the results according to the size of the LEO's jurisdiction. As we see can see, the majority of LEOs reported that fewer than 100 overseas civilian or military voters requested ballots in 2008. These results are consistent with the 2006 survey and suggest a strong growth trend in UOCAVA voter participation. However, 33% of LEO did report sending out a record number of ballots in 2008.

As predicted in the 2006 LEO report, the 2008 election witnessed an increase in overseas voters. However, although the number of overseas registrations and ballot requests continues to go up, Table 2 illustrates one of the problems confronting calls for reform of overseas voter legislation and processes. In many jurisdictions the number of overseas voters is still not sufficient to trigger the additional administrative support voters need to register and vote. Furthermore, it remains to be seen if this record level of turnout can be maintained or whether participation will decrease in the next election.

D. LEO PROCESSES: REGISTRATION AND BALLOTING
LEOs encounter a number of complex problems when attempting to register overseas voters and send them their ballots. OVF asked election officials about the processes of overseas voting in order to help identify areas that work well, as well as areas that need improvement.

D.1. Sending Ballots

The first step in the process of voting is registration. UOCAVA specifies that an FPCA registration form is valid for four years during which time the election official should continue to send ballots. However, when faced with the challenge of UOCAVA address maintenance and the enormity of waste caused by sending ballots to 'dead addresses,' many jurisdictions insist on some form of a 'ballot request' as well as registration. There is great inconsistency amongst jurisdictions as to how to

balance even applicability of the law with practical problems surrounding address maintenance for UOCAVA voters.

As seen in OVF's 2008 Post Election UOCAVA Voter Survey, experienced voters had many questions about registration and re-filing requirements.² 57% of election officials reported that overseas and military voters who registered in 2006 received a 2008 ballot without filing a new form. However, only 7.3% of voters reported getting a ballot with out filing a new form.

19.5% of LEOs said that if a person registered to vote in 2006 and contacted the LEO in any manner (mail, telephone, fax, and email) then a ballot was sent to them. In only 6% of cases did election officials require that a voter who registered in 2006 file a new ballot request in order to receive any 2008 ballot. As seen below in Table 3, these results are consistent with our 2006 findings. This indicates that few jurisdictions have changed their requirements since 2006.

TABLE 3: REGISTRATION SYSTEM FOR PREVIOUS VOTERS

Registration System	2008	2006
Those who registered in the last election received ballots without filing a new form	57%	59%
Those who voted in the last election were required to file a new ballot request	6%	5%
If they were registered and contacted us, we sent a ballot	20%	17%
We did not have any overseas voters	7%	
I don't know	4%	2%
Other	6%	16%

NOTE: Respondents were asked, "Which of the following best describes your system for sending ballots to overseas and military voters who registered previously?"

When we examine these responses by jurisdiction size, then the result is also similar to 2006. Larger jurisdictions are more likely to automatically to send a ballot than smaller jurisdictions. This may be a result of the ability to register as a 'permanent' overseas absentee voter in these jurisdictions or a variation in the maintenance of active voter status and addresses.

² See section C.2 of the OVF Post Election UOCAVA Voter Survey.

D.2. The Use of Federal Postcard Applications

The Federal Postcard Application (FPCA) "serves as an application for registration and/or request for absentee ballot for all persons covered by the Uniformed and Overseas Citizens Absentee Voting Act."³ Of the sampled LEOs, 76% said that most overseas and military voters use the FPCA to register to vote/request their absentee ballots in their jurisdiction. This represents a 5% increase over the 2006 results. Furthermore, 36% of LEOs said they have seen an increase in the usage of FPCAs by voters since the 2004 Presidential Election. This increase may be attributable to new Internet-based UOCAVA voter services, which use the FPCA as the standard form across all states.

The specific requirements regarding FPCA completion by the voter vary by state, and several states require additional information, such as additional identification (social security number, driver's license, etc), additional proof of citizenship, additional proof of residency, and additional address information.⁴ These varying requirements can confuse voters. 17% of LEOs said some other form of additional information was required. Table 4 below summarizes the top five additional requirements. For example, 70% of those jurisdictions that have additional requirements demand additional identification.

TABLE 4: TOP 5 ADDITIONAL REGISTRATION REQUIREMENTS

Requirement	2008	2006
Additional Identification	70%	25%
Date of Birth	43%	
Other	29%	44%
Additional Address Information	17%	47%
Additional Proof of Previous Residency	7%	19%

NOTE: Respondents were asked, "Does your jurisdiction require a voter to submit any information in addition to what is required on the FPCA? (Check all that apply.)" Data entries represent percent of respondents to the question. 168 respondents indicated requirements in 2008 and 32 respondents in 2006. Because respondents were allowed to check multiple responses, percentages do not add to 100.

³ Federal Voting Assistance Program, 2008-09 Voting Assistance Guide, http://www.fvap.gov/resources/media/appendix_f.pdf.
⁴ *Ibid.*

When a state requests additional information, it adds processing time to the voter registration process and another opportunity for incomplete or invalid forms to block a voter from registering on time.

D.3. Obstacles to Voting

As seen in section C.3 of the OVF 2008 Post Election UOCAVA Voter Survey, voters most often cited "still thought I was registered" and "missed deadline" as the reasons for not submitting a ballot request. Of those voters that could not complete the registration process, deadlines and the complicated process hindered them.

LEOs were asked to identify the top three reasons a registration form and/or ballot request was rejected during this election cycle, as seen in Table 5 below. These results show a doubling of rejection rates due to missing signatures when compared to the 2006 LEO survey. This may be cause for concern.

TABLE 5: REASONS FOR REGISTRATION FORM REJECTION

Registration Forms: Reason for Rejection	2008	2006
Missed deadline: Form arrived too late	49%	50%
Form was Incomplete	36%	36%
Signature and/or date missing	29%	15%

NOTE: Respondents were asked, "Identify the top three most common reasons for rejecting registration forms and/or ballot requests from overseas and military voters in your jurisdiction?" Data entries represent percentage of respondents.

LEOs were also asked to identify the top three causes of overseas and military voters' not being able to vote, as seen in Table 6 below. The results in Table 5 and Table 6 reflect voter concerns with missing deadlines. However, it appears again, consistent with the data in table 5 above, that missing signatures is an increasing problem. This could be attributed to the increased use of email and fax as a form of registration/ballot request transmission. In nearly all states, election officials require that new UOCAVA registrations send in an original FPCA form. Many voters do not send the signed

original after faxing or emailing their form. Regardless of the electronic transmission, missing signatures or dates is in most cases, a problem that must be fixed through the postal system, which can add a significant time hurdle to the process.

TABLE 6: INABILITY TO VOTE

Reason for Voters' Inability to Vote	2008	2006
Missed registration/ballot request deadline	42%	36%
Out-of-date mailing address	40%	44%
No signature and/or date on the ballot or ballot envelope	26%	18%

NOTE: Respondents were asked, "Identify the top three causes of overseas and military voters' inability to vote in your jurisdiction?" Data entries represent percentage of respondents.

When given the opportunity to expand on common problems many LEOs cited problems with the delivery and return of ballots. This can be attributed to invalid address information, problems with the delivery of ballots in some countries, and errors by the local election offices.

The most frequent reasons for rejecting registration forms and ballot requests clearly present challenges and there appears to be a difference between what voters think and what LEOs expect. Better communication regarding deadlines, requirements, and mailing address details could lower the number of voters dropping out of the voting process. This requires effort by both the voter (e.g. keeping in touch with LEOs regarding their current address) and LEOs (e.g. making registration requirements and deadlines explicit). Unfortunately these are the same persistent problems that have been reported in the past.

E. PROCESS MANAGEMENT

OVF also asked LEOs about their UOCAVA administrative process management. This part of the survey was designed to gain insight into how local resources are applied to UOCAVA voting and where practical problems may lie. As we can see below, the majority of LEOs have a small staff dedicated to overseas voters. And although LEOs are, in general, satisfied

with their processes, many are frustrated about undeliverable ballots and voter address maintenance.

E.1. Staff Size

Staff is a key factor in providing voters with information and services. The number of staff assigned to the task of overseas and military election administration varies by jurisdiction. 51% of LEOs reported that one person is dedicated to the management of military and overseas voting in their jurisdiction. 31% said that two or more people managed the military and overseas in their jurisdiction, and 12% of LEOs said that the management process of this task was not precisely defined in their jurisdiction. As seen below in Table 7, the number of staff is related to the size of the jurisdiction. That is, the larger the jurisdiction, the more staff that are assigned to overseas issues. These results are comparable with the 2006 LEO survey.

TABLE 7: STAFF SIZE BY SIZE OF JURISDICTION

	Size of Jurisdiction							
	0 - 24,999	25,000 - 49,999	50,000 - 99,999	100,000 - 249,999	250,000 - 499,999	500,000 - 999,999	1,000,000 or more	
Overseas Voting Staff								
One person is dedicated to the management of military and overseas voting	376 51%	68 52%	23 39%	28 55%	4 24%	3 33%	1 50%	
Two or more persons manage military and overseas voting	192 26%	51 39%	29 49%	20 39%	13 77%	6 67%	1 50%	
The management process for this task is not precisely defined	109 15%	8 6%	5 9%	1 2%	0 0%	0 0%	0 0%	
I don't know	9 1%	1 1%	0 0%	0 0%	0 0%	0 0%	0 0%	
Other, please specify	48 7%	2 2%	2 3%	2 4%	0 0%	0 0%	0 0%	
TOTAL	734	130	59	51	17	9	2	

NOTE: Respondents were asked, "How many registered voters of all types including domestic local and absentee and overseas and military absentee do you estimate in your jurisdiction?" "How does your jurisdiction staff the management of overseas and military absentee voting?" The results in this table are based on responses to both questions.

E.2. What Works Well

Next, we asked LEOs about what works well in their jurisdiction. 81% of all respondents said that their overall process worked well, which is a very positive increase from 63% in 2006. As seen below in Table 8, election officials also reported confidence in their ability to pro-actively deal with voter questions and/or problems, and in their tracking and reporting. It appears that confidence in the overall process has increased, whereas confidence in specific areas has decreased.

TABLE 8: WHAT WORKS WELL

	2008	2006
Our overall process works well	81%	63%
Ability to deal with voter questions and/or problems	16%	28%
Tracking and Reporting systems	12%	27%
Voter address maintenance	10%	17%
Confirmation to voters of acceptance or denial	9%	17%

NOTE: Respondents were asked, "What works well in your jurisdiction's processes for managing overseas and military absentee voting? (Check all that apply.)" Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100.

E.3. What Does Not Work Well

Finally, we asked LEO respondents what did not work well in their jurisdiction. The most frequent response was "undeliverable ballots," with 37% of LEOs selecting this option. 22% of participants indicated that voter address maintenance is a problem. The second most frequent problem reported was "postal service or delivery problems", and the third was voter "address maintenance. Only 1% of the respondents said that the overall process of overseas and military voting does not work well. This is consistent with the results of the 2006 survey, as seen below in Table 9.

TABLE 9: WHAT DOES NOT WORK?

	2008	2006
Our overall process does not work well	1%	2%
Undeliverable ballots	38%	42%
Postal service or delivery problems	23%	
Voter address maintenance	22%	44%
I don't know	22%	
Other	14%	12%

NOTE: Respondents were asked, "What does not work well in your jurisdiction's processes for managing overseas and military voting? (Check all that apply.)" Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100. Response options were different in 2006 and 2008.

Postal service and undeliverable ballots represent a serious process-management problem in an alarming number of jurisdictions and deserves much greater attention. Clarifications of requirements for address confirmation prior to ballot sending are needed for voters and election officials alike. For election officials, undeliverable ballots represent wasted time, money and lost votes. This issue was flagged in both OVFs and the U.S. Election Assistance Commission's 2006 post election surveys and has yet to be satisfactorily addressed. The comments left on the survey reflect the frustrations of many LEOs.

"They move so much that we have hard time keeping up with who is and who is out and at what base or country."

"The problem this year was the US Postal Service. I was in email contact with an overseas voter who mailed her ballot in time but it didn't arrive until the end of Nov. I emailed another ballot to her about a week before the election but it came a few days late. She missed the FedEx deadline by just a few hours so put it in the mail."

In general, a very large majority of the respondents feel the overall process over overseas and military voting works well, which is similar to the 67% of LEOs who reported being satisfied with the way overseas and military voting was managed

in their jurisdiction in 2006. One of the challenges faced in reforming the overseas voting process may be the natural sense among state and local officials that voting problems are happening somewhere else, and not in their own jurisdictions. Mandatory UOCAVA reporting in the upcoming U.S. Election Assistance Commission's 2008 Election Day Survey may help us pinpoint those states and counties which are indeed having problems with their service to overseas voters.

E.4. Changes

The satisfaction level among LEOs is reflected in their desire, or lack thereof, for change. Only 7% of LEOs said that they are planning to change anything with the management of the overseas and military voting in the next 4 years before 2012. Training (48%), communications (35%), and staffing (29%) are the top changes planned.

Although most said there were no planned changes for their jurisdictions, the survey still asked these LEOs what they "would change if they could change" anything. The most popular response was voter address maintenance with 29% of respondents selecting this answer. This is directly related to the undeliverable ballot problem as discussed in section E.2. above. Some LEOs would also like to change communications (17%) and ballot request requirements (15%).

In 2006 11% of respondents reported plans for change to their systems. These planned changes included training, IT systems and staffing. It is difficult to determine from the 2008 if these changes actually took place. However, the satisfaction among LEOs has gone up and the dissatisfaction with voter address maintenance, which could be solved with better IT systems, has gone down.

F. TRAINING

In order to keep up with developments in voting legislation and technology, LEOs receive information updates and/or training from a number of different sources. In fact 83% of LEOs report getting information and training, which is an increase from 2006. The State Elections Office (Secretary of State, Board of Elections, etc.) was the most common source. The Federal Voter Assistance Program (FVAP) was also a popular resource. These findings are consistent with 2006, as seen below in Table 10. It does appear that LEOs are receiving more information. Furthermore, LEOs get the majority of

their information from the state or local level rather than the national level.

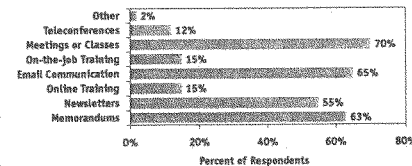
TABLE 10: SOURCES OF INFORMATION AND TRAINING

	2008	2006
State Elections Office (Sec. of State, Board of Elections, etc.)	95%	91%
The Federal Voter Assistance Program (FVAP)	41%	35%
State person in charge of UOCAVA voting	18%	16%
County Clerk	15%	
The Election Center	10%	13%

NOTE: Respondents were asked, "Who provides you with updates/information and/or training regarding overseas and military voting? (Check all that apply.)" Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100. Response options were different in 2006 and 2008.

Meetings or classes, as well as email and memorandums are the most popular forms of training. These results are summarized below in Figure 1. The 2008 results are consistent with the 2006 findings. However, in 2006 only 10% of respondents reported receiving online training. In 2008, 15% of participants indicated that they receive this type of training, an indication that LEOs are moving towards new technologies.

FIGURE 1: TYPE OF TRAINING



NOTE: Respondents were asked, "Please identify the type of information and/or training you receive. (Check all that apply.)" Data entries represent percent of respondents to the question. Because respondents were allowed to check multiple responses, percentages do not add to 100.

Overall, 62% of LEOs said that they received more training on overseas and military voting in 2008 than they had in the past, and 91% said this training was sufficient or very sufficient. In addition, 39% said that their jurisdiction undertook special efforts beyond what was required by federal law. It is encouraging to see that so many states increased training for UOCAVA election administration.

"...our secretary of state elections director does an outstanding job with the central voter registry system and training staff."

LEOs were divided over whether or not they wanted more training, 36% indicated that they would like more training, whereas 38% said "no" and 26% were not sure. When posed the question of what type of training they preferred, three responses were preferred: meetings or classes, online training, and email communication.

In 2006 only 60% of respondents felt that their training was sufficient and 41% indicated a desire for more training. When compared with the results above, we can see that the satisfaction level of LEOs with their training has increased.

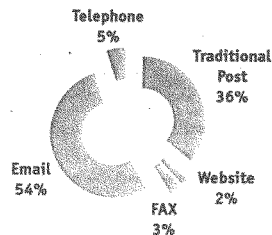
G. ASSISTANCE AND COMMUNICATION TO OVERSEAS AND MILITARY VOTERS

LEOs reported a diverse number of ways in which they assist overseas civilian and military voters. 62% said they gave priority to voting materials mailing, 56% reported using email communications to assist voters. And finally 52% said they contacted relatives to confirm voter addresses. In addition to these methods of assistance, 33% of LEOs reported using special postal mailings and 34% provided information on their website in order to assist voters. These results are slightly different from 2006, when special postal mailings and email communications were the top methods. However, this can be attributed to the survey question. That is, in 2008 participants were presented with more response options.

As seen below in Figure 2, 54% of LEOs reported that email was their most frequently used form of communication with overseas and military voters. The second most common form was written communication by mail. These statistics have changed dramatically since 2006, when 63% of LEOs report-

ed written communication by mail as the most common form of communication, and only 29% of LEOs cited email.

FIGURE 2: COMMUNICATION BETWEEN LEOs AND VOTERS



NOTE: Respondents were asked, "What is your most frequently used form of communication with overseas and military voters?" Data entries represent percent of respondents to the question.

Furthermore, 80% of jurisdictions either have a website or refer voters to a website, which is a 5% increase over 2006. That is, 45% of local jurisdictions reported having their own website in 2008. If they did not have a website, then 35% of LEOs referred overseas civilian and military voters to the State Board of Elections website or the Secretary of State's website.

As seen in the Post Election Survey of Voters, many voters had problems and questions with the registration process. In order to help voters, 38% of jurisdictions with websites say that their website has specific instructions on registration/ballot requests to overseas voters, which is an improvement over 2006. However, only 57% of jurisdictions with websites reported linking to other websites offering special assistance to overseas and military voters. Although this is an increase from 2006 when only 47% of websites provided external links, LEOs might do more when using this valuable tool.

G.1. Email

The results detailed above indicate that electronic forms of communication are clearly becoming more common. 83% of LEOs reported that they communicate with overseas and military voters via email. Electronic forms of communication, es-

pecially email, are faster and cheaper than traditional post and ideal for geographically dispersed UOCAVA voters. LEOs appear to be very satisfied with this method of communication.

"Email and internet access to the voter is the most efficient method for expediting ballot requests and receiving ballots."

"I feel like a proud parent to every one of these people who respond to my e-mails so I can get their ballot to them."

"Having the email contact has been such an asset to the overseas and military voting problems previously encountered with snail mail."

Jurisdictions are recognizing the importance in developing email communications ability, and 54% of LEOs said that they collect email addresses for overseas and military voters, a clear increase from 32% in 2006. Of those LEOs who use email, 86% reported that email works well for them for contacting overseas and military voters, which is also an increase from 65% in 2006. They also said that the number of emails from voters is increasing, with 68% reporting a noticeable increase.

"I really appreciated the space on the forms for voters' email addresses. That helped so much to get in touch with them if there was a problem with their form. I believe this helped cut down on a lot of the rejected ballots and the majority of the voters did include the email address."

Of those jurisdictions that do not use email communication (15%), 39% said that email is not necessary. Another 23% indicated that they are in touch with voters' families already. The personal involvement of election officials to the extent that they reach out to other family members in an effort to help a relative serving or living abroad cast a ballot is a genuine and valued measure of the care that election officials take with UOCAVA voters.

H. CONCLUSION

The 2008 LEO survey indicates an increase in UOCAVA voting activity. Although LEOs appear to be increasingly satisfied with their processes, undeliverable ballots continue to be a

problem. LEOs confirm the frustrations of the voters: missed deadlines are a persistent problem.

More election officials are embracing technology as a means to fix problems in the voting process. Email is an effective form of communication, and the Internet is used by many voters and LEOs alike. However, as in the 2008 Post Election UOCAVA Voter Survey, OVF urges caution in the implementation of new technology and the change of requirements that it may impose on voters. Although email may speed up the process, when coupled with signature requirements on forms, many voters continue to fall out of the process due to not following up their online communications with posted originals.

V. OVERSEAS VOTE FOUNDATION 2008: WEBSITE USAGE STATISTICS

2008 was a very busy year for OVF. In 2008 OVF launched and managed 17 overseas and military voters' services sites. 4.75 M individuals visited the sites to use OVF's seven voter services. Furthermore, OVF teamed with FedEx to offer "Express Your Vote," the first express ballot return delivery program, from mid September through October 2008. Approximately 10,000 voters took advantage of the new system. We should also note several important characteristics of OVF website users:

- Two of five (40%) voters utilizing the OVF registration and balloting systems were under the age of 30.
- Three-fourths (73%) were first time UOCAVA voters and 29% voted for the first time ever.
- One fourth (24%) of OVF registration and balloting systems users are members of the US Uniformed Services or their families.
- After launching their new OVF "State Hosted System," Texas catapulted to the top state of OVF usage.

A. OVF VOTER SERVICES

OVF launched its current suite of integrated voter services for overseas and military voters in October 2007, in time for the start to the Presidential Preference Primaries voter registration "season." The generous support of The Pew Charitable Trusts' Make Voting Work (MVW) initiative made the development and launch of the new set of web tools possible. We introduced six voter services, with the seventh added later in the year. Several were significant upgrades of previous application versions and others were brand new concepts. These services include:

- **Registration and Absentee Voter Application (RAVA):** a state-by-state customized automated voter registration wizard
- **Federal Write-in Absentee Ballot (FWAB):** a state-by-state customized automated write-in ballot generator. In mid-September 2008, OVF, together with Pew's MVW, released a vastly upgraded version of the FWAB, which incorporated zip-to-district matching and presented vot-

ers with dynamically generated candidate lists.

- **Election Official Directory (EOD):** a comprehensive local election official contact information for all election jurisdictions including physical, express courier and mailing addresses, multiple contacts, phone, fax, email and website addresses. Address data from the EOD is integrated into the RAVA, FWAB and EYV applications.
- **Voter Help Desk (VHD):** The help desk contains a vast knowledgebase written expressly for voters. The data is available through an instant response system. As voters type their questions, the system provides suggested answers. Personal questions can also be submitted and each question is individually answered. A "customer support ticket system" assures that no questions go unanswered.
- **State-specific Voter Information Directory (SVID):** state-by-state charts with election dates, deadlines and state contact information. All of the data is verified directly with the states prior to posting and can be updated in real time across all sites.
- **My Voter Account (MVA):** an optional voter account system allowing voters to save their registration data and quickly re-access it to reprint registration and ballot forms
- **Express Your Vote (EYV):** In close collaboration, including technical integration with FedEx, OVF launched a groundbreaking worldwide express ballot return program, "Express Your Vote." The program ran from mid-September to the end of October 2008. EYV provided special OVF rates for FedEx ballot return to the U.S. for approximately ten thousand voters in 2008

B. OVF WEBSITES AND HOSTED SYSTEM STRATEGY

Over the course of 2008, OVF introduced 3 additional targeted voter services sites: Youth Vote Overseas; Military Voter Services; and a low-bandwidth, light-graphic site for remote voters, especially useful for UOCAVA voters such as remotely stationed military members, Peace Corps members, USAID, missionaries and others living in locations or in geographic areas with only limited internet access. This

special consideration to specific voter audiences was well received.

In addition, three states, Alabama, Minnesota and Ohio pioneered OVF's State Hosted Systems concept. These "early adopters" paved the way for the JEHT Foundation's decision to support the OVF Hosted Systems Program, which helped establish a new UOCAVA online voter services usability and interface standard. In addition, the state-hosted systems ushered in a new way of directly helping states improve the quality and breadth of services to their UOCAVA voters. Kentucky, Texas, West Virginia, and Vermont adopted similar tailored Hosted Systems solutions and began to offer the OVF standard voter services suite of applications.

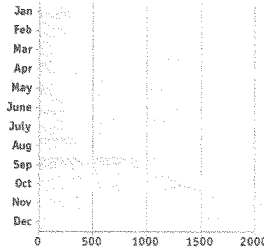
In 2008, OVF ran a total of 17 websites featuring our complete suite of voter services, which comprise the backbone of OVF's broadening Hosted Systems. These websites included: 4 targeted OVF sites: OVF "Classic," Youth Vote Overseas, Military Voter Services, and OVF "Lite" (low-bandwidth, light-graphic)

- 7 customized State sites:
AL, KY, MN, OH, TX, VT, WV
- 3 major voter outreach organizations:
The League of Women Voters' VOTE411;
Rock the Vote and the Federation of American Women's Clubs Overseas
- 1 private corporation: ExxonMobil
- 2 leading political campaigns: Obama/Biden and McCain/Palin
- Other collaborations: The National Association of Secretaries of State (NASS) licenses the Election Official Directory for their www.canivote.org website

C. OVF SITE VISITORS

The combined total number of visitors to all OVF sites through 2008 was 4,748,000. These numbers are of actual visitor/users, which came to the sites to use any number or type of services OVF provides, informational or interactive.

FIGURE 1: TOTAL VISITORS TO ALL OVF SITES, 2008



SOURCE: Webalyzer – web analytics

Below the visitors to OVF Sites are ranked by website and country.¹

- **OVF Classic:**
US, UK, Canada, Germany, Israel, Australia, France, Japan, Switzerland, China
- **Youth Vote Overseas:**
US, UK, Germany, Canada, France, Australia, Japan, India, Israel, China
- **Military Voter Services:**
US, Germany, Japan, Iraq, UK, South Korea, Italy, Kuwait, Guam, Egypt
- **OVF Lite (low bandwidth):**
US, Japan, Germany, Canada, China, UK, India, Israel, Australia, Thailand

D. REGISTRATION AND BALLOT SYSTEMS USERS

The number of voters amongst all states using the Registration and Absentee Voting Application (RAVA) registration and the FWAB Vote-Print-Mail ballot programs was 119,342. It remains unknown precisely how many of the voters who generated FPCA and FWAB forms mailed the original signed documents to their election jurisdictions. It is possible that they could have saved their work and never sent in their forms. This is an inherent limitation to the current UOCAVA administrative process: the forms must be printed, signed and transmitted to the voters' election jurisdiction with original signatures.

¹ Source: Google Analytics

Site visits/usage was very high (4.75M visits) compared to the number of voters actually using the registration and balloting systems (approximately 120K). The distinction between these voter subgroups is key to the understanding the demand for a broader range of services. For example, select voters may already be registered and using a paper form, and therefore are only looking up their election official to call and confirm they are on the voter rolls. For them, the OVF sites provide value beyond the registration and balloting applications, which is different from, yet complementary to, those services sought by others, such as first-time voters.

Typical of Internet users, many site visitors are looking to OVF or a hosted system site in their search for voting information. We provide them with election official contact details, deadline information, and answers to specific questions. The Election Official Directory, the State-specific Voter Information Directory and the Voter Help Desk are extremely popular tools serving voters both overseas and in the U.S. The statistics support the theory that maintaining and providing precise data and information is as relevant and valuable to voters and election officials. OVF's services provide timely access to accurate information, which is a necessary component to address concerns widely associated with untimely delays in voter registration forms and write-in ballots.

Table 1 and Table 2 below reveal the number of voters using the registration (RAVA) and balloting (FWAB) services across the 17 sites.

TABLE 1: NUMBERS OF VOTERS USING REGISTRATION AND BALLOTING SYSTEMS ACROSS OVF SITES

OVF Websites - Registration and Ballot Systems Usage Only:

Site	# Voters
OVF "Classic"	63,891
Youth Vote Overseas	9,498
Military Voter Services	8,010
Lite (low bandwidth)	1,900
Total	83,299

NOTE: Includes voters utilizing registration and balloting services only

TABLE 2: HOSTED SYSTEMS ACTIVITY: NUMBERS OF VOTERS USING OVF HOSTED REGISTRATION AND BALLOTING SYSTEMS

Hosted Systems Activity: Registration and Ballots Systems Usage Only

State	# Voters	Organization	# Voters
Alabama	918	ExxonMobil	368
Kentucky	643	FAWCO	434
Minnesota	4,853	McCain	325
Ohio	1,367	Obama	12,288
Texas	8,089	Rock the Vote	1,842
West Virginia	95	VOTE411.org	4,747
Vermont	74		
Total State Hosted Systems	16,039	Total Hosted Systems	20,004

NOTE: Includes voters utilizing registration and balloting services only

We can trace variations in usage of the hosted systems solutions to a number of factors. For example, the prominence of an "Overseas and Military Voter Registration" link on the Secretaries of State websites made a noticeable difference in traffic driven to the sites, as well as whether local election office websites featured links to their own state system.

The Texas website links are an example of those that caught attention. Texas simply put a tiny, highlighted "NEW!" note next to the link on their Secretary of State's website, which successfully directed voters to their services.²

Timing in release of the system also made a difference. The sites for Kentucky, West Virginia and Vermont were launched later in the year and this impacted overall their total numbers. In addition West Virginia and Kentucky worked multiple strategies for overseas and military voters. They worked with FVAP as well as OVF. Minnesota's actions in the areas of voter outreach and their strong communications efforts helped

² <https://texas.overseasvotefoundation.org>

bring their performance up visibly during the course of 2008. With their site, the state soared into OVF's top five states.³

The League of Women Voters is an outstanding example of a domestic voter registration site capturing tremendous overseas voter traffic. Their navigation is clear and despite a post mid-year launch, the site performed well. The most outstanding, however, was the Obama/Biden site.⁴ Although their site came online for only the two months prior to the election, they drove a significant portion of the registration traffic during that time with their outreach and advertising.

TABLE 3: REGISTRATIONS AND BALLOTS APPLICATIONS USAGE AMONG OVF RESPONDENTS, 2008

State	# Voters	% All States
Texas	17,521	14.0%
California	15,317	12.3%
New York	11,322	9.1%
Minnesota	7,155	5.8%
Florida	6,092	4.9%
Ohio	4,510	3.6%
Illinois	4,264	3.4%
Pennsylvania	4,190	3.4%
New Jersey	3,991	3.2%
Massachusetts	3,425	2.7%
Total of Top 10 States	77,787	62.4%

After launching their hosted system site, Texas swiftly climbed to the number one OVF position, passing California and New York. In previous years, Texas was ranked third or fourth. The same is true for Minnesota's site, which brought the state from an OVF ranking below 10 to number 4, just below the most highly populous states, which we can see above in Table 3.

³ <https://minnesota.overseasvotefoundation.org>
⁴ <https://obama.overseasvotefoundation.org>

TABLE 4: OVF WEBSITE USERS BY TYPE

Voter Type	% Total
Uniformed Services member, spouse or dependent	23.7%
US Citizen residing outside of the US temporarily	35.8%
US Citizen residing outside of the US permanently	40.5%

A more balanced range of voter types used the OVF systems this year than we have seen in previous years. Most notable, the Uniformed Services voters were strongly represented with approximately 24% of all registrations completed by them, as we see above in Table 4. In previous years the representation had been a nominal 3%. OVF's Military Services site contributed to this trend.⁵

TABLE 5: TOP COUNTRIES REPORTED AMONG OVF USERS

Top 10 Countries	% Total
United States	21.8%
United Kingdom	10.5%
Canada	7.7%
Germany	4.9%
Israel	4.8%
France	3.5%
Australia	3.4%
Switzerland	2.4%
China	2.4%
United States Uniformed Services	2.2%

As seen above in Table 5, 2008 brought shifts in high-population voter locations. Israel entered the top five of countries with active US voters and held its position throughout the election year. China also came in as a new stronghold for democratically active Americans. The high percentage of voters choosing the US as their country of residence is attributable to a high number of uniformed services voters who vote UOCAVA absentee military voters.

⁵ <https://military.overseasvotefoundation.org>

As seen below in Table 6, 73% of the voters using the OVF websites were first time UOCAVA voters. For 29%, this was their first voting experience.

TABLE 6: OVF WEBSITE USERS BY VOTING HISTORY

Voters by Voting History	% Total
First time voter	29%
Voted as domestic and overseas voter	13%
Voted as a domestic voter	44%
Voted as a uniformed services and domestic voter	3%
Voted as a uniformed services voter	3%
Voted as an overseas voter	8%

In conclusion, we have seen over the past 3 General Election cycles that the movement toward the Internet as a vehicle for voter information, service and support extends itself naturally to the UOCAVA paradigm. It is an ideal voter outreach tool for UOCAVA voters living, working, studying and serving our nation around the globe. New online UOCAVA tools effectively enable American citizens to participate in our democracy from virtually anywhere – bringing them instant information, instruction, and advice.

VI. APPENDIX 1 - BALLOT ARRIVAL BY STATE

	When did your official ballot from your election office for the November 4, 2008 General Election arrive?							Total
	September	1st Half of October	2nd Half of October	Week before the Election	Election Day	After Elec- tion Day	Don't Know	
Alabama	11 .3%	63 .8%	28 .5%	16 1.0%	3 1.4%	1 1.0%	5 1.4%	127 .7%
Alaska	4 .1%	14 .2%	15 .3%	2 .1%	1 .5%	2 1.9%	2 .6%	40 .2%
Arizona	48 1.4%	96 1.2%	46 .9%	21 1.3%	6 2.9%	2 1.9%	5 1.4%	224 1.2%
Arkansas	5 .2%	32 .4%	18 .3%	1 .1%	0 .0%	1 1.0%	2 .6%	59 .3%
California	708 21.4%	937 12.0%	574 11.1%	206 12.9%	24 11.6%	12 11.7%	70 19.3%	2531 13.6%
Colorado	21 .6%	148 1.9%	229 4.4%	62 3.9%	5 2.4%	3 2.9%	3 .8%	471 2.5%
Connecticut	69 2.1%	190 2.4%	88 1.7%	17 1.1%	5 2.4%	1 1.0%	9 2.5%	379 2.0%
Delaware	18 5%	18 .2%	7 .1%	1 .1%	0 .0%	0 .0%	3 .8%	47 .3%
DC	3 .1%	6 .1%	67 1.3%	72 4.5%	6 2.9%	5 4.9%	2 .6%	161 9%
Florida	259 7.8%	338 4.3%	176 3.4%	59 3.7%	6 2.9%	6 5.8%	18 5.0%	862 4.6%
Georgia	63 1.9%	121 1.5%	58 1.1%	14 .9%	1 .5%	1 1.0%	5 1.4%	263 1.4%
Guam	2 .1%	3 .0%	0 .0%	1 .1%	0 .0%	0 .0%	0 .0%	6 .0%
Hawaii	13 .4%	71 .9%	30 .6%	5 .3%	0 .0%	0 .0%	1 .3%	120 .6%
Idaho	13 .4%	27 .3%	10 .2%	8 .5%	1 .5%	0 .0%	1 .5%	60 .3%
Illinois	172 5.2%	338 4.3%	158 3.1%	42 2.6%	4 1.9%	2 1.9%	21 5.8%	737 4.0%
Indiana	22 .7%	107 1.4%	67 1.3%	31 1.9%	0 .0%	2 1.9%	4 1.1%	233 1.3%
Iowa	34 1.0%	44 .6%	26 .5%	8 .5%	0 .0%	0 .0%	2 .6%	114 .6%
Kansas	32 1.0%	53 .7%	17 .3%	12 .8%	2 1.0%	0 .0%	2 .6%	118 .6%

When did your official ballot
from your election office for the November 4, 2008 General Election arrive?

	September	1st Half of October	2nd Half of October	Week before the Election	Election Day	After Elec- tion Day	Don't Know	Total
Kentucky	37 1.1%	52 .7%	25 .5%	6 .4%	0 .0%	0 .0%	3 .8%	123 .7%
Louisiana	21 .6%	39 .5%	39 .8%	21 1.3%	3 1.4%	0 .0%	1 .3%	124 .7%
Maine	8 .2%	49 .6%	25 .5%	8 .5%	3 1.4%	1 1.0%	1 .3%	95 .5%
Maryland	78 2.4%	198 2.5%	115 2.2%	41 2.6%	6 2.9%	1 1.0%	9 2.5%	448 2.4%
Massachusetts	17 .5%	194 2.5%	386 7.5%	86 5.4%	10 4.8%	6 5.8%	6 1.7%	705 3.8%
Michigan	97 2.9%	250 3.2%	123 2.4%	58 3.6%	13 6.3%	6 5.8%	8 2.2%	555 3.0%
Minnesota	88 2.7%	366 4.7%	142 2.8%	36 2.2%	2 1.0%	0 .0%	9 2.5%	643 3.5%
Mississippi	4 .1%	11 .1%	8 .2%	5 .3%	0 .0%	0 .0%	0 .0%	28 .2%
Missouri	49 1.5%	99 1.3%	48 .9%	19 1.2%	1 .5%	0 .0%	4 1.1%	220 1.2%
Montana	11 .3%	25 .3%	9 .2%	0 .0%	1 .5%	0 .0%	1 .3%	47 .3%
Nebraska	9 .3%	21 .3%	11 .2%	2 .1%	2 1.0%	0 .0%	3 .8%	48 .3%
Nevada	20 .6%	37 .5%	24 .5%	10 .6%	1 .5%	0 .0%	2 .6%	94 .5%
New Hampshire	14 .4%	58 .7%	42 .8%	8 .5%	1 .5%	0 .0%	0 .0%	123 .7%
New Jersey	100 3.0%	300 3.8%	197 3.8%	49 3.1%	6 2.9%	0 .0%	18 5.0%	670 3.6%
New Mexico	10 .3%	59 .8%	45 .9%	11 .7%	2 1.0%	0 .0%	1 .3%	128 .7%
New York	133 4.0%	1043 13.3%	854 16.6%	240 15.0%	31 15.0%	17 16.5%	37 10.2%	2355 12.7%
North Carolina	109 3.3%	132 1.7%	57 1.1%	16 1.0%	2 1.0%	1 1.0%	3 .8%	320 1.7%
North Dakota	6 .2%	10 .1%	6 .1%	2 .1%	0 .0%	0 .0%	1 .3%	25 .1%
Ohio	46 1.4%	279 3.6%	227 4.4%	57 3.6%	8 3.9%	4 3.9%	6 1.7%	627 3.4%

When did your official ballot
from your election office for the November 4, 2008 General Election arrive?

	September	1st Half of October	2nd Half of October	Week before the Election	Election Day	After Election Day	Don't Know	Total
Oklahoma	14 4%	94 4%	21 4%	2 1%	0 0%	1 1.0%	0 0%	72 4%
Oregon	91 2.7%	124 1.6%	48 9%	10 6%	5 2.4%	1 1.0%	4 1.1%	283 1.5%
Pennsylvania	247 7.5%	307 3.9%	143 2.8%	41 2.6%	7 3.4%	5 4.9%	22 6.1%	772 4.2%
Puerto Rico	0 0%	0 0%	2 0%	0 0%	1 5%	0 0%	0 0%	3 0%
Rhode Island	6 2%	41 5%	19 4%	4 2%	0 0%	0 0%	1 3%	71 4%
South Carolina	21 6%	36 5%	19 4%	6 4%	1 5%	0 0%	2 6%	85 5%
South Dakota	8 2%	12 2%	6 1%	1 1%	0 0%	0 0%	1 3%	28 2%
Tennessee	47 1.4%	48 6%	19 4%	11 7%	1 5%	0 0%	5 1.4%	131 7%
Texas	293 8.8%	661 8.4%	402 7.8%	154 9.6%	26 12.6%	15 14.6%	28 7.7%	1579 8.5%
Utah	18 5%	18 2%	32 6%	15 9%	0 0%	1 1.0%	1 3%	85 5%
Vermont	5 2%	39 5%	25 5%	8 5%	0 0%	1 1.0%	2 6%	80 4%
Virginia	132 4.0%	235 3.0%	92 1.8%	23 1.4%	1 5%	1 1.0%	9 2.5%	493 2.7%
Washington	47 1.4%	288 3.7%	196 3.8%	50 3.1%	8 3.9%	3 2.9%	14 3.9%	606 3.3%
West Virginia	4 1%	22 3%	15 3%	3 2%	0 0%	0 0%	4 1.1%	48 3%
Wisconsin	22 7%	135 1.7%	116 2.2%	18 1.1%	1 5%	1 1.0%	1 3%	294 1.6%
Wyoming	4 1%	10 1%	5 1%	1 1%	0 0%	0 0%	1 3%	21 1%
Total	3313 100.0%	7838 100.0%	5157 100.0%	1600 100.0%	207 100.0%	103 100.0%	363 100.0%	18581 100.0%

VII. APPENDIX 2 - FWAB USE BY STATE, GROUP I

When you didn't receive your ballot from your election office,
did you use the FWAB to vote?

	Yes I was aware of FWAB and used it	I was aware of FWAB, but did not use it	No, I was not aware of FWAB	Total
Alabama	8 .4%	2 .3%	23 .8%	33 .6%
Alaska	3 .2%	6 .9%	11 .4%	20 .4%
American Samoa	1 .1%	0 .0%	0 .0%	1 .0%
Arizona	20 1.1%	9 1.3%	53 1.9%	82 1.5%
Arkansas	3 .2%	2 .3%	12 .4%	17 .3%
California	287 15.4%	124 18.4%	422 15.4%	833 15.7%
Colorado	65 3.5%	16 2.4%	63 2.3%	144 2.7%
Connecticut	25 1.3%	12 1.8%	41 1.5%	78 1.5%
Delaware	8 .4%	5 .7%	2 .1%	15 .3%
DC	42 2.2%	10 1.5%	28 1.0%	80 1.5%
Florida	84 4.5%	36 5.3%	150 5.5%	270 5.1%
Georgia	37 2.0%	16 2.4%	58 2.1%	111 2.1%
Guam	0 .0%	0 .0%	1 .0%	1 .0%
Hawaii	8 .4%	5 .7%	18 .7%	31 .6%
Idaho	5 .3%	1 .1%	11 .4%	17 .3%
Illinois	52 2.8%	23 3.4%	103 3.7%	178 3.4%
Indiana	39 2.1%	5 .7%	37 1.3%	81 1.5%
Iowa	14 .7%	2 .3%	4 .1%	20 .4%

When you didn't receive your ballot from your election office,
did you use the FWAB to vote?

	Yes I was aware of FWAB and used it	I was aware of FWAB, but did not use it	No, I was not aware of FWAB	Total
Kansas	10 .5%	4 .6%	20 .7%	34 .6%
Kentucky	11 .6%	6 .9%	24 .9%	41 .8%
Louisiana	15 .8%	4 .6%	11 .4%	30 .6%
Maine	5 .3%	4 .6%	13 .5%	22 .4%
Maryland	33 1.8%	13 1.9%	56 2.0%	102 1.9%
Massachusetts	63 3.4%	17 2.5%	93 3.4%	173 3.3%
Michigan	37 2.0%	26 3.9%	69 2.5%	132 2.5%
Minnesota	50 2.7%	19 2.8%	71 2.6%	140 2.6%
Mississippi	2 .1%	2 .3%	9 .3%	13 .2%
Missouri	23 1.2%	5 .7%	30 1.1%	58 1.1%
Montana	11 .6%	1 .1%	9 .3%	21 .4%
Nebraska	2 .1%	3 .4%	7 .3%	12 .2%
Nevada	11 .6%	6 .9%	18 .7%	35 .7%
New Hampshire	14 .7%	5 .7%	7 .3%	26 .5%
New Jersey	76 4.1%	21 3.1%	108 3.9%	205 3.9%
New Mexico	26 1.4%	7 1.0%	29 1.1%	62 1.2%
New York	242 12.9%	84 12.5%	324 11.8%	650 12.3%
North Carolina	27 1.4%	5 .7%	47 1.7%	79 1.5%
North Dakota	1 .1%	0 .0%	6 .2%	7 .1%

When you didn't receive your ballot from your election office,
did you use the FWAB to vote?

	Yes I was aware of FWAB and used it	I was aware of FWAB, but did not use it	No, I was not aware of FWAB	Total
Ohio	69 3.7%	23 3.4%	84 3.1%	176 3.3%
Oklahoma	4 .2%	2 .3%	7 .3%	13 .2%
Oregon	20 1.1%	7 1.0%	35 1.3%	62 1.2%
Pennsylvania	78 4.2%	27 4.0%	99 3.6%	204 3.9%
Puerto Rico	1 .1%	0 .0%	4 .1%	5 .1%
Rhode Island	5 .3%	3 .4%	8 .3%	16 .3%
South Carolina	18 1.0%	5 .7%	22 .8%	45 .9%
South Dakota	6 .3%	1 .1%	5 .2%	12 .2%
Tennessee	12 .6%	5 .7%	24 .9%	41 .8%
Texas	177 9.5%	44 6.5%	253 9.2%	474 9.0%
Utah	7 .4%	3 .4%	26 .9%	36 .7%
Vermont	7 .4%	2 .3%	10 .4%	19 .4%
Virgin Islands	1 .1%	0 .0%	2 .1%	3 .1%
Virginia	39 2.1%	16 2.4%	83 3.0%	138 2.6%
Washington	39 2.1%	13 1.9%	48 1.7%	100 1.9%
West Virginia	3 .2%	3 .4%	6 .2%	12 .2%
Wisconsin	21 1.1%	14 2.1%	40 1.5%	75 1.4%
Wyoming	2 .1%	0 .0%	5 .2%	7 .1%
Total	1869 100.0%	674 100.0%	2749 100.0%	5292

VIII. APPENDIX 3 - FWAB USE BY STATE, GROUP II

Prior to receiving your official ballot, did you use the FWAB?			
	Yes	No	Total
Alabama	22 .7%	105 .7%	127
Alaska	10 .3%	31 .2%	41
Arizona	39 1.2%	186 1.2%	225
Arkansas	4 .1%	55 .4%	59
California	466 14.1%	2077 13.5%	2543
Colorado	91 2.8%	381 2.5%	472
Connecticut	71 2.2%	310 2.0%	381
Delaware	2 .1%	45 .3%	47
DC	70 2.1%	92 .6%	162
Florida	146 4.4%	720 4.7%	866
Georgia	43 1.3%	220 1.4%	263
Guam	2 .1%	4 .0%	6
Hawaii	18 .5%	102 .7%	120
Idaho	5 .2%	55 .4%	60
Illinois	141 4.2%	600 3.9%	741
Indiana	43 1.3%	193 1.3%	236
Iowa	9 .3%	105 .7%	114
Kansas	14 .4%	104 .7%	118

Prior to receiving your official ballot,
did you use the FWAB?

	Yes	No	Total
Kentucky	15 .5%	109 .7%	124 .7%
Louisiana	24 .7%	100 .7%	124 .7%
Maine	19 .6%	77 .5%	96 .5%
Maryland	70 2.1%	379 2.5%	449 2.4%
Massachusetts	147 4.5%	560 3.6%	707 3.8%
Michigan	83 2.5%	476 3.1%	559 3.0%
Minnesota	79 2.4%	566 3.7%	645 3.5%
Mississippi	3 .1%	26 .2%	29 .2%
Missouri	34 1.0%	189 1.2%	223 1.2%
Montana	7 .2%	40 .3%	47 .3%
Nebraska	9 .3%	39 .3%	48 .3%
Nevada	18 .5%	76 .5%	94 .5%
New Hampshire	11 .3%	113 .7%	124 .7%
New Jersey	115 3.5%	558 3.6%	673 3.6%
New Mexico	39 1.2%	90 .6%	129 .7%
New York	508 15.4%	1858 12.1%	2366 12.7%
North Carolina	49 1.5%	272 1.8%	321 1.7%
North Dakota	3 .1%	22 .1%	25 .1%
Ohio	104 3.2%	525 3.4%	629 3.4%
Oklahoma	17 .5%	56 .4%	73 .4%

Prior to receiving your official ballot,
did you use the FWAB?

	Yes	No	Total
Oregon	34 1.0%	251 1.6%	285 1.5%
Pennsylvania	142 4.3%	633 4.1%	775 4.2%
Puerto Rico	1 .0%	2 .0%	3 .0%
Rhode Island	26 .8%	45 .3%	71 .4%
South Carolina	16 .5%	70 .5%	86 .5%
South Dakota	4 .1%	24 .2%	28 .2%
Tennessee	23 .7%	108 .7%	131 .7%
Texas	269 8.2%	1315 8.6%	1584 8.5%
Utah	8 .2%	77 .5%	85 .5%
Vermont	5 .2%	75 .5%	80 .4%
Virginia	71 2.2%	426 2.8%	497 2.7%
Washington	87 2.6%	520 3.4%	607 3.3%
West Virginia	4 .1%	44 .3%	48 .3%
Wisconsin	57 1.7%	238 1.5%	295 1.6%
Wyoming	2 .1%	19 .1%	21 .1%
Total	3299 100.0%	15363 100.0%	18662 100.0%

IX. APPENDIX 4 - QUOTES FROM SURVEY PARTICIPANTS

The OVF 2008 Post Election UOCAVA Voter Survey contained 46 questions. As seen in section IV, 24,031 voters responded to the survey. The survey also featured several open-ended questions which allowed the participants space to leave comments and individual thoughts. Over 10,000 detailed comments were received.

A small selection of comments has been organized by the categories of issues addressed. As you read them, please keep in mind, that this is only a sample of the thousands of comments received.

A. LATE AND NEVER-RECEIVED BALLOTS

- *We received our ballots way too late to mail them back. Fortunately my husband was travelling to the U.S. and could hand deliver them. Our election office told us that their ballots were not printed on time so they could not mail them out any earlier. It seems that there was incredibly poor planning, extreme incompetence, or an attempt to decrease the likelihood of overseas voters getting their votes in.*
- *It was extremely disappointing that we did not receive our ballots. My daughter 19 and son 18 were also first time voters.*
- *I was so disappointed not to receive the ballot and so were many of my friends and relatives. We thought it would come without a hitch.*
- *I did FINALLY receive a ballot from my county in [state], but it arrived on November 4, and the postmark was October 28. Who thought it was OK to send an absentee ballot out on October 28, knowing that it needs to be postmarked by November 3 (going back to the US) to be counted at all?*
- *I received several ballots from the board of election in [state]; but I did not receive the ballot for President.*
- *My ballot was postmarked [city, state] October 6th, but didn't arrive here until Election Day! Yes, I completed it and mailed it November 4th morning.*
- *This will be the first time I am voting. I was excited but did not get my ballot I requested. There are a few other people here that did not get theirs either. Some of us requested by mail and others email. I am disappointed because I do not know where I can get to vote. I am registered.*
- *I never received my ballot. I am devastated.*
- *Ballots are not set up so that they can be returned in time. Sometimes it can take more than 3 weeks for mail to arrive here from the US. I had the ballot sent to my sister's home in NY so that she could FedEx it to me.*
- *I was disappointed not to receive my absentee ballot from my local election office, although they told me in a long-distance phone call from Sweden that I was registered. Many friends here in Sweden experienced the same thing and were consequently too late in submitting an emergency absentee ballot. They unfortunately were unable to vote.*
- *The primary ballot came three weeks late, but I thought maybe they would do better with the November ballot. It has still not arrived. I am very disappointed, and didn't try to get the Write-In Ballot until Nov. 4th and gave up because I didn't have a printer.*
- *I was disappointed that my state doesn't allow electronic submission of absentee votes, like many states do. I received my ballot on November 4th, but it had to be returned by November 3rd, a day earlier than I received it.*
- *I filled out a change of address voting registration application in the Board of Elections and Ethics headquarters in my district [state] in person around September 17, 2008... On November 7th, after the election, I received my official ballot. However, inside the instructions, I was informed that it was too late to use this ballot! I am highly disturbed by this. I want something to be done on my behalf to make sure my right to vote is not hindered or stolen from me. Please help me do so. Thank you.*

- *This is our 3rd presidential election overseas with our voting rooted in our last place of residence in the US before moving to Japan in 1999. They have screwed it up all 3 elections and I have NEVER received a ballot in time to actually use it to vote. I have used a Federal Write-In Ballot in 2004 and 2008 (after missing the vote in 2000) but this is unsatisfactory. My [county] election office just does NOT get it and they have yet to get the process right. They did express mail my ballot (once my wife express mailed hers and my Write-In ballot) but it was not received until Oct. 27 (Friday night here) and it was too late to send it back by the required Election Day. They never responded when we asked them to confirm the Write-In Ballot was received, that both ballots were acceptable and would count in the election. We wrote back AGAIN and complained but they have never responded. They have given no electronic options to register or vote, so everything has to be hard-copy by mail.... It's obvious they haven't learned anything in the 9 years we've been stuck voting through them.*
 - *I live in a capital city. Were I to live outside the capital, the ballot would never arrive before the elections and certainly not in time to mail it back in.*
 - *Although I applied to vote abroad, I never received my ballot, which made me very sad because I would have loved to have voted in such an important election.*
 - *Very unhappy I didn't receive my ballot as requested. I wonder how many military members and other civilians living abroad didn't either and didn't know about the absentee write in ballot.*
 - *Even after registering ahead of time I never received the election ballot. Someone must resolve this, as I believe it is un-acceptable for a country like ours to have such problems, it is beyond my belief.*
 - *How unfortunate that I was finally inspired to vote in the 2008 Presidential elections and the ballot did not arrive.*
 - *My ballot never came.*
 - *I'm still waiting for a ballot.*
- B. DOES MY VOTE COUNT?**
- *I heard that mailed in ballots from overseas were not counted because the election was not a close one. Is this true?*
- C. COMMENTS REGARDING COMMUNICATIONS WITH ELECTION OFFICIALS**
- *I had to call [state] voting office 3X in order to get my ballot. The staff did not know where Austria or Europe were and thought I was in the US. Two staff members could not find my registration but eventually they e-mailed me a ballot.*
 - *I ended up paying almost \$100.00 to talk to the responsible person for the invalid ballot they had sent me.*
 - *The main reason I was unable to vote was the odd requirement of Wisconsin that I have a US citizen sign my application and envelope as a witness to my ballot request and FWAB. I missed the initial mailing deadline for a regular ballot request, but I still had a window of opportunity to use the FWAB. I decided to go to my local consulate for help, but they were closed for more than a week before the election. I VERY MUCH wanted to vote, but simply could not manage all the rules, regulations and deadlines. I hope this information helps someone improve the voting process for overseas citizens. Thank you.*
 - *When I applied for my absentee ballot, my state said they could not accept my passport number as identification. I told them they were wrong and to check again. (This was the first time in several experiences of voting overseas that my application was questioned.) Apparently, someone did check and realized everything was fine because I received my primary ballot on time as expected.*
 - *My ballot was not sent to me by my Town Clerk, who assumed the address was bad because of the unusual, but CORRECT, UK zip code. In future, I will have them e-mail it so I do not miss the deadline. I assumed the ballot would come, but it did not, then I missed the FWAB deadline, too.*

- *I had a lot of difficulty convincing my home town clerk that I was allowed to register for the primary...my FPCA card was ignored and my parents had to go three times to the town hall before they would accept my paperwork. This happened in 2004 as well, and that time I never received a ballot. At least this time I eventually received everything, after starting the process a year ahead of the election.*
 - *Overall, my experience was successful because the local election office in my hometown in [state] was extremely helpful and because we knew people going to the States right before the election to send our ballots directly from the states. If that was not the case, I don't know if we would have had time to get our ballots in on time.*
 - *Back in September I went to the U.S. Consulate in Istanbul to deliver my absentee ballot request/ registration form for my state. I never received my ballot from my state. I emailed my county election office and they replied saying they never received my request. I then forwarded the email to the consulate and they sent me a reply with no signature saying they don't guarantee delivery. I didn't vote.*
 - *I was sent an email 3 days prior to Election Day telling me that the Absentee Ballot I had sent in wasn't valid.*
 - *The website of the county I last lived in said I had to be there in person to register before they could send an absentee ballot.*
 - *My local office [county, state] didn't send me a ballot, and then told me if I wanted to vote, I had to waive my right to a secret ballot and email my completed ballot to them. I asked explicitly if there were any other options, and they said NO and acted as if I was wasting their time asking. So I emailed my ballot. I found out only later—from a friend—that I could've posted a Federal Write-In Ballot, and that I had until the 4th to do so. My local official didn't see any problem at all with requiring me to waive my right to secrecy in order to take part in the democrat process of the country of which I'm a citizen. What are we coming to?*
 - *The process went fine, except I had to call my local voting office ... to see where my ballot was. It turns out it was attached to my application and had I not called, I would not have gotten my ballot. I know now to call earlier.*
 - *The US Embassy was useless and downright rude about answering questions.*
 - *The information and updates from our US Consulate were very helpful.*
- D. CONFUSION**
- *I was confused about whether I had to submit a registration form, or whether the ballot would be sent to me automatically.*
 - *I had thought I had requested my ballot by email, but then realized much later that I had to print and mail the application.*
 - *I was a little confused about why I would complete an email vote and then complete a physical paper ballot.*
 - *I received two ballots - the second of which was called re-issued - I don't know why it was re-issued and felt very uncertain when sending in the ballot.*
 - *There was a lot of confusion among Americans living in Dar es Salaam, Tanzania, in trying to figure out if their ballots could be postmarked in the US. People here often send their mail with friends traveling back and ask them to mail it in the US. Some states allow a US postmark on the ballot, but others do not. This caused some stress as different people voting in different states were getting conflicting information. I called the Embassy and wrote to your website to clarify this for NY State.*
 - *Too many absentee voting options make it all confusing - we need ONE OFFICIAL information source. I do not know who to trust or which is correct.*
 - *On the California ballot, I was required to give my last ad-*

dress in San Francisco but there was a warning that if it was not my current address then I would be liable for prosecution for voter fraud.

- *It is not useful to provide a postage-paid envelope that only works in the US.*
 - *One of my daughters didn't put on a stamp [on the envelope] and the other didn't notice that you had to write USA yourself, so we doubt that their ballots got to where they were supposed to [go]. More explicit information about this is definitely needed, preferably from the Town Council itself, of course, but also from any voters-abroad organization.*
 - *I would like to know that my ballot was received and counted. I don't know if that is a possibility or not, but it would be great. Also, I received my ballot in my email so I was uncertain the best way to send it back to the U.S. (what type of envelope, where to tape the signature page).*
 - *My ballot from my [city] district was so poorly elaborated that I had to call international long distance for instructions as to where to place my 'mark'. We are [a public charity] in Mexico City and we aided about 300 people to register and then later to vote. Many got their ballots uncomfortable late.*
 - *It's unnerving when your ballot says SAMPLE on it but the small print says you should vote with it...as they would not be able to mail a "real" ballot in time.*
 - *The only problem I had with voting was that the [FWAB] ballot did not contain any choices for office--everything was write-in. It was very difficult to locate information about who was running for local offices and then to make sure that I was voting for the correct districts, counties, etc. and spelling candidates names correctly. If I spelled something wrong, would my ballot be considered void?*
- E. COMMENTS RELATED TO MAILING OR ELECTRONIC TRANSMISSION OF VOTING MATERIALS**
- *The mail sent from Iraq seems to arrive without any problems but the mail to Iraq is not delivered consistently. I think [state] should have allowed me to vote electronically, by email or online. I am very disappointed to have lost my opportunity to vote because of an inadequate mail system. I even went to the Post Office here where they allowed me to look through the mail and I still couldn't find my ballot.*
 - *The weak link in the chain is the local mail service here in Israel. My initial ballot request disappeared in the Israeli mail system, and had I not thought to make a phone call directly to the California registrar's office, I would probably never have received my ballot.*
 - *Trying to receive official ballots from USA by mail then return them in time doesn't work easily. When voting just for President, why can't "write in" ballots be sent earlier? Thanks.*
 - *The U.S. Federal and local governments should primarily fax and email ballots. Foreign mail cannot be trusted for privacy and reasonable delivery time. Paper ballots are not necessary or convenient for voting overseas.*
 - *In this election, a PDF of the ballot was sent via email. I printed it out, but the ballot would not fit on A4 paper. I had to reduce the size to about 90% to get it on one sheet of paper. I filled it in and sent it back via airmail. However, I am doubtful if scanning equipment will properly register the results since the size and positions are different than the actual ballot.*
 - *I filed the FWAB with the Voting Assistance Officer here in Qatar when I found out I would not be back home in [state] before the elections. I was given a tracking number and was told the ballot envelope would be tracked by the military postal service agency until it was received at my local elections office. I logged onto the grayhairsoftware.com/ballot-track website several times, to include Nov 4th, and watch the ballot reached only two post offices, one in Jamaica NY, and one in St Louis, MO. It was never received by my [local election office] in my state. Also on the 4th, I called the Supervisor of Elections in my home county to confirm they had my ballot, but was told they had no record of my vote.*

- *The Absentee Voting program is not difficult if you plan ahead. Since I knew I was deploying, I requested my ballot be sent to my deployed location. The MPS provided an online tracking program so I was able to see that my ballot did reach my polling place before the deadline.*
- *The main problem I and many other embassy officials had was that we requested absentee ballots in plenty of time but they were late arriving. Mine, my spouse and colleague's were mailed from our [county election office] in plenty of time but they were held up at the APO sorting facility in NY [zip] for weeks. In fact, my county told me they had mailed one ballot 10 days ahead of another one, but they both arrived here the same day. So the problem was with the postal service. They clearly were holding ballots. Two colleagues received their ballots YESTERDAY from the same sorting facility. I realize that this part is really not your problem but it is outrageous that the postal system allowed this to happen. I think it needs to be looked into by someone, if not your office.*
- *Actually, my first ballot was received very early. I believe early October. However, the postal carrier left it in the rain. I sent it back as a spoiled ballot, changed the delivery address to my work address and got another fairly quickly. However, the problem was I returned my ballot via Express Mail Service, EMS, shipping from the Korea Post Office. I mail stuff home all the time via regular mail and it usually takes just 7 or 8 days. This time, my ballot sat in US customs for 6 days! It was clearly addressed to my department of elections, so I don't understand what the delay was and I'm concerned that my ballot isn't the only one left to languish in customs. It did get delivered because I'd mailed it early enough. I hate to think that it might still be en route had I sent it regular mail.*
- *My state election office [city, state] emailed both primary and general election ballots to me. I thought this service was fabulous! I also heard that early voting was available in my state and some other states, and also think this is great progress in our election process. I work for the Peace Corps in [country], and was very happy that we had access to so many voting resources to help our volunteers easily participate in the election process. The process was much easier now since there are more [transmission] options than in the past.*
- *Thank you FedEx for sending in all ballots for FREE from American citizens living in China! That helped a lot!*
- *I also voted from overseas in the 2004 US Presidential Election, and found it to be much easier this year, mainly due to the OVF/FedEx initiative. Thank you very much for offering this service -- it really makes a difference!*
- *Possibility of sending ballot by FedEx or other service was not included with voting material received from my [state]. Flyer said "Postal service only."*
- *I was travelling when my ballot arrived, and would not make the deadline if I mailed in my vote, so I chose the option of faxing in my ballot. The fax number for the [county] Supervisor of Elections, as stated in the instructions, never worked. I tried for 6 days. Sometimes I got a busy signal, but every time the fax machine 'answered' and I tried to send my ballot, it would not receive it.*
- *Expected to receive ballots in the post, and nearly missed the election waiting for it.*
- *Our 230-year-old system is outdated and in bad need of complete reform. We should be able to just walk into our consulate with passport in hand and vote (as in many other democracies, e.g., Sweden, Spain, Australia, etc.), with no other byzantine registration or ballot request or FWAB problems. We lead the world in IT and Internet technology; there is no excuse in the 21st century.*
- *It is 2008. Why can't we offer Internet voting?... I personally want to see this put in place for the next election. Tag it a green movement - save paper and gasoline - and maybe something will get done.*
- *Registered to vote. Serving in Afghanistan. Never received a ballot. Tried to use the Federal Absentee Write in process - still required me to mail in the ballot and I was out of time. Got screwed by my state and am VERY angry!*

F. OTHER

- *It would have been very nice for those of us receiving email ballots to have been able to print them at 8.5x11 instead of 8.5x14 because I had a difficult time finding a print shop that would print at that size. It put off my ability to send my ballot by almost a week.*
- *I am thrilled to be questioned. Americans living abroad need better representation in Congress and elsewhere to protect our rights.*
- *Why does the ballot have to be marked with a PENCIL? This facilitates ballot manipulation! Ink pen should be required.*
- *I think all states need to institute a receipt policy, to let people know that their registration or ballot was received.*
- *I think that voter registration should be simultaneous with social security registration*
- *The process should be made uniform for all Americans abroad, independent of their state/country of origin specific voting policies.*
- *Friends from other countries marvel at the difficulty we have had and remark that no wonder we have such a low turnout rate compared to their own country.*
- *How can Brazil have such a better, electronic, more efficient system of voting, which is mandatory, than the US?! You cannot believe the embarrassment this causes Americans living abroad. It seems obvious that the voting system must be made more uniform and made completely electronic so that you can even vote from home if you wish. There is no need to "invent" such a system since it already exists in many countries. Simply study how it works in Germany, Switzerland, etc. and modify it to the US's needs.*

FEBRUARY 2009





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May 19, 2009

The Honorable Zoe Lofgren
 Chairwoman, Subcommittee on Elections
 Committee on House Administration
 United States House of Representatives
 1309 Longworth House Office Building
 Washington, DC 20515

Dear Chairwoman Lofgren:

Thank you for addressing the daunting problems that millions of American military personnel and citizens who live overseas face every year when attempting to vote. Although the federal 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) guarantees the right to vote in federal elections for millions of Americans, variations in the administration of the absentee voting process in the 50 states and the District of Columbia prevent many military and overseas civilians from participating in U.S. elections. Problems arise at every step of the process—from maintaining accurate registration rolls for this highly mobile population, to casting ballots and ensuring those votes are counted, to providing access to the information required to navigate the election process. Pew is working to advance solutions on all of these fronts.

As part of our efforts, the Pew Center on the States recently published *No Time to Vote: Challenges Facing America's Overseas Military Voters*, a comprehensive report on the administrative obstacles overseas military voters are confronted with in casting their ballots. This report has already sparked discussion in state legislatures about how to remove impediments to voting for Americans abroad. We respectfully submit the attached copy of *No Time to Vote* for the record of the Subcommittee hearing entitled "Military and Overseas Voting: Obstacles and Potential Solutions" on Thursday, May 21, 2009.

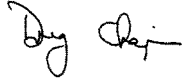
American military and overseas voters deserve access to an election system that provides the highest standards of accuracy, convenience, efficiency and security. Although many state and local election officials have attempted to improve the situation for military and overseas voters, too many continue to fall short. Indeed, *No Time to Vote* found that when delivery time is included as a factor, 25 states and the District of Columbia do not provide enough time for overseas military voters to return their ballots in order to be counted. To rectify these problems, *No Time to Vote* makes several recommendations for changes to state or federal law, including sending out overseas absentee ballots sooner, eliminating notary and witness requirements and harnessing technology to allow for the electronic transmission of ballots and election materials to voters overseas. The Pew Center on the States is also working with the Uniform Law Commission to craft a uniform state law which would implement these recommendations.

On other fronts, we are actively engaged with our partners at Google to help state and local election officials make official voting information available on the Internet through the Voting Information Project (VIP). VIP presents the promise of automatically-generated write-in ballots via the Internet (complete with federal, state and local contests) which would streamline the voting process for Americans abroad. Pew also founded and helps to coordinate the Alliance for Military and Overseas Voting Rights (AMOVR) and is leading a design initiative with state and local election officials and technology experts striving to modernize our outmoded voter registration system.

We commend your efforts to improve access to our election system for the men and women serving overseas. Thank you for your consideration of our request for *No Time to Vote: Challenges Facing America's Overseas Military Voters* to be introduced into the record of the May 21 Subcommittee hearing. We are also available to brief you in greater detail on these or other election issues within the Subcommittee's jurisdiction.

Please contact me at 202-552-2113 or dchapin@pewtrusts.org if you have any questions.

Sincerely,

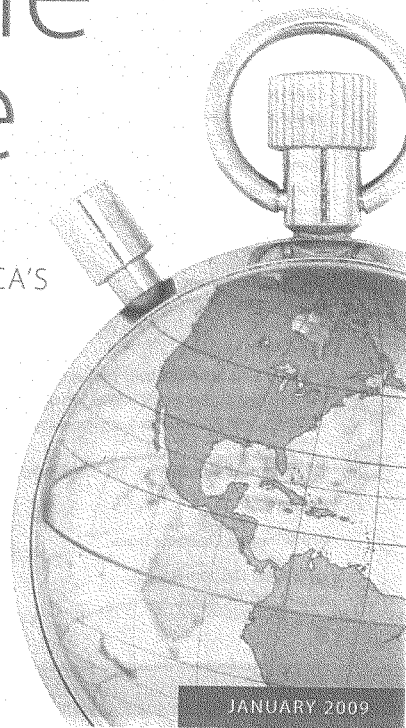
A handwritten signature in black ink, appearing to read "Doug Chapin". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Doug Chapin
Director, Election Initiatives
The Pew Center on the States



No Time to Vote

CHALLENGES FACING AMERICA'S
OVERSEAS MILITARY VOTERS



JANUARY 2009

The Pew Charitable Trusts applies the power of knowledge to solve today's most challenging problems. Our Pew Center on the States (PCS) identifies and advances effective policy approaches to critical issues facing states. Make Voting Work, a project of PCS, seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

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For additional information on the Pew Center on the States, please visit www.pewcenteronthestates.org.

January 2009

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January 2009

Dear Reader:

American democracy is based on a very simple bargain: We agree to live within the bounds of civil society because we have a say in how it works. Unfortunately, some military personnel who put their lives on the line for our country are being cut out of that bargain. Because of the time it takes military personnel serving overseas to request, receive and return absentee ballots, too many of these men and women do not get a say in how America operates.

No Time to Vote: Challenges Facing America's Overseas Military Voters, a new report from the Pew Center on the States, found that more than a third of states do not provide military voters stationed abroad with enough time to vote or are at high risk of not providing enough time. An additional six states provide time to vote only if their military personnel overseas return their completed absentee ballots by fax or e-mail—a practice that raises important questions about their access to this technology and the privacy and security of their votes. All told, 25 states and Washington, D.C., need to improve their absentee balloting rules for military voters abroad. In fact, given our conservative assumptions, the other 25 states would better serve these voters by giving them additional time to request and return their ballots as well.

This report underscores that your ability to cast a ballot and have it counted depends on your home state. Imagine two Americans, one from Alabama and one from Kansas, stationed together in Iraq. Thanks to differences in the states' laws, Jane from Kansas will get her ballot sooner and have more time to return it and have it counted than will her fellow soldier John from Alabama. It shouldn't matter what state you're from—all Americans at home or abroad should have access to an election system that works for them.

A bipartisan Tarrance/Lake poll found that 96 percent of Americans believe it is important that military and overseas voters have the opportunity to participate in U.S. elections and have their votes count—and nearly two-thirds of Americans think the system for these voters is not serving them well.

Fortunately, common-sense solutions are available to solve many of the problems highlighted in this report. The Pew Center on the States is committed to improving how the election system works for all voters, including those serving in our armed services and living overseas. Individual states have adopted a wide range of improvements to serve military and overseas voters—but the result is a confusing, 50-state patchwork of rules and deadlines. Pew is working with the Uniform Law Commission to explore the feasibility of developing a uniform law for all voters covered under the federal UOCAVA Act, including members of the military, their families and other U.S. citizens living abroad. Our goal is to have such a law adopted by states in time for the 2012 federal election.

We hope this report informs important deliberations at the state and federal level to ensure that all Americans—regardless of where they are—are able to exercise their right to vote.

Sincerely,

Sue Urahn
Managing Director, The Pew Center on the States



Executive Summary

Thanks to a federal law passed in 1986—the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)—an estimated six million military and overseas civilian voters have the right to cast absentee ballots in America's federal elections, including last year's historic presidential contest. But it is the laws and practices of the 50 states and the District of Columbia that determine how and when these voters participate—and, most important, whether they can successfully cast a ballot.

Many state and local election officials are doing a remarkable job trying to ensure that American military voters serving around the world are able to participate in our federal elections. But *No Time to Vote: Challenges Facing America's Overseas Military Voters* shows that 25 states and the District of Columbia have to improve their absentee voting process for their military citizens abroad. We do not yet know how many military voters stationed overseas cast absentee ballots in the 2008 elections, or how many of those ballots actually were counted. But according to our analysis, those who may have voted successfully last fall did so in the face of procedural hurdles and tight deadlines in half the states and Washington, D.C. These challenges ranged from blank ballots being mailed out too late to completed ballots being returned by fax or e-mail, which raises questions about the privacy and security of the votes. In fact, given our conservative assumptions, the remaining states, with time to vote, would also benefit from giving their voters additional time to request and return their ballots.

Our Focus

Comprehensive, solid data on absentee voting for military and overseas voters are hard to come by, but some studies suggest states' systems are not working as well as they should. According to the federal Election Assistance Commission, of the estimated one million ballots distributed to UOCAVA voters for the 2006 election, just one third actually were cast or counted.¹ No doubt

25 states and the District of Columbia have to improve their absentee voting process for their military citizens abroad.

some of these voters simply decided not to return their ballots—but surveys of military personnel show that this population historically has been frustrated by obstacles in the process. Among military personnel who reported not voting in 2004, 30 percent said they were not able to vote because their ballots never arrived or arrived too late. Another 28 percent said they did

EXECUTIVE SUMMARY

not know how to get a ballot, found the process too complicated, or were unable to register.²

Given these concerns, we sought to assess whether states are providing military and overseas civilian voters with enough time to vote and have their votes counted. We looked at the three groups of voters covered under UOCAVA: civilians living overseas; military personnel stationed in the

United States and their dependents; and military personnel stationed abroad and their dependents.³ Our analysis ultimately focuses only on military voters based abroad. Unfortunately, we lacked the necessary information—reliable estimates of international mail time for civilians, among other data—to complete the assessment for overseas civilian voters. We also could not assess the experience of military voters stationed in the U.S.;

Exhibit 1
STATES' TIME TO VOTE STATUS

State	Military Voters Serving Overseas	State	Military Voters Serving Overseas
Alabama	No Time to Vote	Montana	Time to Vote
Alaska	Time to Vote, but with concerns	Nebraska	Time to Vote
Arizona	Time to Vote, but with concerns	Nevada	Time to Vote
Arkansas	No Time to Vote	New Hampshire	No Time to Vote
California	Time to Vote, but with concerns	New Jersey	Time to Vote
Colorado	Time to Vote, but with concerns	New Mexico	Time to Vote
Connecticut	No Time to Vote	New York	No Time to Vote
Delaware	Time to Vote	North Carolina	Time to Vote
District of Columbia	No Time to Vote	North Dakota	Time to Vote
Florida	Time to Vote	Ohio	Time to Vote
Georgia	No Time to Vote	Oklahoma	No Time to Vote
Hawaii	Time to Vote, but with concerns	Oregon	Time to Vote
Idaho	Time to Vote	Pennsylvania	At Risk
Illinois	Time to Vote	Rhode Island	Time to Vote, but with concerns
Indiana	Time to Vote	South Carolina	Time to Vote
Iowa	Time to Vote	South Dakota	No Time to Vote
Kansas	Time to Vote	Tennessee	No Time to Vote
Kentucky	Time to Vote	Texas	No Time to Vote
Louisiana	Time to Vote	Utah	No Time to Vote
Maine	No Time to Vote	Vermont	At Risk
Maryland	Time to Vote	Virginia	Time to Vote
Massachusetts	No Time to Vote	Washington	Time to Vote
Michigan	No Time to Vote	West Virginia	Time to Vote
Minnesota	At Risk	Wisconsin	Time to Vote
Mississippi	Time to Vote	Wyoming	No Time to Vote
Missouri	No Time to Vote		

LEGEND
No Time to Vote: States that send out their absentee ballots after the date necessary for military voters to meet all of the required deadlines.

At Risk: States where voters have only five days or less of extra time (one business week or less) to complete the process.

Time to Vote, but with concerns: States that afford time to vote, but at a price: Overseas military voters only have time to vote if they return their completed ballots by fax or e-mail—practices that raise concerns about voters' privacy and the security of the ballot.

Time to Vote: States that provide more than five days of extra time—that is, beyond the absolute minimum required for returning a ballot—in their voting process to allow for delays.

Source: Pew Center on the States 2008

EXECUTIVE SUMMARY

we did not have reliable estimates for domestic military mail delivery, and with an unknown number of uniformed personnel using the U.S. Postal Service (rather than military mail) to cast their absentee ballots, we faced significant obstacles in calculating regular mail delivery times.

For each of the 50 states and the District of Columbia, we calculated the amount of time it takes for overseas military voters and election officials to complete each step of the absentee voting process. Next, we determined if all the steps could be completed in time for that state's election deadlines. We then assessed whether the state's overseas military voters have enough time to vote (Exhibit 1).

Findings

- All told, 25 states and the District of Columbia need to improve their absentee voting process for overseas military voters.
 - Sixteen states and the District of Columbia do not provide enough time to vote for their military men and women stationed overseas. These states send out their absentee ballots after the date necessary for military voters to meet all of the required deadlines.
 - An additional three states are at risk of not allowing their overseas military residents enough time to vote, providing just five days or less of extra time to accommodate any delays in the process.
 - Thirty-one states provide enough time for their military residents stationed overseas to vote. But 19 of these allow voters to return their completed ballots by fax or e-mail—raising concerns about access to this technology and privacy and security of the votes. In 13 of the 19 states, the problem is easily eliminated: overseas military personnel still have time to vote even if they send back completed ballots by traditional mail. But that is not the case in the remaining six states. If they cast their ballots through regular mail, military voters from Rhode Island, for example, will not have time to vote—and those from the remaining five states are at risk of being disenfranchised because they are afforded fewer than five days of extra time to accommodate potential delays. In effect, military voters from these six states must risk the privacy and security of their ballots to ensure their votes will get counted.
- Given our conservative assumptions, all states would benefit from providing their overseas military voters additional time to request and return their ballots.
- For active-duty military serving overseas, the voting process takes an average of 29 days to complete in states that allow time to vote. For voters abroad hailing from “no time to vote” states, the process takes 66 days on average. The length of the process, however, can vary widely. For example, in Arizona and Kansas, the process can be as short as eight days, while it can take overseas military voters from Alabama 88 days from start to finish.
- Whether a state's absentee voting process allows enough time depends largely on how well the different steps in the process work together. So fixing one step may not be enough if other steps are not working well. In states where laws and practices have been cobbled together over decades, the problem is a failure to take into account how the system works as a whole.

EXECUTIVE SUMMARY

Lessons Learned

Why do so many states give their military personnel insufficient time to vote? There is no one reason; states' absentee voting systems for these citizens are diverse and complex, so what might cause a problem for one state may work just fine for another. But our study identified three important lessons:

1. When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all of the steps required and are less likely to have time to vote. *Simply sending blank ballots out via fax or e-mail can give military citizens abroad enough time to complete the process.*
2. The later a state's absentee ballot is mailed to military voters, the less likely they will have time to vote. *States should seek to distribute blank ballots to their overseas military voters as early as possible.*
3. The earlier the state's deadline for returning a completed ballot—especially if the state mailed its absentee ballots out late—the less likely a military voter will have time to vote. *States should provide more time for completed ballots from military voters overseas to reach local election offices.*

Potential Reforms

We analyzed whether four particular policy options would benefit the 25 states and the District of Columbia that need to improve their voting process for military absentee voters:

- expanding the use of the Federal Write-in Absentee Ballot, a back-up measure when military voters do not receive their state ballots in time;
- allowing election materials to be transmitted electronically;
- building at least 45 days into the process for ballots to travel between voters and election offices; and
- eliminating a requirement that military voters have their completed ballots notarized before returning them.

Of 10 legislative changes proposed by the U.S. Department of Defense's Federal Voting Assistance Program, these four are the most focused on streamlining and shortening the voting process for both voters and election officials.

Our analysis shows that all four policy options can help, although not every reform is right for every state. Two of the reforms are particularly noteworthy—but neither is a magic bullet.

EXECUTIVE SUMMARY

First, every state would ensure its overseas military personnel time to vote by adopting a fully electronic process for transmitting all election materials between voters and election offices. As noted earlier, important questions have been raised about the privacy and security of returning completed ballots by fax or e-mail—but the odds of successfully voting improve for military citizens even if a state simply sends out blank ballots electronically rather than by traditional mail. In fact, we found that 13 “no time to vote” jurisdictions would ensure adequate time by adopting this reform.

Second, every state would ensure time to vote by expanding its use of the Federal Write-in Absentee Ballot—although this tool is only a back-up measure and has limitations.

No Time to Vote is supplemented by individual fact sheets for the 26 jurisdictions that need to improve their voting process for military absentee voters. The fact sheets are also available on our Web site at www.pewcenteronthestates.org.

These materials are products of the Pew Center on the States’ Make Voting Work project, which partners with state and local election officials, the private sector and others to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security. To ensure our election system works optimally for military and civilian voters overseas, Make Voting Work publishes case studies and reports to highlight the challenges these voters face, and supports pilot programs and new technologies to test potential solutions. Make Voting Work also promotes efforts to establish consistent approaches for military and civilian voters abroad, including exploring the feasibility of a uniform state law that could potentially establish consistent timelines, requirements and standards for registration, absentee ballot distribution and ballot voting for military and overseas civilian voters covered under UOCAVA.



The Voting Process

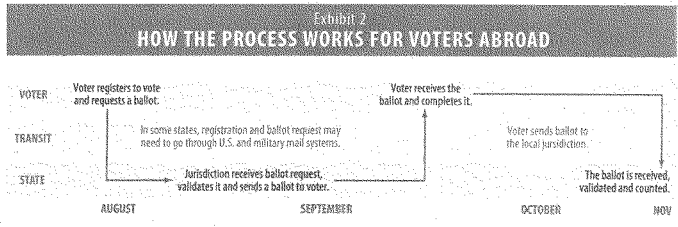
The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), enacted in 1986, gives an estimated six million Americans—uniformed service members, their spouses and dependents, and overseas civilians—the right to vote in any race for federal office. This includes primary, runoff and special elections that occur throughout the year, as well as the presidential and general elections.⁴ (In addition, 22 states⁵ allow UOCAVA voters to cast absentee ballots in elections for state and local offices, and for state and local referendums.) But states' laws and practices determine how and when UOCAVA voters cast absentee ballots, and how likely their ballots are to be counted.⁶

There is tremendous variation in how the 50 states and the District of Columbia administer the election process for Americans covered under this federal law. Each has its own requirements, timing and modes of absentee voting. States' approaches vary so much, in fact, that a U.S. Department of Defense (DoD) manual for UOCAVA voters runs 460 pages long, with five

to 10 pages of instructions describing each state's requirements and procedures. For instance, some states send ballots out and allow voters to return them via e-mail or fax, while others rely entirely on postal mail to transmit blank and receive completed ballots. Some states require military and overseas voters to register first, before they can receive a ballot, while others do not—and some give voters an opportunity to register and ask for a ballot simultaneously. Some states require voters to get their ballots notarized or witnessed before returning them. Many states require absentee ballots from UOCAVA voters to be returned by Election Day, while others count them even if they come in afterward.

Four Key Steps

The absentee voting process for voters covered under UOCAVA can be broken down into four main steps: a voter registers and requests a ballot; election officials validate the registration and send out a ballot; the voter receives and completes the ballot; and, finally, the voter



THE VOTING PROCESS

returns the ballot for election officials to count (Exhibit 2).

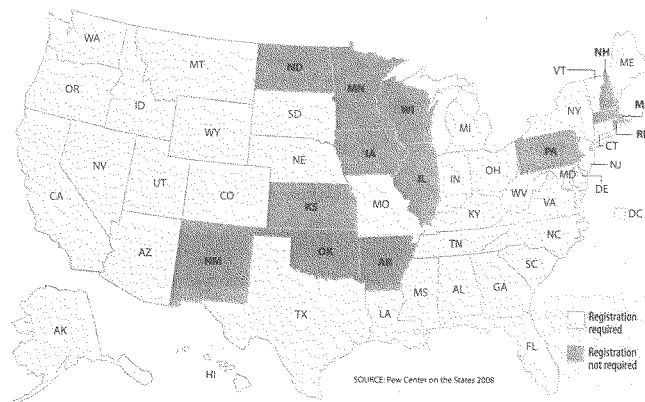
Step 1: Voter registers to vote and requests a ballot.

Most states' voter registration rules require that citizens who wish to vote must register to vote and maintain their registration while serving in the military or living overseas during an election. Thirteen states have waived the voter registration requirement (Exhibit 3). Voters from the other 37 states and the District of Columbia, however, first must complete and submit a registration form, then await approval by their home states'

election offices before they can request an absentee ballot.

This two-step process can be averted if military personnel and civilians abroad use the Federal Post Card Application (FPCA), which allows voters to simultaneously register and request an absentee ballot with a single form. The FPCA is accepted by all states and territories and is postage-paid in the U.S. and military postal systems.⁷ (Even when using the FPCA, military and civilian overseas voters must abide by their states' deadlines for voter registration and absentee ballot requests.)

Exhibit 3
13 STATES THAT WAIVE REGISTRATION



THE VOTING PROCESS

Step 2: Local election office receives the registration and ballot request, validates the registration and sends a blank ballot to the voter.

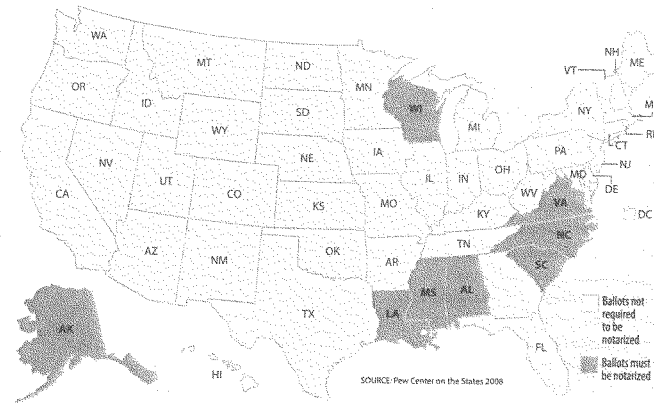
After receiving a military or overseas voter's request for an absentee ballot, the local election office processes and approves it (assuming there are no valid reasons for rejecting the request). The office then generates an official blank ballot for the voter and sends it out. There is enormous variation in when these ballots are sent to voters: states mail out ballots anywhere from 21 to 60 days before an election. And there also is enormous variation in how ballots are sent out. A total of 32 states allow their local election offices to use some form of electronic transmission for sending out blank ballots to UOCAVA voters. Fourteen allow transmission by fax only, while 18 allow

transmission by either fax or e-mail. An additional six states allow voters to receive a blank ballot by fax under special circumstances; for example, if the voter is in a hostile country or war zone.⁸ Including these special circumstances, a total of 37 states plus the District of Columbia allow blank ballots to be sent to UOCAVA voters by fax, 19 of which also allow blank ballots to be transmitted by e-mail.⁹

Step 3: Voter receives the ballot and completes it.

Eight states require that voters have the ballot notarized or signed by a witness before it can be returned (Exhibit 4). In these cases, notarization may be performed by a military voting assistance officer, U.S. commissioned officer, embassy or consular officer, or another official authorized to administer oaths.

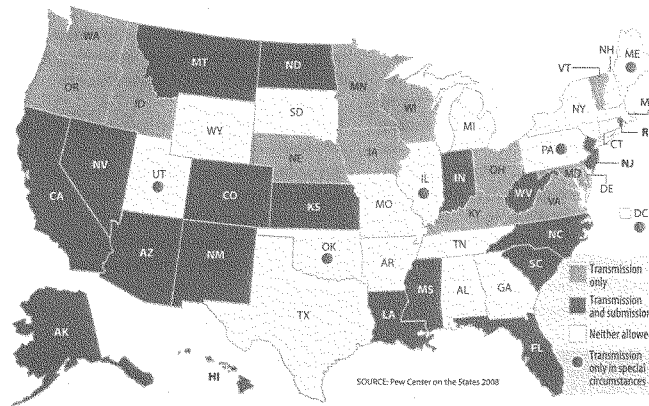
Exhibit 4
8 STATES REQUIRE VOTERS TO GET THEIR BALLOTS NOTARIZED



THE VOTING PROCESS

Exhibit 5
STATES THAT ALLOW ELECTRONIC TRANSMISSION AND SUBMISSION

Thirty-two states allow for the electronic transmission of a blank ballot to voters and 19 of these states also allow for the electronic submission of completed ballots.



What happens if a voter requests a blank ballot by the state's deadline, but never receives the ballot, or does not receive it with enough time to turn it around? The Federal Write-in Absentee Ballot (FWAB) is a back-up measure for military and overseas voters who do not receive their state ballots at least 30 days before the election or the state's deadline, whichever is later. In these cases, voters can download the FWAB, write in their preferences, and send them back to their local election office. (All states accept the FWAB.) This is an important "fail-safe" option that provides military and overseas civilian voters the ability to cast a ballot if some aspect of their states' voting process goes awry. However, as we explain in Chapter 4, the FWAB has limitations.

Step 4: Voter sends completed ballot to the local election office to be validated and counted.

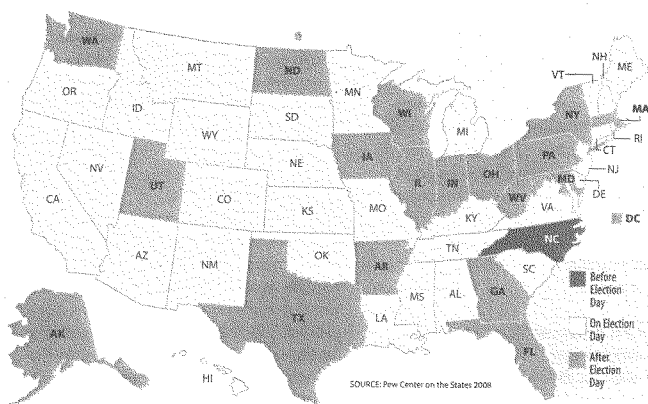
The majority of states require completed absentee ballots from military bases or abroad to be transmitted by postal mail. To reach military units, mail is transferred from the United States Postal Service (USPS) to the Military Postal System Agency and then shipped through military logistics channels. This mail sometimes competes against military supplies for space, often causing delivery delays. Hostile and remote locations can further delay mail delivery.

When it comes to returning completed ballots, 19 states allow all of their military and overseas voters to do so by fax or e-mail. An additional

THE VOTING PROCESS

Exhibit 6
BALLOT DEADLINES | BEFORE/ON/AFTER ELECTION DAY

Nineteen jurisdictions allow for the ballot to be returned after Election Day.



seven states allow electronic transmission of completed ballots in certain circumstances (in emergencies or if voters are in a hostile country or war zone). (Exhibit 5.)

Only North Carolina requires the ballot to arrive at least one day before Election Day, while 31 states require that completed absentee ballots arrive on or before Election Day. The remaining 18 states and the District of Columbia allow absentee ballots to come in for a certain amount of time after Election Day to account for potential transit delays in international, military or U.S. postal services (Exhibit 6).

An Interdependent System

Each of the four voting steps involves a range of detailed actions by both voters and election officials. States' diverse requirements mean that one UOCAVA voter may have a very different experience from another, depending on their home states. The key point is that in any state's election system, any one step affects the other three. Whether overseas civilians or military personnel get to vote, and have their votes count, depends on the system's ability to work as a whole. Even one weak link could break the chain. So fixing problems in one step will not be enough if other steps are not working well.



Our Methodology

We sought to assess whether and to what degree states protect the franchise of military and overseas civilian voters across the globe by ensuring they have adequate time to vote. We wanted to examine the process for voters covered under UOCAVA: civilians living overseas and active-duty military (and their dependents). As described in more detail below, we lacked the reliable information necessary to complete assessments for either overseas civilian voters or military citizens stationed in the U.S. So this report focuses just on military voters based abroad.

In analyzing the process faced by these voters, the key variable is time. This report assesses how long it takes UOCAVA voters and election officials to complete the voting process, and how long it takes ballots and other election materials to travel via postal mail or electronic means, such as fax or e-mail.

To measure the time associated with each step in a state's voting process, the Pew Center on the States developed time estimates based on a survey of election officials, the USPS mail assistant tool (which estimates domestic mail transit times), mail estimates from the Military Postal Service Agency, and research examining mail and process times. We used this information to calculate the amount of time required to comply with states' absentee voter processes and laws—that is, the amount of time it takes for both voters and states to complete each and every step of the voting process. Next, we determined if all the steps could be completed

by the election deadlines established by state law. Based on each state's requirements, we sought to assess whether overseas military voters from each state have enough time to vote. (See Appendix A for additional information about our methodology.)

Assumptions

As with most models based on human interaction, ours cannot perfectly simulate every circumstance. Voting processes are complex and cannot be replicated exactly—so we made assumptions and simplifications. When data from the 2008 election become available (to the extent they become available),⁹ we may find that some overseas military citizens were, in fact, able to vote absentee in states that we identified as not providing time to vote. Across the states, many election officials work extremely hard to ensure that voters are able to participate and have their votes counted, even in the face of procedural hurdles and tight deadlines. And voters may use various tactics—such as sending in completed ballots via express mail or using the FWAB—to overcome obstacles in the process. Still, because our analysis largely assumed perfect action by perfect actors—voters, states and the mail systems—our findings actually are conservative. In other words, we likely underestimate the problems facing overseas military absentee voters.

Our analysis considers three principal variables: voters, states and the mail systems.

OUR METHODOLOGY

Voters

We assumed voters are like the perfectly rational actor of modern economic models. We assumed voters know, have access to¹¹ and use the quickest methods to complete all aspects of the absentee voting process in their control, such as registering to vote, requesting a ballot and completing and sending a ballot. In our model, voters know all the requirements it takes to complete the whole voting process, have access to e-mail and fax machines—when applicable—and fulfill these requirements as early and as quickly as possible. They fill out their ballots as soon as they receive them and send them as soon as they are able to. Finally, voters complete the process perfectly, making no errors at any stage along the way.

Since it is reasonable to assume a number of military voters deviate from these expectations, our analysis errs on the side of understating the impact of the challenges facing these voters.

States

Similarly, in modeling states, we assumed a lot of homogeneity in their processes. We assumed that within states, there are no jurisdictional differences among local election offices, and that statewide rules apply universally. We assumed that local election offices meet all deadlines and do not make any mistakes. In addition, we assumed the elections are federal elections and voters are not participating in state and local elections. (Adding state and local elections makes the process longer and more complicated and will be discussed later in terms of the Federal Write-in Absentee Ballot (FWAB).) Finally, we assumed that nationwide, all administrative voting process times are equal—that is, it takes election officials in all states an

equal amount of time to complete the same steps in the voting process.

State election laws shape each stage of the absentee voting process for military citizens.

To measure the number of days each state-mandated step takes, we surveyed election officials to impute time estimates, various assumptions and simplifications in our model. We examined state laws that dictate deadlines by which certain steps need to be completed. We also looked at whether states have adopted legislative proposals recommended by the DoD's Federal Voting Assistance Program (FVAP). We drew from an FVAP synopsis of state laws posted online, and verified the information with state election directors. We assumed that election officials and the FVAP guide properly and accurately described state election laws at the time of our analysis, and that these laws are implemented uniformly across each state. We checked this information up until November 4, 2008, to ensure our analysis took into account the states' laws in effect at the time of the most recent general election.

Mail Systems

To estimate delivery times for military and civilian mail—both crucial to the voting process—we took some of our assumptions from existing literature and, where necessary, made conservative estimates.

Military Voters

Domestic mail. To measure the postal mail delivery times for our analysis of military voters overseas, we used the USPS mail assistant, which is based on the Transit Time Measurement System administered by IBM Business Consulting Services. This system allows the user to obtain

OUR METHODOLOGY

approximate delivery times between domestic, military and international locations. We assumed there are no delays with mail delivery or other transmission methods. For military personnel stationed in the United States but voting absentee, we could not conduct an analysis in part because we assume a number of these voters use USPS (rather than military mail) to return their completed ballots, and there was no effective way to calculate domestic mail delivery times given the tremendous variation in where domestic military are based and where they are sending their completed ballots. (We also did not have reliable estimates for domestic military mail delivery for those voters using military mail to return their completed ballots.)

Military Mail. Among the Americans covered under UOCAVA are active-duty military citizens abroad, and these armed service members use the Military Postal Service Agency for mail delivery. We used mail assumptions that fall within DoD's standard guidelines of 12 to 18 days.¹²

For overseas military mail, we applied the model using two different assumptions for how long military mail takes. DoD cites 11 to 13 day transit times for one-way delivery even to remote operational sites in Iraq and Afghanistan (for example, the time for a state to send a blank ballot to an overseas office).¹³ The U.S. Government Accountability Office (GAO) determined that the Military Postal Service Agency's methodology for computing that average mail delivery time is flawed and weighted to underestimate actual average transit times. The GAO concluded, "the 'weighted average' methodology... significantly understate[s] actual transit time."¹⁴

Under our first assumption, employed in most of our analysis, we use 18 days for military mail times one way based on the GAO study, which found that delivery times can—at times—exceed the military's 12 to 18 day standard.¹⁵ Under our second assumption, we assume that it takes 15 days to transmit a ballot and 13 days to return it, which are averaged using the 12 to 18 day guidelines published by the DoD.¹⁶ However, there were no substantial differences between the two time estimates in terms of the number of states that do not afford time to vote.

Mail delivery times are critical, especially for blank and completed ballots. On average, states do not send out blank absentee ballots until 35 to 40 days before the election. This leaves little to no room for delay or error, as standard military mail delivery times range from 24 to 36 days round-trip, according to the DoD guidelines and the GAO estimate.

Overseas Civilian Voters

International Mail. The challenges overseas civilian voters may encounter depend on a number of different factors—in particular, the times associated with the delivery and return of a ballot via international mail. While we had good information on many aspects of the absentee voting process, we lacked one key set of data: solid, reliable estimates for international mail transit time. This made it problematic to try to analyze the absentee voting experience of overseas civilians. Using USPS data, which says that mail from the United States to any international location takes six to 10 days, we had transit time data for one-way, "outbound" mail from the local election official to the overseas civilian voter. But we lacked similar information for mail transit times associated with the

OUR METHODOLOGY

"inbound" return of the ballot. International postal transit times for mail coming back to the United States vary by country and cannot be regarded as a single, uniform time to be applied consistently throughout our model. Unlike the Military Postal Service Agency, international mail cannot be studied and analyzed as one system.

Because of a lack of reliable data for international mail times and other information challenges, such as where the U.S. overseas civilian population is located, we could not calculate whether states provide enough time for citizens living abroad to complete the voting process. It is reasonable to suspect that overseas civilian voters face similar challenges as our military citizens serving abroad, but we lack sufficient information to conduct this particular analysis.

Calculations

Assessing State Voting Processes and Days Necessary to Vote

We made two principal calculations: (1) whether a state provides its military absentee voters abroad enough time to vote (Time to Vote), and (2) how long it takes such voters to complete the voting process according to the requirements of their states (Days Needed to Vote). A state's Time to Vote assessment primarily is determined by whether a state sends its absentee ballots out in enough time for its military voters abroad to complete and return ballots to the state election office by the deadline to have the votes counted. In our analysis, we always assumed that such voters used the fastest means available to them.¹⁷ In some instances where pilot programs or special provisions are made for a small portion of the military or overseas population (e.g., those

living in hostile countries or war zones), we did not apply those improvements to a state's Time to Vote assessment. If a state's laws did not apply uniformly to the whole military, it was noted but not included in our modeling of a state's election process. The calculation of Days Needed to Vote in each state is the amount of time it takes a voter from taking the first step—registering to vote or requesting a ballot—to having the ballot counted.

States have different deadlines for key stages of the process. We looked at three deadlines, varying across the states: (1) the date when the voter must have the ballot notarized; (2) the date by which a ballot must be postmarked to count; and (3) the date by which a state must receive the ballot to count. Many states do not have all three requirements and therefore all three possible start dates do not apply to all states.

The Total Days Needed to Vote category is calculated similarly to the Time to Vote status, first calculating when a voter must start the process to meet any and all legislated deadlines. Unlike Time to Vote estimates, Days Needed to Vote estimates are based on actions that must be completed by both the states and voters, depending on a state's rules. The actual start date for a voter is calculated first by identifying what a state requires its voter to do and by when (depending on the state and voters' registration status, voters start the process by either registering to vote or requesting a ballot).¹⁸ We then calculate the number of days necessary to meet the state's requirements. The answer is subtracted from the deadline for that step to identify the necessary start date for voters, if the voter is to have a chance at successfully completing the entire voting process.



Findings

No one has a reliable estimate of the number of Americans living or working abroad. Even the U.S. Census Bureau has been stymied by the cost and difficulty in counting this population.¹⁹ Given the challenge of even determining the number of U.S. citizens living and working overseas and given the fact that American voters are spread across the world, many state and local election officials have been remarkably successful in creating systems in which military and overseas civilian voters can participate fully in our electoral process. Still, our analysis shows that even with the best intentions, half the states and the District of Columbia make it challenging for our overseas military personnel to vote, and to have their votes counted.²⁰

How Military Voters Fare

Roughly six million Americans—uniformed service members, their spouses and dependents, and overseas civilians—are ensured the right to vote under UOCAVA. Of this population, approximately 1.4 million are active-duty military personnel, and an estimated 24 percent of those were abroad on Election Day in 2006.²¹

A total of 17 jurisdictions—16 states and the District of Columbia—do not allow their military men and women stationed overseas time to vote, even factoring in grace periods for late ballots. Voters in these jurisdictions need an average of 12 days more to complete the process.

CATEGORIZING THE STATES

We classified states into four categories based on whether they provide enough time for their overseas military citizens to vote absentee:

- 1) *No time to vote.* States allow “no time to vote” if they send out their absentee ballots after the date necessary for military voters to meet all of their required deadlines.
- 2) *At risk.* States where voters have only five days or less of extra time (one business week or less) in the process are considered “at risk” of not allowing their military citizens enough time to vote absentee. Such states are at risk because even minimal delays in the process—whether because of the voter, state or mail systems—will result in voters from these states being less likely to return their completed ballot to the states in time to be counted.
- 3) *Time to vote, but with concerns.* These are states where voters have time to vote but only if they submit their ballots via fax or e-mail. Transmitting completed ballots raises concerns about privacy and security. In these states, even if overseas military voters return submitted ballots via traditional mail, they will run out of time because of other factors in the states’ process. The voters essentially must choose between potentially risking the privacy and security of their ballots and being unable to complete the process in time.
- 4) *Time to vote.* States with more than five days of extra time in the process—that is, beyond the absolute minimum required for returning a ballot—are classified as giving their military absentee voters enough time to vote.

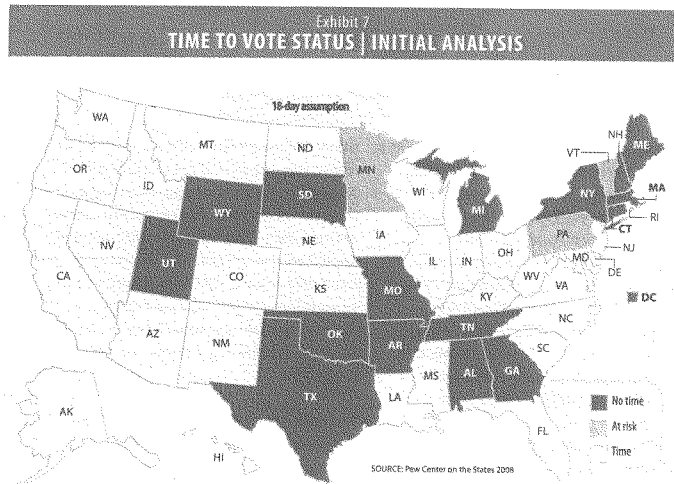
FINDINGS

Three states—Minnesota, Pennsylvania and Vermont—are “at risk” of not providing their overseas military voters enough time to vote because they provide fewer than five days of extra time to accommodate unexpected delays in the process.

Our initial analysis shows that the remaining 31 states allow enough voting time for their military residents stationed overseas—meaning that those voters have more than five business days of extra time in case of delays (Exhibit 7).²²

However, in a majority of the 31 “time to vote” states, that assurance comes at a price. Nineteen of the 31 allow blank ballots to be transmitted and completed ballots to be returned by fax or

e-mail (Exhibit 8). Allowing military voters overseas to return their ballots electronically helps ensure they have time to vote—but it also raises questions about the voters’ privacy and the security of the ballots as well as access to the technology.²³ As the GAO noted in a 2007 report, while alternatives such as electronic and Internet voting “may expedite the absentee voting process, they are more vulnerable to privacy and security compromises than the conventional methods now in use. Electronic and Internet voting require safeguards to limit such vulnerabilities and prevent compromises to votes from intentional actions or inadvertent errors. However, available safeguards may not adequately reduce the risks of compromise.”²⁴

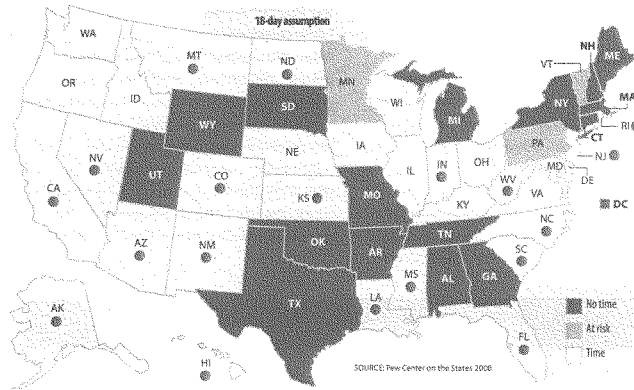


FINDINGS

Exhibit 8
TIME TO VOTE STATUS | STATES WITH ELECTRONIC SUBMISSION

Nineteen states with sufficient time to vote allow for electronic submission of completed ballots, which raises concerns about privacy and security.

● Time to vote states that allow completed ballots to be returned by fax or e-mail



For example, in 11 of the 19 states, military voters returning their completed ballots electronically can only use fax machines.²⁸ This means the military voter's preferences can be exposed to others on at least two occasions—upon transmission and receipt. The remaining eight states allow military voters to return their ballots by either fax or e-mail. Unsecured e-mail can expose voters to identity theft, or their ballots could be tampered with. And states cannot be certain that the ballot they are receiving via e-mail is the ballot sent by the military voter.

Our analysis shows that overseas military voters in 13 of the 19 states can overcome privacy and security concerns by using regular postal mail to

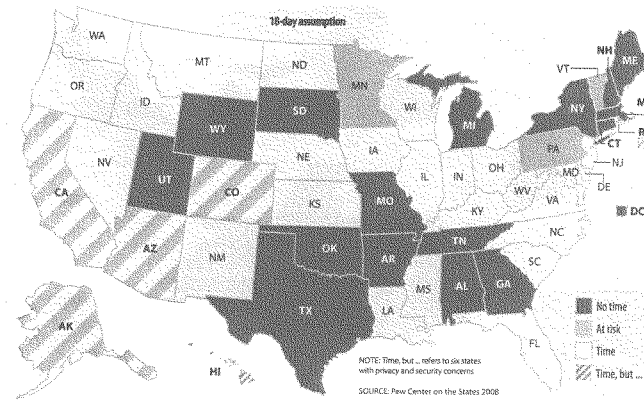
return their completed ballots—and still have time to vote. The same is not true for overseas military from the remaining six states. Without the option of returning their completed ballots electronically, military voters from Rhode Island do not have enough time to vote. And those from Alaska, Arizona, California, Colorado and Hawaii become "at risk" because they are afforded fewer than five days of extra time to accommodate potential delays in the mail (Exhibit 9).

Our findings for military voters overseas are relatively consistent even when we relax our assumptions about postal mail—moving closer to the DoD's estimates about military mail transit

FINDINGS

Exhibit 9
TIME TO VOTE STATUS

Twenty-five states and the District of Columbia need to improve their absentee voting process for overseas military voters.



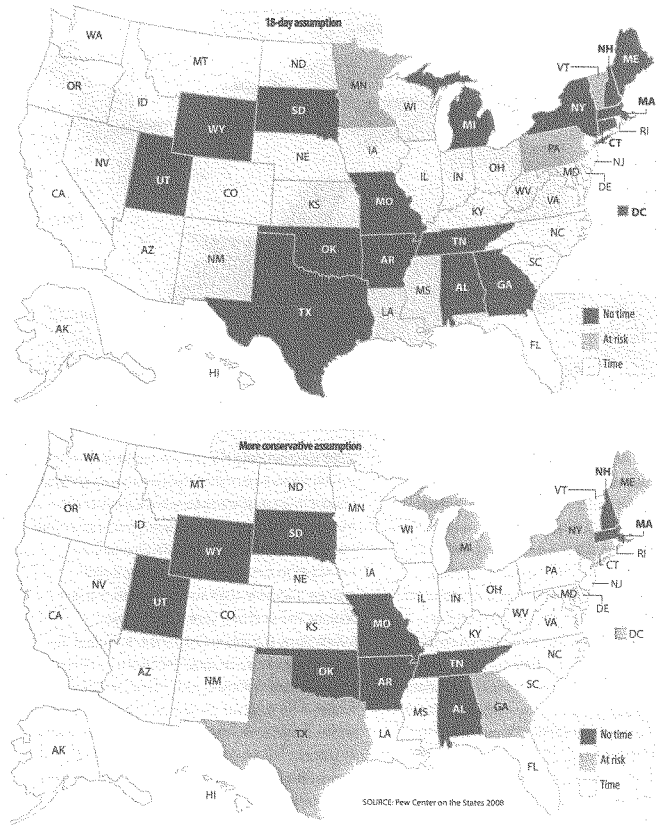
time (see Chapter 3, Our Methodology). Our current assumption stipulates that all mail delivered through the military postal system takes 18 days each way. In addition, we ran the data assuming a faster total transit time of 28 days round trip (15 days outgoing, 13 days incoming)—much closer to DoD's estimates of actual military mail transit time. With more generous mail transit assumptions, seven states originally classified as "no time to vote" move to the more favorable "at risk" category.²⁸ But none of the original 17 "no time to vote" jurisdictions moves to our top category of providing "time to vote" (Exhibit 10.)

2008 election data are not yet available, so we do not know how military voters abroad actually fared in the latest election. We reasonably can assume that some overseas uniformed personnel from the states classified as "no time to vote" managed to complete the absentee ballot process and have their votes counted. But our analysis shows that if voters from these jurisdictions actually succeeded in voting, they managed to do so despite their states' policies and practices, not because of them. National studies help illustrate this point. The Pew Center on the States estimated that in the 2006 election, 86 percent²⁷ of absentee ballots requested by the general population were cast, indicating a strong desire to vote among those who made an effort

FINDINGS

Exhibit 10
TIME TO VOTE STATUS FOR OVERSEAS MILITARY | TWO ASSUMPTIONS

Our results are relatively consistent—20 jurisdictions do not provide time to vote under 18-day military mail assumptions, while 17 states do not allow time to vote under more conservative assumptions.



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to ask for a ballot. However, only approximately 27 percent²⁸ of absentee ballots for military voters were actually received and counted in that election. Undoubtedly some military voters requested absentee ballots and then simply did not complete or return them—but surveys indicate that this population historically has been frustrated by obstacles in the process. Among military personnel who said they did not vote in 2004, 30 percent said they were not able to vote because their ballots never arrived or arrived too late to their duty stations, according to the DoD's Federal Voting Assistance Program. Another 28 percent said they did not know how to get an absentee ballot, found the process too complicated or were unable to register.²⁹

Lessons Learned

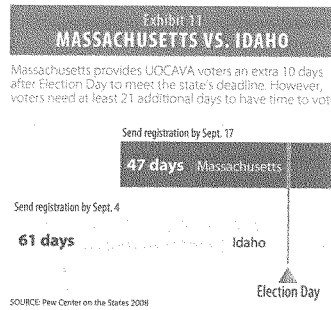
What are the main challenges hindering the absentee voting process for overseas military citizens in half the states and the District of Columbia? States' systems vary widely, but our analysis generated three important lessons:

1. *When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all of the steps required and are less likely to have time to vote. Simply sending blank ballots out via fax or e-mail can give military citizens abroad enough time to complete the process.*

For military voters overseas hailing from the 17 "no time to vote" jurisdictions, the process takes an average of 66 days to complete.³⁰ Our analysis found that these 17 jurisdictions are more likely to use the traditional postal mail system for some or all of their process. Three of the "no time to

vote" states—Alabama, New York and Wyoming—require everything to be done by mail. But the other 14 jurisdictions complete some part of the process electronically. These states have other challenges that, combined, lead them to fall short of allowing sufficient voting time for their overseas military personnel.

However, a shorter process does not guarantee success if other parts of a state's election system get in the way. Compare Idaho and Massachusetts. As Exhibit 11 illustrates, Idaho's voting process for its overseas military voters takes 61 days compared with Massachusetts' 47 days. Idaho's process takes 14 days longer than Massachusetts' process, yet overseas military voters from Idaho have enough time to vote, while voters from Massachusetts do not. In this example, the length of Idaho's voting process is driven by such important dates as deadlines to register and request a ballot. But overseas military voters from Idaho



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have an extra 15 days built into the election process because they can request and receive blank ballots by fax, which speeds up the process. Massachusetts, on the other hand, requires military voters to rely on the USPS and Military Postal Service Agency to deliver and return their ballots. Massachusetts accepts absentee ballots 10 days after Election Day to accommodate potential delays via postal mail, but that allowance still is not enough. The state would need to provide its military citizens abroad an extra 21 days somewhere in the process to ensure they had enough time to vote.

In the 31 states that allow time to vote, it takes an average of 29 days for overseas military citizens to complete the voting process—a number influenced by the extent to which a state's election system is conducted electronically. Nineteen states allow ballots to be sent to and returned from overseas voters via fax or e-mail (16 of these have a fully electronic process, including voter registration) and all of them afford their overseas military personnel time to vote. Using fax or e-mail to return ballots, it takes overseas military voters from these 19 states an average of 23 days to complete the voting process; using postal mail, it takes such voters an average of 36 days. However, as the GAO noted, using fax or e-mail to return completed ballots may compromise the integrity of these votes. As our analysis shows, to ensure they have time to vote, overseas military voters in six states must submit their completed ballots electronically, since they will run out of time using postal mail.

2. *The later a state's absentee ballot is mailed to military voters, the less likely they will have time to vote. States should seek to distribute blank ballots to their overseas military voters as early as possible.*

On average, the 17 "no time to vote" jurisdictions mail out their ballots three days later than do states that provide sufficient time for their overseas military personnel to complete the process. For example, if Texas mailed out its ballot three days earlier, it would give military residents abroad time to vote. States such as Illinois mail out their ballots as early as September 5, compared with Massachusetts, which does so as late as October 14. Similarly, on average, registration deadlines are three days later for states that afford military voters time to vote compared with states that do not give enough time. In Nevada and South Carolina, voters must register as early as October 4. In four states—Maine, Michigan, Virginia and Washington—voters can register as late as Election Day.¹¹

The date a ballot is mailed out, however, is not the only factor that determines whether a state affords its military personnel enough time to vote. For instance, even though both Delaware and Connecticut mail out their absentee ballots on September 20, overseas military voters from Delaware have time to vote, according to our analysis, while voters from Connecticut do not. Other features of the voting process—such as how the ballot is delivered to voters—also influence the outcome.

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3. *The earlier the state's deadline for returning a completed ballot—especially if the state mailed its absentee ballots out late—the less likely a military voter will have time to vote. States should provide more time for completed ballots from military voters overseas to reach local election offices.*

Eighteen states and the District of Columbia allow absentee ballots to come in for a certain amount of time after Election Day to account for potential delays in mail service. The majority of these states (63 percent) afford

their military voters time to vote, with an average of 23 days of extra³² time in the process. Yet again, other parts of a state's system affect its overall performance. Of the 19 jurisdictions that allow the absentee ballot to come in after Election Day, Georgia, New York, Texas and four other states do not provide their military voters enough time to vote.³³ These states would need to extend their receipt deadlines anywhere from three days (Texas) to 21 days (Massachusetts) to provide sufficient time.

Potential Reforms

The DoD's Federal Voting Assistance Program (FVAP) is aimed at helping uniformed service members, their families and citizens living outside the United States participate in the electoral process.³⁴ As of October 2008, FVAP recommended 10 legislative changes to the states and U.S. territories to simplify and standardize the absentee voting process for these voters. (See Appendix B for a full list of changes.) Some of these proposals involve shortening the process by allowing electronic transmission of election materials or by making ballots available earlier. Others recommend removing burdensome rules, expanding the franchise to currently ineligible voters—such as U.S. citizens who have never lived in this country—and making the process more user-friendly through other means. A number of states already have some of these reforms in place.

We looked at the four FVAP recommendations most focused on streamlining and shortening the voting process for both voters and election officials:

- 1) Expanding use of the Federal Write-in Absentee Ballot (FWAB)
- 2) Allowing electronic transmission of election materials
- 3) Ensuring a 45-day minimum ballot transit time
- 4) Eliminating the notary requirement

We then assessed how much time the "no time to vote" and "at-risk" jurisdictions could save by adopting these proposals. We developed individual fact sheets for the 20 "no time to vote"

and "at-risk" jurisdictions, and for the six "time to vote but with concerns" states whose overseas military personnel must return their completed ballots via fax or e-mail to ensure enough time to vote. These fact sheets, which can be found on our Web site (www.pewcenteronthestates.org), highlight how process times were calculated and how potential reforms could help states.

Our analysis shows that the potential benefit of each FVAP recommendation for these jurisdictions depends on each individual state's process. We found that:

- Every state would ensure time to vote in federal elections by promoting and expanding the use of the FWAB as a back-up measure.³⁵
- Every state would ensure time to vote by adopting a fully electronic election process. As mentioned earlier, questions have been raised about the privacy and security of returning completed ballots via fax or e-mail, as well as about adequate access to fax and e-mail³⁶—but many states would improve their process simply by sending blank ballots to military voters electronically. If "no time to vote" states used at least an outbound electronic transmission of a blank ballot to military voters abroad, 13 of them would afford time to vote.
- Two states "at risk" of disenfranchising their military citizens abroad would ensure time to vote by adopting a 45-day minimum ballot transit time. Similarly, by adopting this recommendation, all six states now classified as "time to vote but with concerns" could

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ensure time to vote while allowing their overseas military personnel to return their completed ballots via postal mail.

- Solely eliminating the notary requirement would not change the status of the “no time” states or the status of the six states classified as “time to vote but with concerns.” However, several states would streamline their process.

Expanding the Use of the Federal Write-in Absentee Ballot

As noted in Chapter 2, the FWAB is a downloadable form that allows UOCAVA voters who have requested but not received a state ballot to write in their choices for general elections for federal offices—president, vice president, U.S. senator and U.S. representative—and return this alternative ballot postmarked by their state’s deadline. The FWAB requires an affirmation stating that the voter’s application for a regular absentee ballot was mailed in time to be received by the local election official 30 days before the election or the state’s deadline, whichever is later, and that the voter has not received the ballot.

This back-up tool protects an overseas voter’s ability to participate in federal elections if the state’s ballot does not arrive in time. All 17 “no time to vote” jurisdictions and three “at-risk” states would ensure sufficient time to complete the process by promoting and expanding the use of the FWAB for their voters. Use of the FWAB also is an effective back-up ballot for voters in the six states classified as “time to vote but with concerns.”

All states accept the FWAB—and it provides an important safety net—but it is by no means a silver bullet. Military voters must know about this back-up option to use it—yet in 2006 fewer than

one in three were aware of the FWAB, according to a DoD study.³¹ Also, because the FWAB is a blank write-in ballot, voters must accurately write in the names of their candidates. In addition, the majority of states only allow uniformed voters abroad to use the FWAB for federal elections.³² (Only 22 states allow the use of the FWAB for state and local elections.)

FVAP encourages states and the election field to raise all UOCAVA voters’ awareness of the FWAB option. It also recommends that states expand the use of this tool to include federal, special, primary and run-off elections when citizens abroad cannot receive regular ballots in a timely manner.

In September 2008, Pew’s Make Voting Work initiative took two major steps to improve FWAB’s usefulness. First, we launched a public information campaign to raise awareness of the availability of the FWAB. Second, to eliminate the need for voters to write in the names of their candidates, we partnered with the Overseas Vote Foundation (OVF) to improve the online tool. When an eligible voter downloads the FWAB and indicates the U.S. state of residence, the technology automatically populates the form with all eligible candidates from that state. OVF licensed the software to Alabama, Kentucky, Minnesota, Ohio, Texas, Vermont and West Virginia for use in the 2008 election. In addition, voters were able to access the complete suite of OVF tools, including the FWAB, on the Web sites of both the McCain and Obama campaigns, Rock the Vote, the League of Women Voters and Exxon Mobil.

In sum, the FWAB is a “fail-safe” option that provides military and overseas voters the ability to cast a ballot if some aspect of the regular

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process goes awry. However, the first choice is still the states' own absentee ballots, which offer voters the most comprehensive information on the candidates, and the opportunity to vote on state and local ballot initiatives and referenda.

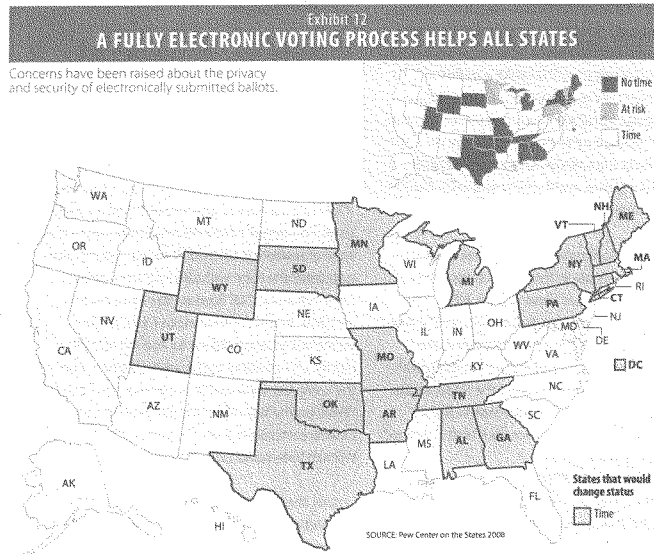
Allowing Electronic Transmission of Election Materials

FVAP encourages all states to move to a fully electronic election process, using fax and e-mail for transmitting election materials between local election officials and absentee voters. Today, UOCAVA voters hailing from 16 states can complete the entire process electronically, from

registering to vote and requesting a ballot to receiving and returning the ballot.

In addition, some states conduct part of the process electronically. As noted earlier, on the front end, 32 states allow their local election offices to send blank ballots to overseas voters by either fax or e-mail. An additional six states allow voters to receive a blank ballot by fax under special circumstances (for example, if they are in a hostile country or war zone).

On the back end, 19 states allow all of their overseas voters to return their completed ballots



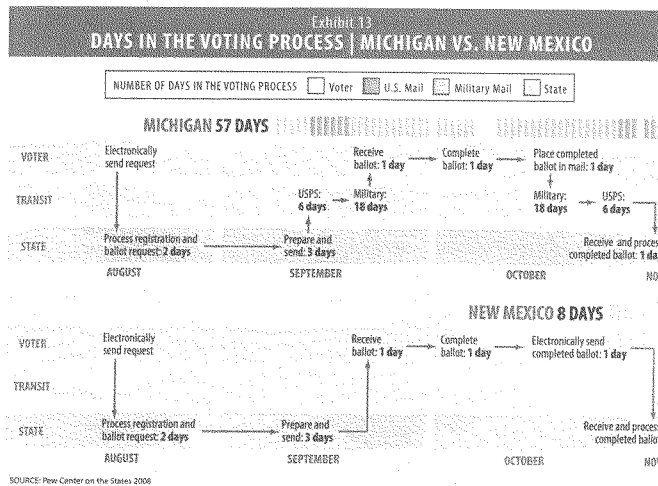
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by fax or e-mail. An additional seven states allow electronic submission of the ballot under particular circumstances (in emergencies or if voters are in a hostile country or war zone).

When it comes to military voters stationed overseas, all 16 "no time to vote" states and the District of Columbia would provide those voters time to vote if they adopted a fully electronic process (Exhibit 12). In fact, they would save voters an average of 40 days.

Comparing New Mexico and Michigan illustrates the benefits of an electronic process (Exhibit 13). The two states' election systems are similar in a number of respects: neither requires overseas voters to get their completed ballots notarized

before returning them, and both give their residents abroad at least 45 days to complete the voting process after sending them blank ballots. New Mexico disseminates its absentee ballots on September 16, Michigan does so four days later, on September 20. The difference is that New Mexico has a fully electronic process, allowing its overseas voters to use fax or e-mail to register to vote, request a ballot, receive a ballot and submit a completed ballot. Michigan allows its residents abroad to register and request an absentee ballot electronically, but requires all other steps—including sending out blank ballots to and receiving completed ballots from voters—to be done by regular mail. The result? Voters from New Mexico have more time to complete the process, with less hassle. They can electronically submit



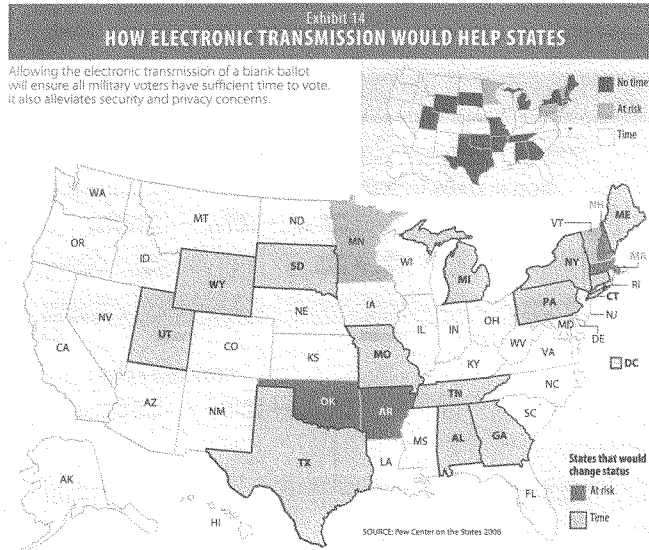
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their registration and request for an absentee ballot as late as October 27 and get their completed ballots in by Election Day. Military voters from Michigan, meanwhile, must register to vote no later than September 7 to meet deadlines later in the process. This is because they must rely on both military and domestic postal services to both receive a blank and submit a completed ballot.

A number of states recently have enacted changes to their laws that allow for more electronic transmission of election materials. For example, in August 2008, New Jersey

Governor Jon Corzine signed legislation that allows the state's military and civilian overseas voters to both receive and return their ballots by fax or e-mail.²⁷ In other states, such as Alabama, election officials are working with their legislatures to explore whether similar changes could be made to their process.

But as noted earlier, some policy makers, election officials, advocates and experts—including the federal General Accountability Office—have raised questions about the security and privacy of completed ballots transmitted electronically back to their states. Some states are now



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experimenting with methods to mitigate these concerns or inform voters of the risks of voting electronically. In light of these concerns, we evaluated how “no time to vote” and “at-risk” states would fare if they only used an outbound electronic transmission of a blank ballot to military voters abroad and required that completed ballots be returned by traditional mail. Under this model, we found that 13 jurisdictions would afford time to vote (Exhibit 14).

In addition, an electronic voting process raises questions about practicality: while our model assumed that all voters used the fastest voting method available to them, in reality, not all military personnel overseas have access to fax or e-mail. According to a 2007 Defense Manpower Data Center study, between September and November in 2006, 25 percent of active-duty members reported having no access to a fax machine and 17 percent reported having no access to their personal e-mail.⁴⁵

Ensuring a Minimum 45-Day Ballot Transit Time

FVAP recommends a minimum of 45 days for “ballot transit time”—that is, the amount of time between the date a state sends a blank ballot to a voter and the deadline by which the voter must return the completed ballot.

Twenty-eight states and the District of Columbia provide at least a 45-day ballot transit window; 22 states do not. Of those 22 states, nine are “no time to vote” states and two are “at risk” (providing fewer than five days of extra time in the process) for military voters overseas. We found that even if the nine “no time to vote” states gave their overseas military voters at least

45 days to receive a blank and mail back a completed ballot, it still would not ensure these voters had enough time because of other factors in the states’ process.⁴¹ The additional time would, however, give them valuable breathing room.⁴² And this change would move the “at-risk” states of Minnesota and Vermont into the “time to vote” category (Exhibit 15).

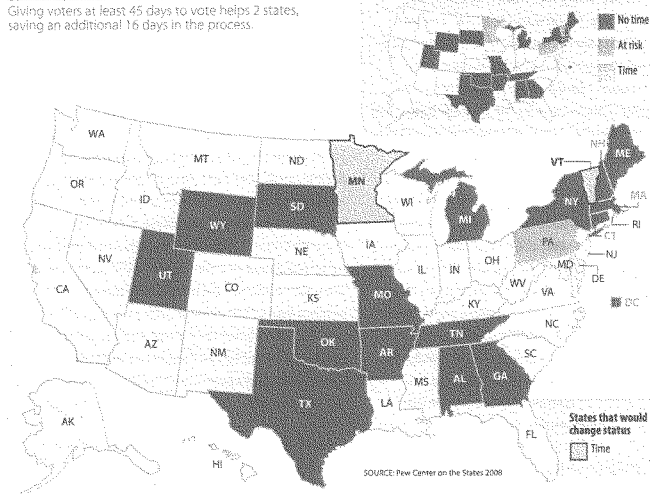
To illustrate the difference a minimum 45-day ballot transit time can make, compare Illinois and Massachusetts. Neither state has notary requirements, nor do they allow electronic transmission of either blank ballots to voters or completed ballots from voters.⁴³ Both states waive the registration requirement and accept their voters’ ballots after Election Day. As a result, military voters from both states require nearly the same number of days to vote (45 days in Illinois and 47 days in Massachusetts). But there the similarities end.

To compensate for the time it takes for their election materials to travel through both military and civilian mail systems, Illinois and Massachusetts would either have to mail their ballots early or extend their existing deadlines for receiving completed ballots. Illinois does both—thus giving its voters “time to vote.” Illinois sends out its ballots more than a month earlier than Massachusetts—and Illinois gives its military voters overseas four more days than does Massachusetts to have their ballots counted. Although adopting a minimum 45-day ballot transit time would not move Massachusetts into the “time to vote” category, it would help—and mailing out its ballots earlier or pushing its deadline for completed ballots could buy its voters the additional time they need.

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Exhibit 15
GIVING VOTERS AT LEAST 45 DAYS TO VOTE HELPS 2 STATES

Giving voters at least 45 days to vote helps 2 states, saving an additional 16 days in the process.



Eliminating the Notary Requirement

Eight states require their UOCAVA voters to have their completed ballots notarized before returning them to their local election offices. The notarization itself typically does not take much time—but finding a notary approved by one's state can be difficult and time-consuming in some overseas locations.

FVAP recommends that the notary requirement be eliminated, with citizens allowed to "execute a self-administered oath on all voting materials."⁴⁴ Based on our analysis, adopting this provision

would not change the status of any of the "no time to vote" or "at-risk" states that have a notary requirement for military personnel based abroad. Still, eliminating notarization would help streamline the process for military voters hailing from the eight states that require it (Exhibit 16).

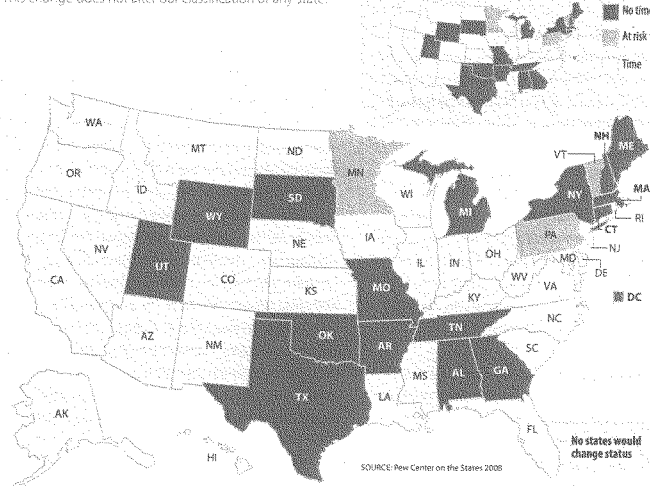
Enacting a Uniform Voting Law

While individual states have adopted a range of improvements, the lack of consistency across their absentee voting processes presents one of the greatest challenges to military and overseas citizens attempting to navigate the system. Earlier

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EXHIBIT 10
ELIMINATING THE NOTARY REQUIREMENT WOULD SAVE 8 STATES TIME

This change does not alter our classification of any state.



this year, the Uniform Law Commission (ULC) approved a proposal from Pew's Make Voting Work initiative to study whether and how a uniform state law could be developed for military and overseas voters. A study committee established by the ULC will consider the feasibility of drafting and enacting legislation with consistent timelines, requirements and standards for registration, absentee ballot distribution and ballot voting for military and overseas voters covered under UOCAVA.

The ULC, formerly known as the National Conference of Commissioners of Uniform State Laws, is trusted by policy makers across the political spectrum and has a long track record of success. It developed the Uniform Commercial Code, which is widely hailed as an example of states working together, without federal action, to implement uniform laws for the improvement of commerce and civil law.³⁵

Conclusion

Half the states and the District of Columbia need to improve their absentee voting systems for overseas military voters. These jurisdictions need to be aware of how deadlines and ballot transit times combine to create challenges for active-duty military voters stationed overseas, and that some technological fixes may compromise the security and privacy of their votes. And because of our conservative assumptions, even states that were categorized as “time to vote” states could better educate their military voters and ensure that those dispersed around the globe have the maximum time possible to cast and return ballots.

Public support for this issue is overwhelming. A bipartisan Tarrance/Lake poll found that 96 percent of Americans believe it is important that military and overseas voters have the opportunity to participate in U.S. elections and have their votes count—and nearly two-thirds of Americans think the system for these voters is not serving them well.

Fortunately, common-sense solutions are available to better serve overseas military voters. As this report illustrates, key interventions such as sending blank ballots out via fax and e-mail, distributing ballots to voters as early as possible, and providing more time for completed ballots from military citizens overseas to reach local election offices make the voting process much more accessible and effective for all voters. States looking for best practices also should turn to the Uniform Law Commission, which is drafting a uniform state law for military and overseas voters. And they should draw from the Overseas Vote Foundation, Federal Voting Assistance Program, Election Assistance Commission (EAC) and National Institute for Standards and Technology, which is working with the EAC to set electronic voting standards for military and overseas voters.

The Pew Center on the States’ Make Voting Work initiative will continue to work alongside these organizations and state and local election officials to ensure that we offer all Americans—including those serving in our armed services and living overseas—the modern election system they deserve.

Methodology

Modeling Methodology

The centerpiece of our analysis is a model of the military absentee voting process, from the time a military voter initiates the process until the time a vote is received at a local jurisdiction. The model incorporates states' legislative and administrative deadlines, information on mail transit times, the estimated time it takes election officials to complete key steps, and the estimated time it takes voters to complete certain steps (such as filling out or notarizing a ballot).

We used our model to estimate, for each of the 50 states and the District of Columbia, the last possible day a military absentee voter could submit a ballot and have it counted and the latest date that a voter could start the electoral process. We then compared the last possible date the voter could submit a ballot to the earliest date a jurisdiction will mail out absentee ballots to arrive at a measure of "time to vote." In essence, "time to vote" represents the amount of time a voter has beyond the absolute minimum required for returning the ballot. This extra time is defined as more than five business days, and provides necessary cushion for delays caused by mail delivery and other unknowns, including military missions that prevent someone in uniform from returning to base frequently.

We also measured convenience, indicating the latest possible time an absentee voter could submit an FCPA registration/ballot request. This date varies widely across jurisdictions, with some states requiring absentee voter registration/ballot requests weeks before candidates for significant offices, such as the vice presidency, are known.

Data We Collected

To determine how much time each jurisdiction's military absentee voting process takes, we used multiple data sources to collect information in two areas:

1. **State process and deadlines.** To estimate time associated with various steps in states' voting process and determine important election deadlines, we used two main sources of data collection.

Federal Voting Assistance Program guide. We used the online Federal Voting Assistance Program (FVAP) guide to identify each state's requirements for when states and voters must complete each step of the process and what they must do, and to identify which states have enacted FVAP's proposed legislation. When the FVAP guide was unclear, researchers consulted states' election Web sites to verify process steps and deadlines. Researchers also confirmed information obtained from FVAP's guide and states' election Web sites directly with state election officials. We continued to monitor and verify this data up until November 4, 2008, to ensure our analysis took into account what states' laws were in effect at the time of the most recent election.

Survey of election officials. We surveyed election officials twice during our research period. First, to estimate process times, we surveyed election officials in one county in each of the 50 states and the District of Columbia (titles of those surveyed include County Clerk, Town Clerk, Registrar of Voters, etc.) to collect data

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on the amount of time election officials estimate it takes them to transmit and process election materials. We decided to use a mixed-mode approach of a Web-based survey and a paper questionnaire, and gave election officials the option of using either mode. This allowed for greater coverage of the targeted survey population and a higher response rate. The final questionnaire contained questions related to the following categories:

- Transmission of Election Materials, which focused on processing and validation times for registration, ballot requests, blank ballots, and completed ballots when received via postal mail as well as electronic means, if applicable.
- Absentee Ballots, which focused on FWABs, witness or notary requirements, and signature and date in lieu of a postmark as evidence of time of completion of the ballot.

On August 18, a Federal Express packet was sent to all election officials selected to participate in the survey. This packet contained the following: (1) a letter describing the purpose of the survey and encouraging participation; (2) a three-page paper questionnaire; and (3) a pre-paid return Federal Express envelope. Each paper questionnaire was pre-coded with an identification number so that we were able to track respondents. This coding was necessary because if identifying fields (e.g., e-mail address) were left blank on a written survey we would be unable to link responses to data from other sources. Election officials also were given a username and password to

complete the Web-based survey. We guaranteed respondents that their responses would be kept confidential and would be published only in the aggregate. In addition, an e-mail was sent to each election official similar to the letter described above, describing the purpose of the survey and encouraging participation. On August 26, all non-respondents received an e-mail reminder or a telephone call to complete the online or paper survey.

As completed surveys were received via the Web, we used the reporting tools in WebSurveyor to flag obvious errors, such as missing data. Similar validation was performed manually for completed paper surveys prior to key-entry. Finally, we formatted the data, as needed, to ensure consistency between data from the Web and mail surveys. We received 27 responses to our survey (a 53 percent response rate).

Survey data was imported into the database tool and used to conduct more rigorous data validation and analysis, including range checks, format checks and contingency checks (to validate skip patterns).

Next, to validate the information we collected from FVAP's guide, we once again surveyed election officials. Through the National Association of State Election Directors, we contacted state election directors in all 50 states and the District of Columbia. Between October 2 and 16, state election directors were asked to confirm or change the information on state election processes and deadlines collected through FVAP. Twenty-eight states responded to our survey (a 55 percent response rate).

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2. **Mail transit times.** Part of the voting process is the transmission of election materials between voters and their jurisdictions. Depending on the state, election materials may be sent via postal mail, fax or e-mail. We made the assumption that it takes approximately one day to send election materials electronically. With postal mail delivery, we needed to determine transit times of the domestic, international and military mail.

We based mail transit time assumptions on three different sources of information. First, to calculate domestic mail delivery times, we used a USPS tool, an independent, external system administered by IBM Business Consulting Services. Second, to calculate military mail transit times, we used estimates from the Military Postal Service Agency. Finally, for international mail estimates, we looked at the best available data from the USPS and private couriers.

USPS Mail

The USPS provides a tool, the Shipping Assistant, based on IBM's Transit Time Measurement System, which allows the user to obtain approximate delivery times between domestic, military and international locations. We used the delivery time estimates from this tool for domestic locations, using a specific address within each jurisdiction, where applicable. Two locations of origin were chosen from each state: (1) the address associated with an election official from the state capitol (e.g., the City Clerk or Registrar of Voters) and (2) the address associated with the election official from each jurisdiction that was invited to participate in our survey of election officials. (In some instances, these two locations were the same. Where the locations differed, mail delivery

times did not vary significantly, if at all.) Individual delivery times were calculated for those locations in each state going to one of two military mail transshipment points for international mail delivery—one in San Francisco and another at JFK Airport. These two locations were chosen based on GAO reports stating that they received most of the mail and packages being delivered to military personnel and their dependents. For Western, Southwestern and a few Midwestern states, we assumed their mail went to the San Francisco military mail location, based on proximity to San Francisco. For all other states we assumed their mail was sent to the JFK Airport military mail location.⁶

Military Mail

All active-duty armed service members use the Military Postal Service Agency to transport mail to and from the individual. According to the agency, military mail takes less than 12 days to be transported to military personnel stationed overseas. However, recent GAO studies cast doubt on that estimate. The studies suspect the true transit time takes between 12 and 18 days one way, sometimes longer, depending on location and size of the package. Recent media reports also state one-way delivery times of between 12 and 18 days.

Our research used two scenarios when calculating military mail times. Based on the GAO studies, we first assumed 18 days each way for mail delivery both to and from military installments overseas. Then we split the difference between the 12 to 18 day range provided by the Military Postal Service Agency and used 15 days as our estimated transit time for military mail going outbound from the United States, and 13 days for such mail to be returned

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from overseas locations (according to both the agency and the GAO, return mail takes two days less time).

International Mail

USPS estimates that one-way, international mail delivery may take anywhere between six to 10 days. DHL and Fed Ex estimate roughly six days one way to most countries and as many as nine days to South American countries (from the point of entry into international mail to delivery).

However, we lacked similar quality data on international delivery estimates for mail returning to the United States. Because international mail service is not one system, analysis of the transit times associated with returning mail is difficult to obtain.

Model Assumptions

To determine how military voters and states navigate the voting process, we made straightforward assumptions about all actors, erring on the side of assuming each can complete their required steps as quickly as possible. We also assumed that voters use the fastest voting method available to them.²⁷ Similar assumptions were made about the U.S. and military postal mail systems, on which much of the absentee voting process depends. On average, these assumptions, while necessary for the model, likely underestimate the time it takes each voter and the jurisdiction to act. In reality, the process tends to be longer for voters, thus making our findings conservative.

We also assumed that election officials and the FVAP guide properly and accurately described state election law at the time of our analysis, and

that these laws are implemented uniformly across each state.

Study Caveats

This report involves an analysis of the military voting process only for federal elections. We do not address issues of state elections or state balloting, which are even more varied than federal election processes.

We looked at several recommendations by FVAP to change states' voting process for absentee military and overseas voters, and applied these proposals to our "no time to vote" and "at-risk" states to see what difference they might make. In doing so, we assumed none of those states already had implemented the FVAP recommendations or other, very similar legislative changes.

Regarding the survey of election officials, the median time reported for key steps in the voting process was used as a guide for calibrating our model. There could be variation around these times due to several factors, including the time in the election cycle, the staffing in a particular jurisdiction, or action of other participants in the process, such as the state or political parties, etc. However, as our objective was not to try to measure the exact time taken on these steps but to characterize the potential benefits of changes to the process, we believe this variation does not significantly impact the overall assessment of the prospective impact of the changes.

Our measures of both "time to vote" and "days needed to vote" should be taken as a relative guide to the level of risk within a jurisdiction, not as absolute measures of performance. In addition

APPENDIX A

to the various local process differences we discuss above, there is significant variation in postal mail delivery times, both because of local conditions in a foreign country and its geographic proximity to the United States. While we believe our measures provide a good indication of the risk of not having votes counted, there will be cases in which the process did work, even if a registration was submitted after the "time to start," or if insufficient "time to vote" was allowed. As an example, a military voter using express mail is more likely to make the voting process work because of faster mail times, while another uniformed citizen relying on the military mail system might have a more difficult time making the process work if they miss key dates.

Finally, because of a lack of reliable data for international mail times and other information challenges, such as where the U.S. overseas civilian population is located, we could not calculate whether states provide enough time

for citizens living abroad to complete the voting process. It is reasonable to suspect that overseas civilian voters face similar challenges as our military citizens serving abroad, but we lack sufficient information to conduct this analysis. To do a detailed analysis of the absentee voting process for overseas civilians, better data are needed. While it may be difficult to analyze international mail times, a good first step would be recording when ballots were postmarked from overseas and noting when these ballots were received at domestic election offices. At a minimum, this data would enable researchers to calculate average international mail times for each state, and apply them to our model. This would likely understate the challenges that some overseas civilian face when voting by absentee ballot, but it would give states a better understanding of how different steps in the voting process must work together as a whole to ensure their overseas residents have time to vote.

FVAP Recommended State Legislative Initiatives*

Each year the Federal Voting Assistance Program (FVAP) sends legislative initiatives to all the states and territories for consideration. The legislative initiatives the FVAP requests states and territories to consider are as follows:

45-Day Ballot Transit Time

FVAP recommends a minimum of 45 days between the date the ballot is mailed to the voter and the voted ballot return deadline. This is especially beneficial for citizens voting from overseas and APO/FPO addresses.

Elimination of the Notary Requirement

Obtaining notarization of voting materials can be difficult and quite expensive in some foreign countries. This provision allows citizens to execute a self-administered oath on all voting materials.

Late Registration Procedures

A state's registration requirements, and the date of an individual's discharge from the Uniformed Services, or the date a citizen returns from overseas employment may create a barrier to timely voter registration. FVAP encourages the states to allow citizens to register past the regular deadline.

Special State Write-In Absentee Ballot

This legislation allows citizens stationed in remote locations who are unable to receive regular absentee ballots sent in the normal time frame, to use a Special State Write-In Absentee Ballot which provides a full slate of offices.

Reference to the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in the State Election Code

This will help election officials find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Electronic Transmission of Election Materials

FVAP encourages all states to use fax and e-mail for the transmission of balloting materials between local election officials and voters. Fifty-one states and territories use some electronic transmission of election materials.

Expanded Use of the Federal Write-In Absentee Ballot (FWAB)

Currently the FWAB is generally allowed for Federal offices only. This legislation proposes expanding its use to include special, primary and run-off elections when citizens cannot receive regular ballots in a timely manner. In addition, the FWAB can be accepted simultaneously for registration and absentee ballot request.

Emergency Authority for Chief Election Official

Granting emergency authority to the chief election official in the state would allow him or her to designate alternate methods for handling absentee ballots in times of a declared emergency.

*Source: Legislative initiatives reprinted from FVAP's Web site: <http://www.fvap.gov/reference/laws/state-initiatives/index.html>.



APPENDIX B

Enfranchise Citizens Who Have Never Resided in the U.S.

Approximately 50,000 U.S. citizens who have never resided in the U.S. are not entitled to vote under current law. While they are subject to all other requirements of citizenship, they are not eligible to vote. This legislation would allow these citizens to vote where either parent is eligible to vote under UOCAVA.

Accept Ballot Date and Signature in Lieu of Postmark

Although UOCAVA voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on Election Day.

APPENDIX B

Exhibit B-1. State Initiatives for UOCAVA Voters

State	Allow Electronic Submission of Registration	Allow Electronic Submission of Ballot Request	Allow Electronic Transmission of Blank Ballot	No Notary Witness Requirement	Allow Electronic Submission of Completed Ballot	Provide Minimum 75-day Transit Time
Alabama						
Alaska	☐	☐	☐		☐	
Arizona	☐	☐	☐	☐	☐	
Arkansas	☐	☐	☐		☐	
California	☐	☐	☐	☐	☐	
Colorado	☐	☐	☐	☐	☐	
Connecticut	☐	☐	☐		☐	☐
Delaware	☐	☐	☐	☐	☐	☐
District of Columbia	☐	☐	☐	☐	☐	☐
Florida	☐	☐	☐	☐	☐	☐
Georgia	☐	☐	☐		☐	☐
Hawaii	☐	☐	☐	☐	☐	
Idaho	☐	☐	☐	☐	☐	☐
Illinois	☐	☐	☐	☐	☐	☐
Indiana	☐	☐	☐	☐	☐	
Iowa	☐	☐	☐	☐	☐	☐
Kansas	☐	☐	☐	☐	☐	☐
Kentucky	☐	☐	☐	☐	☐	☐
Louisiana	☐	☐	☐		☐	☐
Maine	☐	☐	☐	☐		☐
Maryland	☐	☐	☐	☐		☐
Massachusetts	☐	☐	☐	☐		☐
Michigan	☐	☐	☐	☐		☐
Minnesota	☐	☐	☐	☐		☐
Mississippi	☐	☐	☐	☐	☐	☐
Missouri	☐	☐	☐	☐		☐
Montana	☐	☐	☐	☐	☐	☐
Nebraska	☐	☐	☐	☐		☐
Nevada	☐	☐	☐	☐	☐	☐
New Hampshire	☐	☐	☐	☐		☐
New Jersey	☐	☐	☐	☐	☐	
New Mexico	☐	☐	☐	☐	☐	☐
New York	☐	☐	☐	☐	☐	☐
North Carolina	☐	☐	☐	☐	☐	☐
North Dakota	☐	☐	☐	☐	☐	☐
Ohio	☐	☐	☐	☐		☐
Oklahoma	☐	☐	☐	☐		☐
Oregon	☐	☐	☐	☐		☐
Pennsylvania	☐	☐	☐	☐	☐	☐
Rhode Island	☐	☐	☐	☐	☐	☐
South Carolina	☐	☐	☐	☐	☐	☐
South Dakota	☐	☐	☐	☐		☐
Tennessee	☐	☐	☐	☐		☐
Texas	☐	☐	☐	☐		☐
Utah	☐	☐	☐	☐		☐
Vermont	☐	☐	☐	☐		☐
Virginia	☐	☐	☐	☐		☐
Washington	☐	☐	☐	☐	☐	☐
West Virginia	☐	☐	☐	☐	☐	☐
Wisconsin	☐	☐	☐	☐		☐
Wyoming	☐	☐	☐	☐		☐

Source: Pew Center on the States 2008
 Key: ☐ = implemented

APPENDIX C

Exhibit C-1. The Number of Extra Days Provided by a State's Election Process

State	Extra Time, # of Days
New Mexico	48
North Carolina	43
Kansas	42
Montana	42
Louisiana	39
Mississippi	39
South Carolina	38
West Virginia	39
Nevada	37
New Jersey	37
North Dakota	36
Indiana	35
Hawaii**	32
Arizona	30
Colorado**	27
Florida	27
California**	26
Washington	23
Kentucky	22
Illinois	20
Rhode Island**	18
Delaware	17
Iowa	17
Ohio	17
Oregon	17
Alaska**	16
Nebraska	16
Idaho	15
Virginia	14
Maryland	12
Wisconsin	9
Vermont	2
Minnesota	1
Pennsylvania	1
Texas	-3
Georgia	-6
Connecticut	-7
District of Columbia	-7
Maine	-7
Michigan	-7
New York	-7
Tennessee	-9
Missouri	-10
Utah	-12
South Dakota	-14
Wyoming	-14
Alabama	-17
Arkansas	-21
Massachusetts	-21
New Hampshire	-22
Oklahoma	-26

Source: Pew Center on the States 2008
 *Note: Number of extra days built into each state's election system beyond the absolute minimum required for returning a ballot.
 **Note: These states allow time to vote but with concerns about the privacy and security of the completed ballot.

Exhibit C-2. The Number of Days Needed to Complete State Election Processes

State	Days Before Election Day
Alabama	-68
Missouri	65
Tennessee	65
Wyoming	65
Georgia	62
Utah	74
New York	69
Oklahoma	61
South Dakota	61
Idaho	61
Connecticut	57
Maine	57
Michigan	57
New Hampshire	57
Texas	53
Nevada	53
Ohio	53
Arkansas	51
Pennsylvania	49
District of Columbia	47
Massachusetts	47
Maryland	47
Illinois	45
West Virginia	45
Virginia	36
Minnesota	34
Nebraska	34
Delaware	33
Kentucky	33
Oregon	33
Vermont	33
South Carolina	31
Alaska	30
Iowa	30
New Jersey	30
Colorado	29
Florida	29
Hawaii	29
Indiana	29
Louisiana	29
Montana	29
Wisconsin	26
California	15
Arkansas	14
North Carolina	12
Washington	12
North Dakota	9
Arizona	8
Kansas	8
New Mexico	8
Rhode Island	8

Source: Pew Center on the States 2008

Endnotes

- 1 "At least 992,034 UOCAVA-related absentee ballots were requested for the 2006 general election . . . States report[ed] slightly more than 330,000 UOCAVA ballots were cast or counted." U.S. Election Assistance Commission (EAC), *UOCAVA Survey Report Findings* (Washington, D.C., September 2007), p. 1.
- 2 Polli Brunelli, *The Federal Voting Assistance Program, 17th Report* (Washington, D.C.: Department of Defense, Federal Voting Assistance Program, October 2005), chart 10, p. 12.
- 3 UOCAVA extends to eligible family members of active-duty military. In our analysis of overseas military personnel, family members who are over 18 years of age and U.S. citizens are also included. These individuals rely on the same systems (i.e., mail, state-provided ballots) as active-duty military personnel and are treated similarly under UOCAVA.
- 4 See, <http://www.fvap.gov/resources/media/uocavalaw.pdf>.
- 5 These 22 states are: Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington and West Virginia, according to the Federal Voting Assistance Guide (<http://www.fvap.gov/>), accessed on November 12, 2008.
- 6 GAO-06-521 "Elections, Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain," April 7, 2006.
- 7 Hard copies of the form can be obtained from military installations' voting assistance officers, requested directly from the U.S. DoD's Federal Voting Assistance Program Office, or downloaded and printed from the office's Web site.
- 8 In the state of Illinois, only military and overseas voters from the City of Chicago and suburban Cook County can receive a blank ballot by fax or e-mail.
- 9 This includes the 18 previously mentioned states and Illinois, which allows e-mail transmission of blank ballots under special circumstances.
- 10 As shown in the 50-state assessment of Pew's Data for Democracy compendium, states provided responses to less than half of the items in the UOCAVA portion of the EAC's Election Administration and Election Day Survey. This average disguises significant cross-state variation: Delaware, Georgia, Florida, Idaho, Montana, North Dakota and Wyoming answered more than 90 percent of the survey items, while Alabama, Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, South Carolina, Tennessee and Vermont responded to less than a quarter of the survey. As the EAC noted in its own report on UOCAVA, "(t)he response rates from many States and local jurisdictions were low, making the monitoring of compliance with the mandated requirements of UOCAVA difficult." U.S. Election Assistance Commission, *UOCAVA Survey Report Findings* (Washington, D.C.), September 2007, p. 1.
- 11 While our model assumed that all voters used the fastest voting method available to them, in reality, not all military personnel overseas have access to fax or e-mail. According to a 2006 Defense Manpower Data Center study, between the period of September 18 to November 6 overall, 25 percent of active-duty members reported having no access to a fax machine, 6 percent reported having access between 1 and 14 days, 22 percent reported having access between 15 and 49 days, and 47 percent reported having access every day, and overall, 17 percent of active-duty members reported having no access to their personal e-mail, 6 percent reported having access between 1 and 14 days, 25 percent reported having access between 15 and 49 days, and 53 percent reported having access every day. See, Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20.
- 12 Army Field Manual 12-6 states, "the standard of service for first class mail is 12 to 18 days from the point of origin to individual soldiers worldwide." Chapter 6, "Doctrinal Requirements and Standards of Support" section, at <http://www.globalsecurity.org/military/library/policy/army/fm/12-6/C6.htm#top>, accessed February 29, 2008.
- 13 See, Barbara Barnett et al., Military Postal Service Task Group, Report to the Secretary of Defense, Report FY05-5 (Washington, D.C.: Defense Business Board, December 2005), Part I, p. 5.
- 14 Neal P. Curtin, OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved, GAO Report 04-484 (Washington, D.C.: Government Accountability Office, Defense Capabilities and Management, April 14, 2004), p. 12.
- 15 Neal P. Curtin, OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved, GAO Report 04-484 (Washington, D.C.: Government Accountability Office, Defense Capabilities and Management, April 14, 2004), pp. 9-14.
- 16 Army Field Manual 12-6 states, "the standard of service for first class mail is 12 to 18 days from the point of origin to individual soldiers worldwide." Chapter 6, "Doctrinal Requirements and Standards of Support" section, at <http://www.globalsecurity.org/military/library/policy/army/fm/12-6/C6.htm#top>, accessed February 29, 2008.
- 17 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20 (see note 11).
- 18 Voters must also be conscious of three additional deadlines to determine one's start date for the process: 1) when registration must be postmarked, 2) when a state must receive a voter's registration and 3) when a state must receive a ballot request.
- 19 2010 Census: Counting Americans Overseas as Part of the Census Would Not Be Feasible. GAO-04-1077T, September 14, 2004.
- 20 As explained in Chapter 3, we could not reliably assess whether American civilians overseas have sufficient time to vote because of inadequate information about international mail transit times and other data challenges.
- 21 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, p. 1.
- 22 Three states, Pennsylvania, Minnesota and Vermont, were "at risk" (offering fewer than five business days of extra time) of not

ENDNOTES

- providing their military voters enough time to vote. The remaining 31 states give voters ample time to vote in federal elections.
- 23 There is evidence that some military personnel lack access to e-mail and fax technology. See, Defense Manpower Data Center (DMDC), 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20.
- 24 GAO Report 07-774, "Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens," June 2007, p. 30.
- 25 The 11 states are Alaska, Arizona, California, Florida, Hawaii, Indiana, Louisiana, Nevada, North Carolina, Rhode Island and West Virginia.
- 26 Under these various military mail assumptions, Connecticut, District of Columbia, Georgia, Maine, Michigan, New York and Texas move to the "at-risk" category. In addition, Pennsylvania, Minnesota and Vermont move from "at risk" to "time to vote."
- 27 It requires deliberate effort on the part of a voter to request an absentee ballot, and it is not surprising that 85.8% of absentee ballots requested by the general population in 2006 were cast. Calculation: $11,183,486$ (Domestic Citizen Absentee Ballots Cast – Table 26) ÷ $13,039,008$ (Domestic Citizen Absentee Ballots Requested – Table 30b) = 85.8%. See, U.S. Election Assistance Commission, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings* (Washington, D.C., December 2007), tables 26 and 30b.
- 28 Of the absentee ballots requested by military personnel, only 26.5% were actually cast in 2006. Calculation: $992,034$ total UOCAVA absentee ballots were requested, of which 66.5% of those ballots requested that were categorized were categorized as military. See, U.S. Election Assistance Commission, *UOCAVA Survey Report Findings* (Washington, D.C., September 2007) table 22. Extrapolating that percentage into the uncategorized UOCAVA ballots requested as well comes to $659,703$ military absentee ballots requested. A total of $659,703$ military absentee ballots requested ÷ $175,091$ military absentee ballots cast = 26.54% absentee ballot cast rate.
- 29 See, Polli Brunell, *The Federal Voting Assistance Program*, 17th Report (Washington, D.C., DoD, Federal Voting Assistance Program, October 2005), chart 1, p. 1. Note the U.S. Government Accountability Office (GAO) concluded in its report, GAO-06-521, *Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain*, that "as result of known weaknesses in FVAP's reporting methodology, its estimates and conclusions should be interpreted with caution."
- 30 The processes in the three states "at risk" of not providing voters sufficient time—Minnesota, Pennsylvania and Vermont—take an average of 39 days.
- 31 Eight states allow for Election Day registration: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming. These states allow voters to register on Election Day at their assigned precinct. This option is not available to absentee voters. Iowa used Election Day registration for the first time in 2006 and Montana for the first time in 2006. Maine, Minnesota, and Wisconsin have had it in place since the early 1970s and Idaho, New Hampshire and Wyoming have had it in place since the early to mid 1990s.
- 32 Extra time helps accommodate unexpected delays in the voting process.
- 33 The seven jurisdictions that do not afford military voters sufficient time to vote and also allow for ballots to be returned after Election Day are Arkansas, Georgia, Massachusetts, New York, Texas, Utah and the District of Columbia.
- 34 FVAP is designated by the President as the executive agent responsible for implementing the protections of UOCAVA (www.fvap.gov).
- 35 States could consider expanding the use of FWAB to include primaries, special elections, ballot initiatives and state and local elections. States could also encourage efforts to expand public education about FWAB as a back-up ballot.
- 36 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20 (see note 11).
- 37 In a study conducted by the DoD Inspector General in 2006, approximately one third of servicemembers surveyed were aware of the FWAB's use and purpose. DoD IG, 2006 Evaluation of the Federal Voting Assistance Program in the Department of Defense, Report No. I&E-2007-004 (Washington, D.C., March 31, 2007), Table 2 on p. 6.
- 38 Only 22 states allow the use of the FWAB for state and local elections.
- 39 Overseas voters who fax or e-mail their ballot also must send their original ballot materials to the appropriate County Board of Elections to be compared to the faxed or e-mailed materials. See, http://www.state.nj.us/state/elections/vote_overseas.htm#f1, accessed on November 13, 2008.
- 40 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20 (see note 11).
- 41 The nine "no time to vote" states that afford military voters fewer than 45 days to receive and mail back their completed ballots are Alabama, Arkansas, Massachusetts, Missouri, New Hampshire, Oklahoma, South Dakota, Utah and Wyoming.
- 42 On average, increasing transit time to 45 days shaves eight days off the voting process for military personnel stationed abroad from the nine "no time to vote" states. And it shaves 10 or more days off the voting process for overseas military voters in four "no time to vote" states—Arkansas, Oklahoma, Massachusetts, and New Hampshire. In two states, Massachusetts and New Hampshire, these voters would need only seven additional days to finish the voting process in time to have their ballots counted.
- 43 Illinois allows this provision in Suburban Cook County and the City of Chicago only.
- 44 See, <http://www.fvap.gov/reference/laws/state-initiatives/index.html>.
- 45 For more details, go to www.nccusi.org.
- 46 This assumption was necessary to calculate domestic mail times. In reality, military mail is not segregated by where the mail comes from in the United States, but by the intended destination. For example, the FPO in San Francisco, California, serves all armed forces in the Pacific and Asia, or based in the Western United States. Therefore, a uniformed citizen stationed in Seoul, Korea from New York will have his/her ballot routed to the FPO in San Francisco.
- 47 While our model assumed that voters used the fastest voting method available to them, there is evidence that some military personnel lack access to e-mail and fax technology. See, Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, pp. 14 and 20.



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Congressman Robert A. Brady
Chair, Committee on House Administration
1309 Longworth Building
Washington, DC 20515

May 20, 2009

Re: Elections Hearing on "Military and Overseas Voting"

Dear Congressman Brady,

Thank you for ensuring that the problems that military and overseas voters have in participating in the democratic process – and knowing their votes are counted – is not forgotten with the end of the 2008 federal election cycle. And thank you especially for looking for solutions to this very serious problem.

Everyone Counts was founded with the mission of ensuring Universal Access to a full ballot for all citizens entitled to vote, and additionally ensuring that each submitted ballot is securely delivered and reliably counted. Our work has provided secure and accessible voting channels for voters in the UK, Australian military voters serving alongside our own military in Iraq and Afghanistan, Democrats living abroad, and most recently, voters in Honolulu Hawaii in federal, state and local elections throughout the past decade. We ensure that voters have the ability to vote privately, securely and independently, and that those ballots are reliably counted – no matter where the voter is on Election Day.

And we would be honored to help election officials in the US learn how to provide those same benefits for UOCAVA voters from the US. Attached you will find our whitepaper comparing the various methods – mail, email, fax and secure Internet and telephone voting – for serving UOCAVA voters, as well as our whitepaper demonstrating the successful results of providing secure and accessible online voting for the Australian military serving in Iraq and Afghanistan for their federal Parliamentary election in 2007 and Democrats Abroad for the US Presidential primary in 2008.

As I write this, Everyone Counts and the City and County of Honolulu are demonstrating the ability to provide these same secure voting channels to voters on US soil. The world's first completely digital Universal Access election opened on May 6 and will run through May 22, offering secure online and telephone voting for a local Honolulu election. This is a model for increasing access and security for voters, while saving costs for governments.

Congressman, thank you for taking steps to ensure that the long-term and serious challenge that US voters living or serving overseas face comes to a stop. We would be delighted to provide you with greater detail on the success we have had in serving overseas voters, as well as any other questions you may have.

Sincerely,

Lori J. Steele
Chief Executive Officer,
Everyone Counts, Inc.
lori@everyonecounts.com



Secure Remote Voting for Overseas and Disabled Voters

by Aaron Contorer

Chief of Products and Partnerships

Everyone Counts, Inc.

May 2009

Election officials are now taking online electronic voting seriously. Computer and phone networks can be useful channels for remote voters including soldiers and civilians overseas (UOCAVA), disabled (HAVA), and others.

Are computers and phones more or less secure than paper? What about fax? Can email be relied upon? How about the web or the Internet itself?

In this paper we explore what can and cannot be done with online voting technologies.

Reliable and timely access to a blank ballot

As a recent report from the National Institute of Standards and Technology (NIST) explained, the easiest-to-solve portion of UOCAVA voting is simply delivering ballots to voters. Technologies as simple as email and fax can transmit a blank ballot quickly anywhere in the world.

However, *a ballot which cannot be successfully voted and returned and counted is no better than no ballot at all.* Thus, the rest of this paper explores the rest of the problem.

Safe and reliable return of ballots

As the NIST report said, "election officials must be able to ascertain that an electronically returned voted ballot has come from a registered voter and that it has not been changed in transit. Because of this and other security-related issues, the threats to the return of voted ballots by email and Web are difficult to overcome."

Do you bank online? And is any money still in your account? Despite unlimited motivation to break into these systems, criminals are unable to penetrate online banking systems and drain the money. So we know that Internet services purpose-built for security can work well.

Does your bank let you withdraw money by email? Banks know that email is not secure. By the mid 1990s computer experts knew that in mere seconds an email can be made to appear "from" any person and any organization, regardless of its true origin. Better email software has been invented, but the system most Internet users use today is no more secure than it was in 1990. Furthermore, most email systems provide no privacy from the eyes of the sender's computer system administrator. Until we replace or reconfigure voters' email software worldwide, email is clearly not the answer to returning secret ballots securely.

Would you send a legal document by fax? You certainly can, and it works, and it's legal. Would you send a *secret* legal document by fax? Only if you are a very trusting individual. Voting rights advocates are furious about cases where citizens are required to vote by fax: this often involves completely sacrificing their right to a secret ballot. Faxes can be read on a phone line, and they often sit in plain sight at the receiving station. Making an altering or invalidating mark on a faxed ballot requires only a pen. And far from anonymous, faxes are automatically marked with their location of origin (whether accurate or faked). Fax is a handy technology, but utterly unsuitable for the return of secret ballots.

How does the military convey critical, time-sensitive, secret information? The answer is *digital encryption*. Extremely complicated mathematical formulas scramble the message with long numeric passwords or *keys*, yielding a series of numbers that read as nonsense to anyone lacking the secret decoding passwords.

Our company currently uses a military-grade system with an ever-changing 168-digit binary key, to encrypt each completed ballot before sending it to the tabulation office. Computers pick a new secret key for each ballot. Even a spy using a giant supercomputer could not hope to decode a single boxful of these ballots.

Encryption protects privacy but also prevents alteration: any change to the stream of numbers results in only gibberish when decoded.

Preventing invalidation

As we work to protect the rights of overseas and disabled voters, preventing the accidental invalidation of their ballots is crucial. We have all seen overseas military personnel going to great effort to vote, only to find their ballots discarded due to extraneous marks, overvoting, or the failure to fill out a signature block in the required format. Voters with disabilities have sent in many ballots whose intents were clear, but that were invalidated due to technical mistakes or extraneous marks.

Fax doesn't help, nor does email – even paper and a postage stamp do nothing to prevent accidental invalidation. Online voting, with real-time error checking before final submission, helps protect voters' right to be counted.

Assistive devices

Many blind, motor-impaired, or otherwise disabled persons have a computer or telephone which has been adapted to suit their needs. Online voting, by working with these adaptive devices, allows disabled voters to vote from home without the loss of privacy implied by manual assistance.

The secure audit trail

Auditors must ensure the proper custody and treatment of each ballot, from the moment it was cast until the count is complete.

The most auditable systems are the fully-online systems, in which each ballot can be tagged with an anonymous tracking number if desired.

The least auditable system is email. The Internet's system for routing emails was never designed to be auditable, and it is impossible to verify the path taken by an ordinary email between the sender's PC and the receiving machine. The email may go through any number of "server" computers in between – and as most are totally unencrypted, any server has the power to change or add to the contents. It is *routine* for servers to add to or alter emails, such as by adding routing information or noting whether the content looks suspicious. Many even discard emails without notice, as a defense from spam. Today's worldwide email infrastructure can be neither trusted nor audited.

Similarly, faxes may be electronically relayed and may be edited by the relayer manually or automatically. This is only common in large organizations, which use "e-fax" rather than "direct-dial fax" systems. The final receiver has no way to determine the number of relays or

edits a fax has been through, due to the lack of encryption.

Preventing “mystery software”

Mechanical balloting and mechanical tabulation introduced the “black box” problem: what is really happening inside that machine? Tests are routinely administered to detect defects and fraud attempts, yet tales of machine-assisted election tampering go back many years.

While even the simplest voting machine is subject to tampering, doubts grow dramatically when the machine contains parts – such as secret software – that election officials are *not allowed to see*. Computer experts agree this constitutes a serious risk – we must know what the machine is doing with the ballots, that they are being recorded and tabulated accurately and honestly.

The solution is *open code*. The technical workings of any device that handles votes should be fully open for inspection by officials. Software that is available to inspect is called *open code*. Open doesn’t imply “free to copy” – seeing my blueprints doesn’t license you to build my device. Many software experts believe that any voting computer should – or must – use open code.

Proof of receipt

Computers can effortlessly index vast amounts of information. Secure tabulation computers can let voters look up their ballots long after election day is over. Days after the election, a voter can visit a web site, enter his or her receipt number, and see a secret word or phrase he chose as proof that his ballot arrived safely.

This feature is one example of the power of technology to increase voter access and trust to levels impossible with paper ballots. In coming years we will see more such innovations throughout the voting systems industry.

Immunity from tampering

A well-designed trusted service can use other less-trusted technologies without danger. For example, paper ballots can be delivered using ordinary mail, not special “voter mail,” because the security is provided by special envelopes, ballot boxes, and careful handling procedures. Similarly, online voting systems can use ordinary Internet technologies to move information around the globe, as long as the voting systems add proper security to what’s already there.

The Internet equivalent of an envelope is encryption. When a message is encrypted, just like a paper inside a safety envelope, it cannot be read or altered along the way. Voting software using military-grade encryption can safely deliver ballots across any kind of Internet connection with no risk of spying or tampering. The better the voting software, the safer the ballot, regardless of how poor the voter’s Internet connection may be.

What about *paper*?

None of us would demonstrably and routinely *obstruct* participation in elections. Yet that is just what voting by paper does, especially when the voter is overseas.

The Australian Electoral Commission state that when they provided the option for overseas soldiers to vote online, the number who were able to vote on time and be counted rose from 22 percent to 75 percent. And as reported in the *National Journal*, when the US Democratic

Party allowed expatriates in the recent Presidential primary to vote abroad, voter registration increased tenfold, and 54% chose to vote online (vs. only 3% for paper mail and fax combined).

Many completed ballots arrive late or never, and many will be invalidated – and the great majority will never exist at all, because soldiers and other expats are simply too busy to deal with balloting by mail.

Paper gets a failing grade for ease of access (wait for it to come in the mail), security (a dishonest postal official can read or even alter your ballot), reliability (foreign postal services are notorious for delaying and losing mail), and access for the blind and motor-impaired. There is no encryption of the contents, nor timely verification of delivery.

If paper were not a familiar old technology, we would never seriously propose using it today. While we all like paper, its obviousness and its tangibility, modern online technology is more secure, accessible, timely, reliable, and usable.

Continuity of Service

One of the risks with any technology is that it will break. This gets worse when someone is motivated to break it on purpose.

Polling stations are subject to any number of obstructionist techniques. However illegal, we all know that these happen. Similarly, those with criminal intent may interfere with the mail. And absentee ballots can be mishandled by relatives or volunteers claiming to help.

Electronic technologies are not immune from these sorts of shenanigans. Malicious individuals seeking to interfere with an election can attempt to jam up phone lines, fax lines, or

Internet connections, or to somehow cause a malfunction of the receiving phone system, fax system, or computer system.

Fortunately technologists have many years of experience protecting technical infrastructure from such threats. Large corporations routinely receive threats from criminals hoping to extort money from them; yet the web sites continue to run, telephones continue to be answered, merchandise continues to be shipped, and bank accounts continue to reflect the deposits made.

Every election technology will always be subject to malicious behavior from the enemies of democracy, or from sore losers who don't expect to win the day's election. We must be ever vigilant against such attacks. Technology does not make human nature better or worse, but it does provide us with tools and well-tested techniques for security.

Protecting voters from misdirection

Lately we have heard about fake or incorrect registration information sent to voters in the mail. The citizen who thinks he has registered but has not, or who thinks he has cast a ballot but has not, has effectively been cut out of the election.

Every channel has some "point of entry" where the voter shows up ready to vote, and must not be fooled by cheaters. While it is hard to secretly build a fake polling place, or to somehow answer a voting phone number that you don't own, it is relatively easy to print a fake paper absentee ballot.

Somewhere in between these two is the difficulty of building a fake web site. Fortunately there are techniques for a website to prove its authenticity. These can be as simple as telling

each voter a personal secret number which the website must present, or as sophisticated as using an encrypted digital signature to prove the website's identity.

Overall we should consider telephone voting the hardest nut to crack for would-be fake pollsters; computer voting is also challenging; and paper voting is probably the easiest. Since we currently use paper for almost all absentee voting, this problem will get better through the use of technology.

Conclusions

Remote and disabled citizens must have their constitutionally mandated right to vote. Today's solution, paper, is failing miserably on timeliness, usability, and reliability – and it shows in the low numbers of military and overseas citizens who get their votes counted, and the great dissatisfaction of disabled advocacy groups. Technology can be used to solve many or even all of these problems – but

it must be the right technology. Email is a totally unacceptable solution, and fax has numerous limitations. Online (computer and phone) systems have the most potential to serve remote and disabled users, as seen in use by banks and the military, when designed and used correctly to deliver on their security promises.

□□☒

About the Author

Aaron Contorer is Chief of Products and Partnerships at Everyone Counts, Inc., which provides accessible, transparent, and verifiably secure multi-channel election services.

Mr. Contorer is a former executive of Microsoft, where he served as Bill Gates' technology advisor, and as architect for the transition of MSN onto the Internet. He is an inventor on over a dozen patents in computer security and networking.

See summary table on next page.

Appendix: Technical Approaches to UOCAVA Access

Scale: None – Poor – Fair – Good – Excellent

<i>Requirement</i>	<i>Paper</i>	<i>Email</i>	<i>Fax</i>	<i>Online Phone</i>	<i>Online PC</i>
<i>Deliver Blank Ballot</i>	Slow	Fast	Fast	Instant	Instant
<i>Prevent Invalidation</i>	None	None to Fair	None	Excellent	Excellent
<i>Privacy</i>	Good (if not disabled)	Poor - Fair	Poor	Good - Excellent	Excellent
<i>Prevent Alteration</i>	Fair	Poor	Poor to Fair	Excellent	Excellent
<i>Access for Blind</i>	None - Poor	Good	None - Poor	Excellent	Good
<i>Access for Motor Impaired</i>	Poor	Good	Poor	Excellent	Good
<i>Audit</i>	Good - Excellent	Poor	Poor to Good	Excellent	Excellent
<i>Evidence of Receipt</i>	None	Fair	Good	Excellent	Excellent
<i>Black Box Solved</i>	Excellent	Poor	Good	Excellent	Excellent
<i>Prevent Denial of Service</i>	Good	Good	Good	Good	Good
<i>Prevent Misdirection</i>	Poor	Fair	Fair	Good	Good

Proven Innovation Solves Problems Surrounding Military & Overseas Voters' Ability to Fully Participation in Elections

By Paul DeGregorio

What if only one in six eligible Americans attempted to vote in a general election? And then what if only one-third of those who attempted actually had their ballots cast or counted? Why didn't the other 83% even try? How can an election be fair when nearly 95% of voters are unable to participate and have their votes counted?ⁱ

*This is currently the case for America's military and overseas voters.*ⁱⁱ

But the USA is not alone in this regard. Nearly 250 million people throughout the world reside outside of their regular electoral constituencies.ⁱⁱⁱ And over 100 countries require their election officials to serve these remote voters while they are outside the country.^{iv}

Increasingly, many officials are recognizing that the continued use of 100-year old voting methods won't work to solve these issues.^v

In countries outside of the United States, tried, tested, and transparent online voting channels are now bringing the reach of democracy to the millions of overseas and disabled voters who have until now, been unable to participate.

Online voting is now accepted for a wide range of high integrity private elections such as shareholder votes and labor union ballots, with demand increasing each year. Use in binding public elections, which have typically been subject to controlled pilots, is also increasing worldwide.^{vi}

The earliest pilot to serve military voters was deployed by the U.S. Department of Defense in 2000 in a very limited trial. Since then, pilots have continued throughout the world: Intensive government pilots of online voting have run for more than 8 years in the UK, an ex-patriot voting system has been deployed in the Netherlands, online local voting is ongoing in Switzerland and Canada,

and in 2007 the national election in Estonia included an online voting channel for all voters, including disabled voters, and in Australia, military voters serving in Iraq and Afghanistan were able to vote via the Internet in a hotly-contested national Parliamentary election. In addition, political parties in the USA, UK and Canada have been utilizing online voting to increase participation of their members since 2000.

The U.S. remains behind, with only one attempt at implementation since the success of 2000. In 2004 the Secure Electronic Registration and Voting Experiment (SERVE) sought to provide true remote Internet voting for military serving abroad. However, the contracted system was questioned close to the deployment date in 2004 and the system shelved.^{vii}

Some of those questions involved the security of online voting. In fact, while some electronic voting devices and traditional ballot boxes can be attractive targets for fraud, given that each collects hundreds of votes, a remote voter's PC is a far less attractive target for fraud. One remote PC is likely to collect only one or two votes. Further, an attacker has no way of accurately knowing which PCs will be used for remote voting.

Online voting applications can benefit voters by increasing accuracy. Computer-based voting can prevent over-votes and minimize under-votes and also can use multiple languages and even pictures and audio to assist with illiteracy.^{viii} Unlike many current systems, however, remote online voting also provides for very strong receipting.

This paper highlights two case studies that demonstrate how proven channels of voting are being used abroad to decrease barriers and increase participation of the groups most disenfranchised by current voting systems.

Australia: Increasing Access for Military Voters

Australia is a parliamentary democracy whose elections are often called just 30 days or so before polling day. This makes it difficult—if not impossible—for



ballots to be mailed to voters overseas and even more difficult for their ballots to be returned in time to be counted. Because of this, while voting is compulsory for most Australians, it is not for military personnel.

To verify the magnitude of the problem, a study was completed after the 2004 Federal Election by the Australian Electoral Commission (AEC). The study showed a problem similar to that in the United States: postal ballots were received for the election from only 22.8% of military personnel deployed overseas to operational areas.

Recognizing the seriousness of such a high disenfranchisement rate, the AEC brought the issue to the attention of the Australian parliament, who took decisive action to rectify the problem. They set a plan in motion to ensure that when the next parliamentary election was called, the AEC would be ready to enfranchise their military voters through secured online voting.

And ready they were.^k

In 2006, the AEC established a project that would involve a partnership between its office, military representatives in the Department of Defense, and Everyone Counts, Inc., a company with extensive experience in providing secure innovative solutions utilizing online and telephone voting systems.^x

The system provided by Everyone Counts had to meet stringent audit requirements before it could be used and installed on a specially purposed array of servers within the DoD that would be controlled by the Australian Electoral Commission. A test lab

contracted by the AEC performed an independent deep audit of the source code. It was required to prove that the source code was resistant to any malicious tampering, presented an accurate representation of votes cast in the printed record and was unable to allow the association of a voter with the vote cast.

In addition, the AEC observed builds of the software and any changes to the code that were requested. Access to the voting servers was highly restricted.

Cryptography and encryption ensured votes remained secret and protected. Voter authentication took place via the server (not the voting applet) using a technique where non-identifying credentials form the basis of uniqueness and sparseness and identifying credentials (such as DOB, SSN or similar) were strongly hashed by the applet. All votes were authenticated at least twice. To increase security and prevent the potential for internal security breaches, decryption took place on an off-line system using a private key that was protected by a thresholding system.

The net result of this very successful online voting pilot was a system that increased military voter participation in the November 2007 parliamentary election four-fold. Not a single vote was challenged or contested. The system was universally praised by voters and election officials.

Increasing Access for US Voters Abroad in 2008

Democrats Abroad (DA) is an official body of the U.S. Democratic National Committee, representing thousands of U.S. voters affiliated with the Democratic Party. Clearly aware of the difficulty that Americans living abroad have in obtaining and returning a ballot in time to be counted in U.S. elections, Democrats Abroad researched options to facilitate participation in the DA presidential primary scheduled for February 2008. Observing that online voting had been utilized successfully by political parties in other countries, they announced the first-ever multi-channel "Global" primary election.

Democrats Abroad offered their members the ability to vote in one of four ways. Once registered with DA, overseas Democrats could choose to vote in person at one of 100 designated caucus sites located 30 countries; receive and mail a ballot to their DA country representative; receive and send their ballot by fax; or cast their ballot online. Internet voting was offered through a secured system developed by Everyone Counts, Inc.

DA designated the period of February 5-12, 2008 for the balloting, with a deadline of January 31 for voters to join and sign up at their website, www.votefromabroad.com. Once registration closed, a voting list was developed and qualified voters were sent authentication and voting information. The Internet voting mechanism was web-based and utilized a secure server that was continually monitored for attacks (none occurred). The voting applet gave voters the opportunity to vote for any one of the Democratic Party candidates. The system allowed for voters to print a copy of their voted ballot and also have their online ballot cancelled before close of voting if they received and voted an absentee ballot from their home state (they were asked to vote in either one or the other).

Adding an online voting channel resulted in a seven-fold increase in participation, with military and civilian Americans casting their online ballots from 164 countries, including Antarctica. Voters chose voting by Internet more than 2 to 1 over voting in person, by mail and by fax, combined!

Like the Australian military voting project, the first-ever Democrats Abroad online Global Presidential Primary was a tremendous success. Many voters who have been disenfranchised before were able to vote.

These case studies, along with successful Internet voting projects elsewhere, prove that the time is now for policymakers and election officials to offer more – not fewer – opportunities for voters to have their voices heard – and have their votes counted.

Paul DeGregorio is the former Chairman of the U.S. Election Assistance Commission (EAC), COO of IFES-Democracy at Large and Director of Elections in St. Louis County, Missouri USA. He is currently COO of Everyone Counts, Inc (www.everyonecounts.com) and can be reached at paul@everyonecounts.com

¹ See EAC UOCAVA Report on 2006 election, Tables 21c and 22. http://www.eac.gov/News/docs/uocava_report_final-4_printing.pdf/attachment_download/file

² See "Sam Wright: Another Election Decided by Disenfranchised Military Personnel" http://www.military.com/Opinions/0_Wright_122704_00.html

³ See Jeremy Grace: *Challenging the Norms and Standards of Election Administration: External and Absentee Voting* (IFES, 2007), p. 35-58

⁴ International Institute for Democracy and Electoral Assistance (International IDEA) www.soe.int/_/democracy/EVoting/IDEA%20-%20Gratchew%20-%20Ev%20Strasbourg%20November%202005.ppt

⁵ See "Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem" found at: www.vote.caltech.edu/media/documents/wps/vp_wp52.pdf and Medill Reports: "Military voting riddled with complications, inconsistencies" 3/08.

<http://news.medill.northwestern.edu/washington/news.aspx?id=80812> and "Despite Laws, Disabled Voters Face Barriers at Polls" 10/06

<http://newsstandnews.net/content/index.cfm/items/3822>

⁶ See "Online Voting Clicks in Estonia" *Wired*, 3/07 www.wired.com/politics/security/news/2007/03/72846?currentPage=all

⁷ See "*Point, Click, and Vote: the Future of Internet Voting*," R. Michael Alvarez and Thad E. Hall. Brookings Institution Press. 2004. Washington, DC. <http://www.brookings.edu/press/Books/2004/pointclickandvote.aspx>

⁸ See "*Electronic Elections: The Perils and Promises of Digital Democracy*" by R. Michael Alvarez & Thad E. Hall, Princeton University Press 2008.

⁹ See: Remote Overseas Voting for Australian Defence Force Personnel

http://www.aec.gov.au/Votlib/e_voting/adv.htm

¹⁰ See <http://www.evervotecounts.com/index.php/news/3437>

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OVERSEAS AMERICANS WEEK
WWW.OVERSEASAMERICANSWEEK.COM

Statement on voting reforms needed for military and overseas voters

Committee on House Administration hearing on "Military and Overseas Voting"
 May 21, 2009

Americans abroad are proud of their citizenship and vigilant in guarding their constitutional right to help elect their President, Vice President and Members of Congress. For most overseas Americans, their right to vote is the primary means available to them to participate in the American democratic process. Civilian voter turnout overseas has increased steadily in recent years, and overseas Americans have historically had higher election participation rates than their state-side counterparts – typically 3+% of votes cast, although they comprise only about 2% of the electorate. The vast majority of local election officials surveyed after the 2008 federal election noted increased overseas voter participation compared with previous years. Unfortunately – and despite some recent reforms – overseas voters continue to face a range of obstacles and bureaucratic pitfalls that all too frequently frustrate their efforts to exercise their cherished democratic rights.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986 defines the rights of military and overseas U.S. citizens to vote in U.S. federal elections, and sets out the parameters for registering and voting by absentee ballot from overseas. UOCAVA was complemented by the Help America Vote Act of 2002 that addressed a plethora of problems in voting domestically and attempted to eliminate some of those faced by overseas absentee voters.

Nevertheless, overseas citizens still face a number of obstacles in casting their votes and having them counted. In the Overseas Vote Foundation 2008 Post Election Voter Survey, more than one in five (22%) of the 24,000 respondents did not receive the official ballot they expected; nearly one-third (31%) of experienced overseas voters still had questions or problems when registering to vote; and more than half (52%) of those who tried but could not vote, were unable to because their ballots were late or did not arrive at all.

We urge Congress to enact legislation in time for the 2010 federal election, addressing the problems still encountered by Americans attempting to vote from abroad.

Voting procedure reforms still needed

Timely expedition of ballots: The lateness of many states in sending out their absentee ballots often makes registration and voting impossible; slow foreign mail systems exacerbate the problem. All states should accept the Federal Write-in Absentee Ballot (FWAB) as a "same day" registration request and completed ballot, as is now the case for some. Optimally sixty but no less than forty-five days should be the *minimum interval* between transmittal of ballots and the deadline for voted ballots to be received by local election officials. New methods of *electronic transmission* of electoral materials should be further developed, including the possibility of faxing the federal application form and of downloading ballots from the Internet, to be completed and returned by mail.

Non-voted ballots should be required to be received before the official Election Day. In the event of *special emergency elections*, the period between announcement of the elections and receipt of *all* ballots should be uniformly fixed at 60 days.

1/2



Voter registration, ballots and/or Federal Write-in Absentee Ballots *should not be refused for any reason that can disadvantage overseas voters, such as "non-standard" size, shape, weight or color of paper of the application, envelope or ballot (given that such materials are now often downloaded using non-American machines and paper); notary, witness or oath requirements (given the often prohibitive cost of access to notary services outside the United States); delivery of the application or ballot by a method other than the Post Office (to allow for hand delivery, courier or express mail services); voter identification requiring proof (e.g. in-state driver's license) not available to overseas citizens; or arbitrary requirements that are not necessary to prevent fraud.*

American citizens who do not meet state residency requirements *should have the right to vote in all states and the District of Columbia at the legal voting residence of their U.S. citizen parent(s). Today, only seventeen states explicitly enable Americans who cannot satisfy state residency requirements to exercise their constitutional right to vote in federal elections, though some states are introducing new initiatives.*

Postmark and date stamp requirements *should be eliminated; all dated ballots should be accepted.*

In addition, we urge full implementation of certain provisions of the Help America Vote Act (HAVA):

Voting assistance programs *which, under HAVA, are to be expanded for absent uniformed services voters. The same should apply to civilian overseas voters.*

Statewide voter registration databases: *dependent on funding and essential to the constitution of complete, accurate, regularly updated lists of voters and to the generation of statistics which will enable refining procedures in the future. Full implementation of all such databases must be accelerated.*

The single state office *which provides information to overseas voters on registration and absentee ballot application procedures: Congress also recommended that this same office accept registration applications, absentee ballot applications, and absentee ballots (including Federal Write-In Absentee Ballots) for the entire state. This recommendation can greatly facilitate and simplify voting from overseas.*

Statistical reporting: *now available on the number of overseas absentee ballots transmitted and received. In HAVA, Congress recommended that these statistics include the number of registration applications received, the number rejected, the number of ballots requested, the number of ballots rejected and the reasons for any rejection in all cases. This is needed to continue to improve voting procedures for overseas and military voters.*

Appropriations requirements: *There still remains a shortfall in total HAVA funding and, in view of the considerable needs, we continue to call for its full funding at a bare minimum.*

Conclusion

Our organizations are all original members of the newly formed *Alliance for Military and Overseas Voting Rights (AMOVR)*, grouping overseas citizens' advocacy organizations; state, local and federal election officials; and all branches of the military including active and retired service members and their families. The stated goals of the Alliance are to effect real change in voting procedures for UOCAVA voters before the 2012 elections and to ensure that absent military and overseas civilian voters enjoy an equal right and ability to vote. We are greatly encouraged by the initiatives being undertaken in both Houses of Congress and hope to work with our legislators to ensure that, with every year that passes, fewer and fewer Americans are deprived of their most precious right and responsibility as citizens: the right to vote.





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May 19, 2009

United States House of Representatives
Committee on House Administration
1309 Longworth Building
Washington, DC 20515

Dear Chief Clerk,

Attached please find written testimony for the May 21 meeting of the United States House of Representatives Committee on House Administration to hear testimony regarding voting problems facing military and overseas voters. Thank you for this opportunity to present written testimony.

Please do not hesitate to contact me if you have questions.

Sincerely,

Alec Yasinsac, Dean

**WRITTEN TESTIMONY OF ALEC YASINSAC, PH.D.
SCHOOL OF COMPUTER AND INFORMATION SCIENCES
THE UNIVERSITY OF SOUTH ALABAMA
PREPARED FOR THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOUSE ADMINISTRATION MEETING TO HEAR
TESTIMONY ON PROBLEMS FACING MILITARY & OVERSEAS VOTERS
MAY 21ST, 2009**

Executive Summary

Several scientific studies conducted over the past year consistently confirm that military and overseas voters face severe challenges in exercising their voting rights.

The greatest single opportunity to fix voting for military and overseas voters is to eliminate the multi-day transmission delay for election materials between the voter and their voting jurisdiction. Virtually all of the problems that overseas military members face become imminently solvable if the transmission time shrinks from days to minutes or hours.

The Overseas Vote Foundation¹ (OVF) is a champion of using the Internet to provide an electronic conduit between overseas voters and their voting jurisdiction for many election materials. Since their efforts and capabilities are well known, this testimony focuses on a critical area that OVF has not pursued: electronic delivery of marked ballots.

We organize the testimony to first address the following four challenges that overseas voters face:

- (1) The present system does not provide sufficient time for military & overseas voters to vote.
- (2) Mistakes by military & overseas voters are markedly unforgiving as compared to other voters.
- (3) Vote by Mail is inherently insecure for military & overseas voters.
- (4) There are unnecessary barriers to military support for the voting process.

We then describe a systematic way to find an optimal approach for safely eliminating excessive transmission delay in marked ballot return. The plan is based on sponsored pilot projects and we lay out several critical security and operational principles for the pilots and the approaches that they exercise.

¹ <http://www.overseasvotefoundation.org/>

**WRITTEN TESTIMONY OF ALEC YASINSAC, PH.D.
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PREPARED FOR THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON HOUSE ADMINISTRATION MEETING TO HEAR
TESTIMONY ON PROBLEMS FACING MILITARY & OVERSEAS VOTERS
MAY 21ST, 2009**

Thank you for the opportunity to provide testimony to this meeting. My name is Alec Yasinsac. I am Professor and Dean of the School of Computer and Information Sciences at the University of South Alabama. I have significant voting system experience, having conducted numerous government sponsored voting system security reviews and have over thirty years experience in computers and communication systems. I am also a retired Marine that voted absentee for most of my twenty years of service.

The problems that face military and overseas voters are vast and have gone on for far too long. Efforts to date to chip away at the corners of the problem typify a modification to an old adage:

A-little-bit-better is the enemy of good-enough.

Military and overseas voters are disproportionately disenfranchised in alarming numbers and we must commit the resources, and will, to make the necessary changes to eliminate this disparity.

This testimony first identifies four specific voting problems for military and overseas voters:

- (1) The present system does not provide sufficient time for military & overseas voters to vote.
- (2) Mistakes by military & overseas voters are markedly unforgiving as compared to other voters.

- (3) Vote by Mail is inherently insecure for military & overseas voters.
- (4) There are unnecessary barriers to military support for the voting process.

The testimony then provides recommendations that can lead to timely, reliable voting for military & overseas voters

The present system does not provide sufficient time for military & overseas voters to vote.

In the past five months, the Overseas Vote Foundation, National Institute of Standards and Technology, and Pew Charitable Trusts released reports on Military and Overseas Voting. The U. S. Elections Assistance Commission (EAC) commissioned a study on this topic in 2007, as did the U. S. General Accounting Office (GAO). It is encouraging that the topic is receiving significant attention, as is well demonstrated by this hearing. This attention is long overdue.

Maybe the most telling of all the facts that emerged from these reports is that the *good news* is that:

²31 of our 50 states provide enough time for their deployed military and overseas residents to vote.

Yes, this is the good news. Taken from the report released by Pew Trusts on January 6 of this year, we know that nineteen of our fifty states do not provide enough time for military/overseas voters to successfully cast their ballot. This illustrates just how pervasive the challenges are to enabling military members and their family to cast their ballots.

It is instructive to examine what it means in the PEW Report for overseas voters to have "enough" time. From the same report:

² Pew Trusts, "No Time to Vote", January 6, 2009, http://www.pewtrusts.org/news_room_detail.aspx?id=47924

The average time required for overseas voters to cast their ballots in those states is 29 days

This means that in those states that provide enough time to vote, overseas voters begin the voting process twenty nine days before election day, effectively imposing a 29-day penalty on overseas and military voters.

A canonical UOCAVA voting process may apply some form of the following serial steps:

- (1) Voter requests an official absentee ballot request form
- (2) The local jurisdiction processes the request and puts the absentee ballot request form in the mail to the voter
- (3) The mail system delivers a blank absentee ballot request form to the voter
- (4) The voter fills out the absentee ballot request and puts it in the mail to their election jurisdiction
- (5) The mail system delivers the completed absentee ballot request to the voter's jurisdiction
- (6) The jurisdiction processes the request, authenticates the voter, resolves any discrepancies in the voter's record, and selects the proper ballot. When the ballot is ready, the jurisdiction puts the ballot in the mail. Note that the ballot cannot be selected until after the jurisdiction finalizes the ballots, which may be fairly close to election day.
- (7) The mail system delivers the blank ballot to the voter
- (8) The voter receives the blank ballot, marks the ballot, and places the marked ballot in the mail to be returned to their jurisdiction

- (9) The mail system delivers the marked ballot to the jurisdiction
- (10) The jurisdiction processes the ballot and incorporates it into the vote tally on election day

Each of these serial steps takes time and is dependent on human processes. An error or delay in any step can cause the cycle to fail resulting in disenfranchisement.

Moreover, while some states allow unregistered voters to combine their registration with their absentee ballot request, some states may prefix the following steps into the process for unregistered UOCAVA voters:

- (0.1) Voter requests an official registration request form
- (0.2) The local jurisdiction processes the request and puts the blank registration form in the mail
- (0.3) The mail system delivers a blank registration form to the voter
- (0.4) The voter fills out the registration form and puts it in the mail to their jurisdiction
- (0.5) The mail system delivers the completed registration form to the jurisdiction
- (0.6) The local jurisdiction processes the request, authenticates the voter, resolves any discrepancies in the voter's record, and enters them into the voter rolls

This prospective sixteen step process, with six mail-dependent steps, does not represent the worst case, which includes additional iterations necessitated by errors. It is certainly possible to reduce the time required for military & overseas voters to vote by reducing the number of steps in this process, and all

states exercise some form of step reduction. Pushing information and materials, rather than waiting for requests, can reduce the time required, but often depends on stable location information, which is not possible with many military voters.

Moreover, chipping away at the number of required steps cannot remove the inherent delays in international mail. Military members deserve to be confident that their ballots will be counted on election day and that their votes will be included in the first reported count. Election materials transported through international mail cannot offer that assurance.

Mistakes by military & overseas voters are unforgiving compared to other voters.

An often overlooked aspect of this issue is that the voting experience for military & overseas voters is much less rich than for their polling place counterparts. For example, depending on the state from which they hail and other details of the situation, military & overseas voters may not be able to:

- Change their mind
- Employ routine voting error checks
- Fix mistakes
- Reliably track their ballot
- Stop in to vote on their way to work
- Register on election day
- Change residence close to election day

Think of the simplest of restrictions: if while marking their ballot a military or overseas voter errantly selects a candidate, the only means to make a correction may be to request a replacement ballot³ and it is unlikely that a replacement ballot could arrive in time to complete the process in most cases. Additionally, if after they mail their ballot they gain

³ Some states offer VBM voters procedures to correct mistakes

additional information about the candidates, e.g. by watching a televised debate, they are unlikely to be able to change their mind because of the inherent delivery delays.

Certainly, any one of the listed issues can be overcome, but when combined, their result is devastating to this voting group. The collective impediments are highlighted by the contrast between the percentage of requested absentee ballots returned among the general voting population (86%) and those from overseas/military voters (27%) (these statistics are also from the Pew Report).

This is an apples-to-apples comparison. Voters that go to the trouble of requesting an absentee ballot are serious about voting. They are willing to devote the effort necessary to cast their ballot. Military & overseas voters are being disenfranchised in large numbers.

Many of these problems are related to the time required to transport materials between military members and their voting jurisdiction. Materials transported through international mail cannot offer the services needed to support voting for military & overseas voters.

Vote by Mail (VBM) is inherently insecure for military & overseas voters.

The VBM system that the preponderance of military & overseas voters use does not support the fundamental voting system requirements of coercion resistance, vote-sale resistance, verifiable privacy, nor are they auditable. In many cases, if military members residing overseas are able to detect that their VBM ballot was not delivered, they are unable to attain and send a replacement ballot in time to be counted.

There are many ways that VBM ballots offer limited reliability and accountability.

Lost mail. The mail system is designed to deliver a large volume of mail in a short time. It is not generally designed to track each item, so, as many of us have experienced ourselves, mailed items are routinely lost.

Because of its design that does not establish a rigorous chain of custody, any approach that employs regular mail for marked ballot delivery is not auditable. Mail can be lost with no ability to find lost items, or in some cases, even to detect their loss.

Voter errors. VBM procedures are inherently complex and error prone. We found little broadly applicable historical data on this topic, but in the 2008 election in Minnesota approximately 4.2% of all VBM ballots were rejected (approximately 12,000⁴ of 288,000⁵) due to procedural errors by voters. Common errors include failure to sign, signing in the wrong place, and improper packaging (e.g. husband and wife bundling two absentee ballots in the same envelope).

This 4.2% vote loss percentage does not include ballot marking errors that may have been prevented or corrected at the polling place, so the overall vote loss/error rate is likely substantially higher than 4.2%, while in-precinct ballot rejection is likely near zero percent.

Election official errors. Inherently complex VBM procedures are also difficult for temporary elections officials, even those who routinely process VBM ballots, to understand and follow. In Minnesota, at least 13% of the rejected absentee ballots were rejected in error⁶. The actual percentage of erroneously

⁴ Startribune.com, "Senate recount: Pendulum swings to Franken", By MIKE KASZUBA and CURT BROWN, December 3, 2008

⁵ <http://www.sos.state.mn.us/docs/postpercanvassingreport1117250p.pdf>

⁶ http://www.startribune.com/opinion/editorials/36194339.html?elr=KArks7PYDiaK7DUqyESD7UID3aPc:_Yyc:aUU

rejected ballots may be higher, because there may still be erroneously rejected ballots that have not been detected. In one Minnesota county⁷, after the senate contest was certified and reviewed, another, further review revealed that 20% (30 of 150) of the thrice-reviewed rejected ballots had been erroneously rejected by local elections officials "...who misunderstood state law or mishandled ballot applications".

Administering VBM ballots is an inherently complex process and significant errors are certain to occur.

Duplicated ballots. Many jurisdictions require elections officials to duplicate damaged or difficult-to-read VBM ballots. This creates a significant opportunity for mishap (or mischief), as in the Minnesota senate race where the Wall Street Journal⁸ suggests that duplicates may have been counted twice in several precincts.

But it appears some officials may have failed to mark ballots as duplicates, which are now being counted in addition to the originals. This helps explain why more than 25 precincts now have more ballots than voters who signed in to vote.

Vote Attribution. Voter privacy is commonly seen as the voters' ability to cast their ballot without anyone being able to know their selections. VBM is inherently susceptible to violations of this minimal privacy interpretation since each VBM ballot must be bound to the voter's identity in order to ensure one-person, one-vote. Elections officials institute procedures to protect voter privacy, but the inherent vulnerability still exists for every VBM ballot. VBM does not protect against vote attribution and is susceptible to widespread fraud.

⁷ http://www.startribune.com/politics/national/senate/39314392.html?elr=KArks7PYDiaK7DUvDE7aL_V_8D77:DiiUID3aPc:_Yyc:aUU

⁸ <http://online.wsj.com/article/SB123111967642552909.html>

There are unnecessary barriers to military support for the voting process.

There are three specific barriers that limit the ability to resolve problems for military & overseas voters. First, there is an unfounded aversion toward directly involving the military establishment in the voting process. Like dental, medical, and postal services, voting services must be provided as an essential service to military members, federal service employees assigned overseas, and their families.

Presently, the military's additional duty Voting Assistance Officer provides voting information to military members, federal service employees assigned overseas, and their families, but there is little operational voting service provided. The types of voting services that should be provided include, but are not limited to:

- Early voting centers
- Absentee ballot collection centers
- Electronic ballot delivery systems
- Network applications to support voting services

I have heard some express a hesitancy to formally involve the military establishment in any aspect of the voting process due to the risk of coercion. This concern is unfounded in empirical evidence and Chapter 29, Title 18 of the U. S. Code deals specifically with that concern. Military members, federal service employees assigned overseas, and their families will continue to be disproportionately disenfranchised until the military adopts voting as an essential service and commits the correspondingly appropriate resources to provide that service.

Second, there is significant inertia to bind voting advances for military members and their families to

similar gains for non-military overseas voters. This binding discounts the many fundamental differences in the two groups, including significant information security capabilities enabled by identity and oversight requirements for military members and their families. The two most obvious enabling distinctions are the military identification card that military members and their families carry and the access to military networks enjoyed on military bases.

Finally, since the 2002 Help America Vote Act became law, the structure and nature of voting locations have fundamentally changed, with vote centers and early voting locations replacing or supplementing the precinct-based polling place as the dominant marked ballot collection point. Unfortunately, U. S. Department of Defense policy has not kept pace with these changes. Specifically, the Department of Defense does not have a policy regarding states establishing absentee ballot collection points on military bases. DoD policy addresses only "polling places"⁹. This has already created challenges for elections officials that desire to improve absentee ballot collection for overseas federal employees, military members, and their families.

While UOCAVA governs both military voters and non-military overseas citizens, it does not preclude leveraging resources that are specific to any subgroup of covered citizens.

In order to correct more than one hundred years of military and overseas voter disenfranchisement, we must leverage every advantage available, with no artificial or preconceived limitations.

⁹ E.g. SECDEF WASHINGTON DC//PA// message date-time-group, 281449Z JAN 08

Recommendations that can lead to timely, reliable voting for military & overseas voters.

The greatest single opportunity to fix voting for military and overseas voters is to eliminate the multi-day transmission delay for election materials between voters and their voting jurisdiction. Virtually all of the problems that military and overseas voters face become imminently solvable if the transmission time shrinks from days to minutes or hours.

The Overseas Vote Foundation¹⁰ (OVF) is a champion of using the Internet to provide an electronic conduit between military and overseas voters and their voting jurisdiction for many election materials. The progress they have made in the past few years is remarkable. Since their efforts are well known, the rest of this testimony focuses on a critical area that OVF has not pursued: electronic delivery of marked ballots.

The frustration of military voters is exemplified by the following note from a military member recorded in the January 2009 report from OVF:

*Registered to vote. Serving in Afghanistan. Never received a ballot. Tried to use the Federal Absentee Write in process - still required me to mail in the ballot and I was out of time... am very angry!*¹¹

That Marine, soldier, sailor, etc. should be able to cast their ballot even if [or maybe particularly if] they didn't return to base from two months in the bush until election day itself.

Electronically returning marked ballots can eliminate or mitigate many of the present problems with overseas/military voting; the challenge is to find ways to leverage the power of electronic delivery while also protecting the integrity of the voting system.

¹⁰ <http://www.overseasvotefoundation.org/>

¹¹ https://www.overseasvotefoundation.org/files/OVF_2009_PostElectionSurvey_Report.pdf

Internet Challenges

The Internet is a digitally-dangerous place and it is critical to understand the risks and challenges before discussing specific solutions. Anonymity is fairly easy to attain on the Internet, so deterrence to committed intruders is minimized. Additionally, the opportunity for high hacking Return-On-Investment is great and there are organizations that openly advertise on the Internet that they are available to contract for cyber-attacks. Botnets, a particularly sinister type of malicious software (or malware), are pervasive on the Internet. While we do not, and cannot, know the number of infected machines, it is not unreasonable to expect that half of all Internet-connected computers contain some malicious software.

Why is this? The Internet was engineered to foster collaboration and passing information so its architecture was not designed to handle fundamental security concerns. As is often the case, security was an afterthought.

These threats to Internet-connected computers are not just theory; they are real. Virus scanners cannot prevent virus infection and firewalls cannot keep hackers out of network-attached computers. Each of these state-of-the-art defenses can be easily overcome by sophisticated intruders.

The SERVE Project

After an early attempt to examine Internet voting in the 2000 project entitled "Voting Over the Internet" the U. S. Department of Defense commissioned a Secure Electronic Registration and Voting Experiment, or SERVE, in 2003. Four members of SERVE's technical advisory committee that evaluated the SERVE architecture reported significant security challenges for Internet voting schemes. Among those challenges were the risk of malicious software on personally owned personal computers and the pervasive threats on the

Internet against any widely implemented Internet application.

These challenges remain in place today as we still are not able to ensure integrity of arbitrary remote network nodes. The SERVE Report¹² is not alone in its skepticism regarding Internet voting. There are many sound research reports that confirm the primary risk that the SERVE Report documents.

A common question revolves around comparisons of voting to financial systems that pass literally billions of dollars a day across the Internet. The argument goes something like this: "If we can pass money around the Internet in this quantity and with this ease, why can't we vote over the Internet too?"

There are two overriding differences between financial systems and voting applications.

First, financial systems require records that bind a person to each transaction. Thus, there is a record of who conducted each transaction along with critical transaction details. Conversely, election integrity (and often, state law) requires that voters be irreversibly separated from their selections once their ballots are cast. This severely limits the ability to investigate irregularities, since the fundamental forensic data of who cast which ballot cannot be maintained.

The second difference between voting and financial systems is that financial systems can absorb a significant level of error and inconsistency during financial transactions, yet still maintain a positive profit margin. Voting systems enjoy no such flexibility, since even a very small error rate can result in an errant contest decision.

¹² <http://www.servesecurityreport.org/>

The fundamental problem identified in the SERVE Report turns on the proposition that we can neither prevent nor detect malicious software on privately owned computers. To date, there is no counter argument to this point. This strong theoretic result, that is consistently reaffirmed in practice, dictates that electronic marked ballot delivery systems should not employ privately owned computers, particularly not those that are connected to the Internet.

The Threat Picture

A pivotal consideration in estimating the risks of networked applications, particularly a voting application, is the size of the prospectively affected population. It is unlikely that an attacker would risk committing a felony in order to change a few votes with little likelihood of controlling a contest result. Moreover, if they do undertake a low-impact attack, the effect of success in that scenario is, by definition, low.

Conversely, as the stakes rise in terms of the size of the potential population, the cost or risk to the prospective attacker is more easy to justify.

The threat picture for voting applications for military & overseas voters is of low magnitude. If there are six million prospective military & overseas voters spread over more than 3,000 voting jurisdictions (and many more precincts), the opportunity for meaningful mischief is minimal.

The situation is even stronger for pilot projects with controlled, limited participation and exaggerated security procedures. The safest, most effective way to exercise and examine solutions for military & overseas voters is through government sponsored pilot projects.

The Path to a Solution

As is noted throughout the description above, the primary limitation to leveling the voting playing field for military & overseas voters is to reduce the ballot transmission time between voters and their local jurisdictions. The paradigm that is envisioned is a system that employs electronic blank ballot delivery and that allows the voter to attain a physical vote record that corresponds to their marked electronic ballot, with the electronic ballot being returned to their jurisdiction across an electronic network while the physical vote record is transported via courier.

While there are many technological challenges, based on my thirty years of computing experience and my fifteen years experience as an information security researcher, I am convinced that it is possible to mitigate the risk of attacks on pilot projects for electronic marked ballot delivery with the following provisions:

- For a limited sized voting population
- Apply strong information security techniques
- Use a centrally owned and controlled voting station
- Capture, retain, & compare electronic and physical ballot representations for every ballot cast

Under these stipulations, government sponsored pilot projects can exercise prospective solutions that can dramatically improve accessibility and turnout for military and overseas voters.

Pilot projects

There have already been several pilot projects that target electronically delivering marked ballots and much progress has been made. Through these pilots, we know that military members are anxious to vote and they are excited about using computers to overcome the limitations of reliance on physical ballot delivery.

The first objective of an electronic marked ballot return pilot is to assess the functional effectiveness of the piloted approach. That is, the pilot must determine if the exercised approach works under the limited pilot environment. There must be precise, measurable success criteria and a plan to validate these functional results.

While functionality is the most visible pilot focus, an essential element is for the pilots to demonstrate, or offer evidence, that the approach used in the pilot environment can reasonably be transitioned into an operational environment. That is, the pilot must be designed to determine whether the system has a good chance of succeeding under real world conditions.

In addition to functionality and scalability, pilot projects should examine multiple architectures to optimize cost and complexity to the greatest extent possible. For example, pilots should exercise:

- Virtual private networks
- Cryptographic voting systems
- Document delivery/upload systems

Additionally, the elephant in the room in many discussions on military voting is the capability to leverage military networks in the voting process for military and overseas federal service voters. Thus, pilots should be designed to exercise:

- Voting kiosks transmitting across military networks
- Selected military computers as voting terminals, transmitting across military networks

Pilots that exercise multiple architectures are preferable to single architecture pilots.

Finally, a pivotal aspect of any pilot must be to capture cost data sufficient to estimate implementation

and maintenance costs of the exercised approach if it were to be adopted.

Policy Barriers

Virtually all U. S. voters assigned to military bases overseas cast absentee ballots. In order to accommodate pilot projects that help these voters, the Department of Defense (DoD) should modify existing policies to promote these efforts. For example, DoD policy should specifically encourage base commanders worldwide¹³ to allow states to utilize base facilities as absentee ballot collection points and for other pilot projects that improve voting access for military members, their families, and federal service employees. This could be implemented in the bi-annual DoD Public Affairs Policy Guidance Concerning Political Campaigns and Elections.

Summary

The very nature of their service creates tremendous challenges to providing military members, federal service employees assigned overseas, and their families the capability to vote. We are a free society largely because of their sacrifices and we owe them much more than a debt of gratitude: We owe them the capability to reliably cast their ballots.

The greatest single opportunity to fix voting for military and overseas voters is to eliminate the multi-day transmission delay for election materials between the voter and their voting jurisdiction. Virtually all of the problems that overseas military members face become imminently solvable if the transmission time shrinks from days to minutes or hours. We can move strongly in that direction by establishing a series of pilot projects that leverage technology to reduce or eliminate military and overseas voters dependency on postal service and we should start now.

¹³ This is a critical requirement overseas, where all citizens assigned to bases vote absentee. It is also applicable stateside where the majority of all military members must vote absentee.



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**Written Testimony of Steve Wilborn
Chair, Drafting Committee on Uniform Military Services
and Overseas Civilian Absentee Voters Act
of the Uniform Law Commission**

**To the
United States House of Representatives
Committee on House Administration
Subcommittee on Elections**

**“Military and Overseas Voting: Obstacles and Potential Solutions”
May 21, 2009**

Thank you for the opportunity to submit written testimony on behalf of the Uniform Law Commission (ULC, also known as the National Conference of Commissioners on Uniform State Laws). I am the Chair of the ULC's Drafting Committee on Uniform Military Services and Overseas Civilian Absentee Voters Act. I have been a uniform law commissioner from the state of Kentucky since 1989. I am pleased to report on the progress of our drafting committee and the work that the ULC is doing to address the problems associated with military and overseas voters.

Uniform Law Commission

The Uniform Law Commission (ULC) has worked for the uniformity of state laws since 1892. It was originally created by state governments to consider state law, determine in which areas of the law uniformity is important, and then draft uniform and model acts for consideration by the states. For well over a century, the ULC's work has brought consistency, clarity, and stability to state statutory law. Included in this important work have been such pivotal contributions to state law as the Uniform Commercial Code, the Uniform Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Electronic Transactions Act, and the Uniform Prudent Management of Institutional Funds Act.

The ULC is a non-profit unincorporated association, comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners actually appointed. Most jurisdictions provide for their commission by statute. All commissioners must be lawyers, qualified to practice law. While some serve as state legislators, or employees of state government, most are private practitioners, judges, or law professors. Commissioners donate their time and expertise as a pro bono service and receive no salary or fee for their work with the ULC.

Now in its 117th year, the ULC works to harmonize state laws in critical areas where consistency is desirable and practical and supports the federal system by addressing issues of national significance best resolved at the state level.

The ULC has drafted more than 250 uniform acts in various fields of law setting patterns for uniformity across the nation, in such areas as business entity law, interstate child support and custody, investment allocation rules, and trust and estates law. The ULC's work prevents states from having to perform duplicative and costly research in addressing shared legislative issues. Uniform Acts are voluntarily adopted by state legislatures and localized to respond to each state's statutory framework and concerns.

ULC Procedures

Each uniform act typically takes two to four years to complete. The process starts with the ULC Scope and Program Committee, which initiates the agenda of the ULC. It investigates each proposed act, and then reports to the Executive Committee whether a subject is one in which it is desirable and feasible to draft a uniform law. If the Executive Committee approves a

recommendation, a drafting committee of commissioners is appointed. Drafting committees meet throughout the year. Tentative drafts are not submitted to the entire ULC until they have received extensive committee consideration at drafting committee meetings at which advisors from the American Bar Association and observers from any entity interested in the act have full opportunities to participate.

Draft acts are then submitted for initial debate of the entire ULC at an annual meeting. Each act must be considered section by section, at no less than two annual meetings by all commissioners sitting as a Committee of the Whole. Following extensive debate and promulgation in a vote by states, commissioners in each state and territory submit ULC acts for legislative consideration.

The ULC is not an interest group; drafting meetings are open to the public and all drafts are available on the internet at the ULC's website: www.nccusl.org. Because ULC drafting projects are national in scope, we are able to attract a broad range of advisors and observers to participate in our projects, resulting in a drafting process that has the benefit of a greater range and depth of expertise than could be brought to bear upon any individual state's legislative effort.

The ULC receives the major portion of its financial support from state appropriations. In return, the ULC provides the states with two related services: drafting uniform state laws on subjects where uniformity is desirable and practical, and then supporting the effort to enact completed acts. The ULC is able to get maximum results on a minimum budget because uniform law commissioners donate their time and expertise.

The Problems Facing Overseas and Military Voters

Military personnel and overseas civilians face a variety of unique challenges in participating in American elections, notwithstanding repeated congressional efforts – most prominently the enactment of the Uniformed and Overseas Citizens Absentee Voting Act of 1987 (UOCAVA) 42 USC §§ 1973ff *et seq.* – as well as various state efforts to facilitate these voters' ability to vote. In part, the difficulties that these voters face reflect the fact that American elections are conducted at the state and local levels under procedures that vary dramatically by jurisdiction. This lack of uniformity complicates efforts, such as UOCAVA, to assist these voters. Some of the obstacles that these voters face include, but are not limited to: difficulties registering to vote from abroad; ballots or ballot applications that never arrive; frequent changes of address; slow mail delivery time to and from overseas citizens, including military personnel; and failures to complete absentee voting materials properly, including noncompliance with notarization or verification requirements.

Figures from 2006 (the most recent federal election for which *full* data is available) illustrate the problems facing these voters. For instance, (1) while in 2006 military personnel were slightly more likely to have registered to vote than the general U.S. population (87% vs. 83%), the voter participation rate among the military was about half that of the general population (roughly 20% vs. roughly 40%), meaning that more than one million service members did not vote; (2) only 25% of military voters who requested an absentee ballot completed and returned one (compared

to 85% of voters generally); and (3) more than 20% of military personnel who did return a ballot had their ballot rejected. A similar pattern has occurred in other elections.

The ULC Response

In response to a request from the Pew Center on the States that the ULC consider drafting an act to address the voting difficulties facing overseas and military voters, the ULC Committee on Scope and Program recommended in July 2008 that a study committee be formed.

In September 2008, ULC President Martha Lee Walters appointed a Study Committee on a Military Services and Overseas Civilian Absentee Voters Act. The Study Committee was asked to complete its work and present its report to the ULC Executive Committee by mid-December 2008. Aiding the Study Committee's efforts during this time was the fact that the Pew Center on the States had already collected and was able to share a substantial amount of background information concerning the issues before the Study Committee.

The Study Committee held conference calls in the fall of 2008, and met in-person for a two-day meeting in December 2008. As a result of these deliberations, the Study Committee unanimously recommended that a drafting committee be formed to take up the work of preparing a Uniform Military Services and Overseas Civilian Absentee Voters Act. The ULC Executive Committee approved this recommendation, and a drafting committee was formed.

The drafting committee is comprised of the following members: Steve Wilborn, Shelbyville, Kentucky, *Chair*; Terry J. Care, Las Vegas, Nevada; Stephen T. Draffin, Columbia, South Carolina; Barry C. Hawkins, Stamford, Connecticut; Lyle W. Hillyard, Logan, Utah; Claire Levy, Boulder, Colorado; Luke Messer, Indianapolis, Indiana; Susan Kelly Nichols, Raleigh, North Carolina; Ralph G. Thompson, Oklahoma City, Oklahoma; Nora Winkelman, Harrisburg, Pennsylvania; Jack Davies, Minneapolis, Minnesota, *Division Chair*; Steve Huefner, Ohio State University Moritz College of Law, *Reporter*; John Dewitt Altenburg, Washington, DC, *ABA Advisor*; John C. Keeney, Washington, DC, *ABA Advisor*.

The drafting committee has also been greatly assisted by numerous observers to the committee representing a wide variety of interested and affected groups, including the Pew Center on the States, the U.S. Election Assistance Commission, the Federal Voting Assistance Program, the National Defense Committee, the Voting Rights Section of the U.S. Justice Department, the National Association of Secretaries of State, the National Conference of State Legislatures, the Overseas Vote Foundation, American Citizens Abroad, Veterans of Foreign Wars, United States Postal Service, Military Postal Service Agency, Federation of American Women's Clubs Overseas, and others.

The Uniform Military Services and Overseas Civilian Absentee Voters Act

The Drafting Committee on Uniform Military Services and Overseas Civilian Absentee Voters Act has met twice: first in Portland, Oregon, February 6 - 7, 2009; and then a second time in Chicago, Illinois, on March 6 - 8, 2009. As a result of these meetings, attended by both

committee members and observers and advisors, a draft Uniform Act is available for comment (see Appendix for copy of current Uniform Act as drafted).

One of the principal concerns of the drafting committee is how best to promote uniformity in the face of substantial variations that now exist in state election processes generally. The committee has decided to continue working with all interested parties to identify those areas where uniformity is not only critical but also obtainable – recognizing that some aspects of state election processes may of necessity remain non-uniform.

The committee has discussed at length the proper relationship between a uniform act and UOCAVA, 42 USC §§ 1973ff *et seq.* There was agreement to proceed on the working assumption that UOCAVA should be relied upon in large measure, without making the Uniform Act solely dependent upon it. Accordingly, the starting point for the definitions in the Uniform Act remains the UOCAVA definitions, supplemented with additional defined terms unique to the Uniform Act. There was also agreement to rely upon several of the forms and documents already established under UOCAVA processes as the preferred forms and documents under a uniform state act.

At the same time, the drafting committee is proceeding on the assumption that UOCAVA alone, regardless of whatever improvements Congress makes to it, cannot completely address the problems facing military and overseas voters. In part this is because many state and local elections occur independently of the federal elections to which UOCAVA applies. Action at the state level therefore is necessary to facilitate the ability of military and overseas voters to participate in these elections. In addition, UOCAVA functions largely as an overlay on the existing election systems of each of the fifty states (and additional covered territories), but the variety of state approaches to election timetables, balloting systems, and structures of election administration inevitably complicates this UOCAVA overlay. Achieving greater uniformity in key aspects of these state election processes therefore requires state level reforms, which are likely to provide substantial additional benefits to military and overseas voters.

Work on this new Uniform Act will continue in the months ahead, and it is expected that the Act will be approved in July 2010 at the 118th Annual Meeting of the Uniform Law Commission. After receiving the ULC's seal of approval, the Uniform Act is officially promulgated for consideration by the states, and legislatures are urged to adopt it. Uniform law commissioners in the various states will then work toward the Act's enactment in their jurisdiction.

Here is a summary of the current draft of the Uniform Act. The drafting process is still in the early stages, and this draft will undoubtedly be substantially revised in the coming year.

General Provisions

The committee continues to use UOCAVA as the starting point for the draft act. However, since UOCAVA currently addresses only federal elections, the committee is working to extend UOCAVA protections to other state and local elections. Therefore, as a substantial extension of UOCAVA, the Uniform Act defines "covered election" to include *all* federal, state, and local

elections, including those for ballot measures, regardless of whether those elections are held at the same time as federal elections.

Unlike UOCAVA, the Uniform Act addresses the problems of “stateless children,” people born overseas who have become United States citizens of voting age without ever having resided in the United States, although subject to United States taxes, selective service registration and other citizen obligations. Though precise numbers are elusive, it has been estimated that there are approximately 50,000 persons in this category of stateless citizens who have never resided in any of the 50 states. Sixteen states currently permit these citizens to vote in some elections. Twelve of the 16 states permit them to vote in all federal, state and local elections.

As the current draft reflects, the drafting committee believes that stateless citizens should be allowed to vote, although no final decisions have been made on precisely how to do this.

The Uniform Act places the responsibility for implementation of the proposed Act with each state’s chief elections authority. This responsibility would include developing standard absentee voting materials; it is contemplated that local jurisdictions would then use the standard materials developed by the state.

The Uniform Act also provides emergency powers where substantial compliance with the Uniform Act or with UOCAVA becomes impossible or unreasonable. The Federal Voting Assistance Program recommends providing states with authority to adjust UOCAVA voting processes in the event of an emergency. As of 2008, eighteen states had provided some form of emergency authority to their chief election official.

Voter Registration and Absentee Ballot Application Provisions

The Uniform Act specifies the jurisdiction in which the proposed voters are eligible to participate. It also expands the eligibility to vote to non-federal elections, based upon pre-existing ties to a particular state. As to stateless citizens, the Uniform Act establishes a voting right in the last U.S. residence of the voter’s parent(s).

The Uniform Act provides that an overseas voter may use the Federal Post Card Application that is prescribed under the UOCAVA to register to vote and to request an absentee ballot simultaneously. While the drafting committee continues to rely on the Federal Post Card Application, it has been hesitant to hinder a state’s ability to develop and use Internet-based and other methods of accepting voter registration and absentee ballot applications that are not Federal Post Card Applications. However, the committee recognizes that the use of standardized forms helps reduce confusion among overseas voters while providing for ease of administration.

The Uniform Act currently provides for standing requests for absentee ballots; however, no consensus has yet been reached as to whether to retain such a provision in the act, because of concerns that the provision could impose substantial burdens on local election officials.

Deadlines

The Uniform Act sets deadlines for applications for absentee ballots and transmission of unvoted ballots to overseas voters. As currently drafted, an application from an absent uniformed services voter or an overseas voter for an absentee ballot is timely if received by the later of either (1) the 30th day before the election, or (2) the last date for other voters in the state to apply for an absentee ballot for the election.

The Uniform Act also contains provisions that allow local election officials to transmit unvoted ballots *by electronic means* to the voter. The Act also provides that local election jurisdictions that maintain a presence on the Internet shall make available on their Internet site downloadable versions of absentee ballots and voting instructions.

In order for an absentee ballot to be valid, the Act sets a uniform time for an absentee ballot from an overseas voter to be cast no later than 11:59 pm local time on the day before the day of the election. If the voter affirms under penalty of perjury that the ballot was timely cast, the ballot may not be rejected on the basis that it lacks a postmark showing that it was submitted before the day of the election.

A valid absentee ballot cast by an overseas voter must be counted if the local elections office receives it by the deadline for completion of the local canvass. Currently, 31 states do not accept an absentee ballot from an overseas voter after Election Day. The choice of canvassing date accommodates varying jurisdictions' deadlines to count and report results to state election officials.

Additional Provisions Concerning Electronic Communication

The Uniform Act expressly authorizes an overseas voter to submit a Federal Post Card Application or other application by electronic means, in the manner directed by the state's chief elections officer. The Act also mandates that the state's chief elections authority, in coordination with local election jurisdictions, shall develop an electronic system by which overseas voters may determine, either by telephone, email or Internet access, whether their voter registration and absentee ballot application has been received and accepted.

Write-In Absentee Ballot Provisions

The Uniform Act mandates the acceptance of the Federal Write-In Absentee Ballot approved under the UOCAVA in any covered election. The Act also provides that state and local election officials shall prepare an election list containing a list of all of the federal, state, and local offices that the official expects to be on the ballot in that jurisdiction (the act does not require election officials to list the candidates, since many of the candidates would not have been selected in time).

Authentication Requirements

The Uniform Act provides details of the declaration to be submitted with balloting materials by

an overseas voter. The declaration must be dated and signed under penalty of perjury, but no notarization of the declaration is required.

Non-essential elements, such as paper size and weight that do not prevent identifying or determining the eligibility of an overseas voter, shall not invalidate the document. Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a write-in ballot cast by an overseas voter, if the intention of the voter can be ascertained.

Enforcement

The Act provides for enforcement by a private cause of action for civil injunctive relief by any registered voter of the state or by any person alleging eligibility to register to vote under the Uniform Act.

Drafting Continues

The 117th Annual Meeting of the Uniform Law Commission will be held in Santa Fe, New Mexico, July 9-16, 2009. The draft of the Uniform Military Services and Overseas Civilian Absentee Voters Act is scheduled to be debated on the floor in front of the commissioners sitting as a Committee of the Whole on July 15-16.

The drafting committee will meet again in the fall of 2009, and if necessary again in the spring of 2010. The Act will be considered again by the ULC Committee of the Whole during the July 2010 Annual Meeting, and it is expected that the Act will be approved at the conclusion of that meeting. If so, a final Uniform Military Services and Overseas Civilian Absentee Voters Act will be ready for the states' consideration by the start of the 2011 legislative sessions. This will allow all the states to consider the act in advance of the 2012 elections.

Conclusion

The ULC appreciates the opportunity to submit this written testimony and looks forward to working with the Members of the Committee to address and remove obstacles to voting for those American servicemembers and other U.S. citizens living outside the country. This testimony is based on the draft of the Uniform Military Services and Overseas Civilian Absentee Voters Act as it is currently written. However, we anticipate that the Act will change substantially as the drafting work continues. We will keep this Committee informed as additional revisions of the Act become available. Please contact the ULC Communications Officer, Katie Robinson, at the ULC offices in Chicago at 312-450-6616 [katie.robinson@nccusl.org] for any further information on this drafting project or with any questions regarding the work of the ULC.



Statement of Record

Military and Overseas Voting: Obstacles and Potential Solutions

Subcommittee on Elections

Committee on House Administration

May 21, 2009

As both overseas voters and volunteers who have helped absentee voters through the complex process – in all 50 states and D.C. – from registration to ballot request to returning the ballot, official or write-in, we greatly appreciate this committee’s attention to overseas and military voting.

Overseas voters face many challenges, whether it is the civilian in Afghanistan who used the write-in because there is no mail service, the student on a junior-year abroad program in London who faces an early registration deadline, the potential first-time voter who was born overseas but is unable to vote at all. So the opportunity to raise some of these issues with Chairman Brady, the members of the House Committee on Administration, and their staff, is very welcome. Members of Democrats Abroad also want to thank Thomas Hicks and Janelle Hu for an earlier discussion on this important subject.

Democrats Abroad has over 30 years experience promoting and facilitating the right to vote of Americans living around the world. We’ve held thousands and thousands of voter registration events for Americans overseas, built an online registration engine at VoteFromAbroad.org and have a network of trained volunteers who help Americans obtain their absentee ballots every election year. Our Voter Troubleshooting team provides services for those facing challenges they are unable to resolve on their own, working with local election officials to help solve any number of issues. More recently, a survey on UOCAVA voting experience among Democrats Abroad members (*Overseas Absentee Voting Review 2008*, Washington, D.C., May 15, 2009) quantified some of those challenges that voters face. Statistics used here are sourced from this *Review*. Major differences were found by state, by prior voter experience, by the timely submission of the Federal Post Card Application.

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Common challenges include:

1. **A maze of regulations, contact points and deadlines** creates a complex and sometimes confusing system for UOCAVA voters. While US federal elections are organized and managed largely at the state level, a great deal of responsibility and authority is devolved to the county or town level, a complex and sometimes confusing system for UOCAVA voters. For example, witness and/or notary requirements vary widely (three states and territories for the Federal Post Card Applications, ten for the Write-In Ballot, four in certain circumstances,...).

Potential solution: standardizing procedures and eligibility requirements across and within each of the fifty states and D.C. would be an important first step. Mandatory, rather than recommended, state-wide offices for UOCAVA voters would also streamline the process.

2. **Communicating with our local elections officials can be difficult at times**, given that overseas voters live in many time zones. The greatest number of requests for assistance involved confirming registration, through state voter registration websites, phone calls, and email. The second most important issue was no ballot; the third, obtaining the correct local election office address. Some survey respondents noted a lack of responsiveness—including unanswered phone calls, emails, and letters.

Potential solution: allow the voter to track the process easily, either through an online site which updates the voter's status (permanently registered, ballot request received, date absentee ballot was mailed, missing information, reason for rejection of request, etc.) or through other timely notification methods indicating that the voter's request has been processed. The possibility of obtaining a blank ballot by email would help reduce the number of official ballots delivered too late by mail to be used.

3. **Differences in election administration and regulations across states can dramatically impact** the likelihood of an overseas voter's exercising her or his right to vote in a federal election. Voter-judged likelihood of a ballot reaching the election office in time to be counted ranges from 92 percent in one state to a low of 50 percent in another.

Although only one state now requires notarization, a number of others require ballot certification, a special oath, or an affidavit affirming residency (confusing if one is residing overseas and voting in the US). Some specify that the certification must be that of another American citizen, a requirement posing difficulties for

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voters far from American communities or Consular facilities. One state might strictly apply arcane rules concerning paper weight, or even the size of the paper. Given international paper size variations, such rules could disenfranchise individuals on a trivial technicality.

Potential solution: eliminate all superficial requirements that do not affect the integrity of the absentee ballot request or voted ballot.

4. **The system serves experienced voters better than new voters.** Nearly 82 percent of experienced voters judge that their ballots reached election offices by the relevant state deadline; that figure falls to 76 percent among first-time voters.

Potential solution: increase outreach to first-time and young voters at military facilities for our servicemen and women on their first tour of duty overseas; through junior-year abroad study programs, international high schools, and embassies and consulates around the world. Inclusion of voting information on passports would provide additional outreach.

5. **Knowledge of federal laws and availability of appropriate training resources** appear to vary among some agencies implementing federal laws regarding UOCAVA voting. Few state reporting systems, for example, comply with HAVA provisions regarding the separate reporting of UOCAVA ballots.

Potential solution: ensure that adequate funding is available to the States to facilitate HAVA compliance and train local election staff on the rights of overseas and military Americans under UOCAVA. Consider state-wide offices to handle these voters.

6. **Registering using the FPCA also serves as a request for a ballot.** The FPCA form states its dual function, but many voters find that confusing, and some states insist on the use of a state ballot request or registration form as well.

Potential solution: clarify the registration and absentee ballot request requirements. Registered voters who do not automatically receive a ballot as a result of their registration should be made aware that they must request a ballot every election year. Eliminate the completion of additional local forms for UOCAVA voters.

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7. **Children born abroad of US parents** were another common concern. A number of states do allow such offspring, who are US citizens by birth, to vote in the district where one of the parents last resided before moving abroad, or have no specific restriction. But other states do not extend the right to vote. The decision

whether to allow the offspring to vote is sometimes made at the LEO level. The troubleshooting team was told by one state office that such children could not vote, even at the federal level; however, one LEO in the same state accepted the application. Although in this case the outcome favored the voter, the wide latitude accorded LEOs in interpreting state laws remains a major concern for UOCAVA voters.

Potential solution: allow these voters to use the voting address of a parent or guardian until the voter establishes his/her own stateside voting address.

8. **Most Americans abroad have a few options to return their ballots.** Limitations are, however, imposed by state law. One state's regulations prohibit the use of courier services for the return of absentee ballots from outside the US; some states require postmarks or certification of the date of transmission. In some locations, the use of the diplomatic pouch can be the only viable option for many citizens.

Potential solution: focus on the timely delivery of hard-copy ballots rather than on the postal method used so that all states accept hard-copy ballots regardless of how they were delivered. Diplomatic pouch should remain available to UOCAVA voters not only for ballot delivery, but for ballot registration and requests. Courier services which offer special rates for ballots should be readily available.

9. **Decisions about accepting Federal Write-In Absentee Ballots** are in the hands of perhaps thousands of election officials across the U.S. While it is impossible to definitively measure the impact of the FWAB, too many voters are unaware of its existence.

Potential solution: include more information about the Write-In Ballot as part of the tracking process from local and state election officials, outreach programs to first-time voters and in local training efforts.

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10. As important, many overseas voters have serious doubts about when and if absentee ballots are counted. We know that they do make a difference in races around the country – but all ballots should count.

Potential solution: It is important to ensure that the system not only works, but is perceived as working. UOCAVA ballots, official and write-in, should be treated as any other in-state ballots for tallying purposes if they have already been received. Should preliminary vote counts be announced without UOCAVA ballots, it should be made clear that UOCAVA ballots will be counted before the results are certified and may change the ultimate result.

Americans overseas, military and civilian, face significant challenges in ensuring that their voted ballots arrive in time to count. Engaged in ever increasing numbers in our political process at home, your efforts to address these issues today is not only timely but of critical importance to the millions of Americans around the world.

We thank you for this opportunity to address both the obstacles and the potential solutions that help Americans abroad cast their votes, in every state across the country from around the world.

Respectfully submitted on behalf of Democrats Abroad,

Christine Schon Marques
International Chair

Testimony of Rep. Rush Holt
Before the Committee on House Administration, Subcommittee on Elections
Hearing on Military and Overseas Voting: Obstacles and Potential Solutions
May 21, 2009

Chairwoman Lofgren, Ranking Member McCarthy, and distinguished members of the Subcommittee, thank you for providing me with an opportunity to testify today on the subject of military and overseas voting, and potential solutions for facilitating the full enfranchisement of our service personnel and citizens overseas. Voting is the foundation of democracy, and all of our citizens must have a voice, wherever they may be living. Above all, our service men and women overseas should be afforded every convenience in exercising their right to cast their ballots, in a secure and private manner.

You will hear from others in great detail about the difficulties military and overseas voters face in receiving and returning their ballots in a timely fashion; I completely agree that the obstacles are numerous and the disenfranchisement substantial. In fact, I just returned from Iraq where I visited New Jersey Guard and Reserve Members who will face many challenges in voting in next month's gubernatorial election. As graphically illustrated during a hearing in the Senate Rules Committee last week, during the 2008 presidential election, more than 25 percent of the ballots requested by U.S. military personnel deployed overseas and other eligible overseas voters were either not retrieved by election officials or not counted. Ballots were requested but not timely received by voters; ballots were received and completed but were not able to be returned to election officials in a timely manner; ballots were returned, but rejected, for lack of signatures, notarizations or other validation requirements. Whatever the reasons, the end result was the disenfranchisement of thousands of eligible military and overseas voters.

The greatest challenge is, I believe, facilitating the expeditious delivery and return of overseas ballots, without compromising the security or privacy of those ballots. According to a survey of military and overseas voting by the non-partisan Overseas Vote Foundation, in 2008, 39 percent of overseas voters received their ballots after the middle of October. According to a similar survey by the Pew Center on the States, "[m]ore than a third of states do not provide military voters stationed abroad with enough time to vote or are at high risk of not providing enough time. An additional six states provide time to vote only if their military personnel overseas return their completed absentee ballots by fax or e-mail—a practice that raises important questions about their access to this technology and the privacy and security of their votes."

The fundamental point I want to make is simply this: we will not solve the disenfranchisement problems plaguing military and overseas voters if we put forth solutions that expedite the process but expose the ballots to security risks and privacy violations. We all would want our service men and women to be able to vote by simply pushing a button from any location where they happen to be stationed at any given moment. Given what they do for us, it should be at least that easy if not easier. But how do we then protect the integrity of that ballot, if it is no more than bits and bytes sailing through the ether? I consult with computer security experts all the time on these matters

and they all tell me the same thing: we don't know how to do that yet. Voting in secret presents different challenges than charging a latte in Rome. With the former, the voter receives no record of the transaction. With the latter, the consumer receives a statement reflecting the transaction at the end of the month.

Indeed, in February 2009, an analyst from the U.S. Central Intelligence Agency testified at a public meeting of the Standards Board of the Election Assistance Commission about computer-assisted elections as conducted in other countries. Among his observations, as reflected in a publicly-available transcript of the hearing, are the following:

“Wherever the vote becomes an electron and touches a computer, that's an opportunity for a malicious actor potentially to get into the system and tamper with the vote count or make bad things happen.”

“Any computer hooked up to the Internet either through a wire or through a wireless connection is a porthole for hackers. You heard that. I'm here to confirm it very simply.”

“Bottom line is all the countries I've looked at , . . . about 36, 37 countries, all the scenarios by which they use electronic voting, they produce a paper ballot receipt, and it's part of the social contract that they have.”

And yet, in the most advanced democracy in the world -- the United States -- we still have not mandated that protection for voters. The lives of our service men and women are precious, and so are their votes. Whatever we do to ensure that the process of voting is made more convenient for them, it must also ensure to the greatest extent possible that the integrity of their ballots cannot be compromised.

Several Members have proposed solutions, and I expect you will be considering them in the near future. I have introduced the Military and Overseas Voting Enhancement Act (H.R. 2082), which would require all jurisdictions to accept and process completed military and overseas ballots returned by express mail services, require jurisdictions to allow 10 days (or any longer such period authorized by the state) for the receipt of such ballots, and in the case of overseas military voters, require the Department of Defense to reimburse the shipping cost of the ballots. I look forward to having an opportunity to discuss my legislation further with the Subcommittee.

I also want to commend my colleague Carolyn Maloney for her Overseas Voting Practical Amendments Act of 2009 (H.R. 1739), which directly addresses the difficulties of expeditiously distributing and retrieving military and overseas ballots. I agree with her that, if implemented with care, Internet procedures can be used to expedite the distribution of blank voting materials to voters all over the world with a minimum of security and privacy risks. I am eager to work with her on this measure, and to make certain that completed ballots may be returned more expeditiously than in the past, but only through the most secure and private methods available for document delivery.

And I want to commend Ranking Member McCarthy for his Military Voting Protection Act of 2009 (H.R. 2393), which is similar to my legislation and would establish a procedure for the collection and return of completed military ballots by express mail.

I commend the Subcommittee for holding this important hearing, and I thank you again for affording me the opportunity to speak to you today about this matter.



THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.
Founded 1931

May 20, 2009

The Honorable Zoe Lofgren, Chair
 Committee on House Administration, Subcommittee on Elections
 1309 Longworth House Office Building
 Washington, D.C. 20515
 Fax: 1 202- 226-2774

Re: Statement by 3 organizations representing overseas civilian voters, relating to the House Administration Committee hearing on May 21 on military and overseas voters

Dear Madam Chairwoman,

I am writing as the official representative of FAWCO but also on behalf of two other organizations with whom we work, the Association of Americans Resident Overseas (AARO) and American Citizens Abroad (ACA). FAWCO and AARO have worked together since the Seventies to obtain, defend and expand the voting rights of overseas American citizens.

My own federation has a membership of over 15,000 in 38 countries around the world and each of our 75 member associations is active in registering and advising civilian overseas voters. We are familiar with the problems facing voters in Paris, France, but also in Nairobi, Manila and Mumbai, and we have had the honor of working with the staff of Members on the Committee on House Administration, as new legislation has been crafted since 2001 to ensure that overseas Americans facing serious obstacles are in fact able to vote. We regret that no representative of organizations like ours was asked to testify at your hearing but are pleased to submit the attached statement which is based, essentially, on changes we advocated during our annual Overseas Americans Week in Washington in early April. At that time, as is the case every time I am in Washington, I met with the staff of the House Administration Committee to discuss these changes and possible solutions. I deeply appreciate the willingness of your staff to work directly with and consult those most directly affected by and familiar with the issues you are investigating this week.

None of our positions will surprise you or the Committee staff. There are certain small things which can make a huge difference in the ability of overseas Americans to participate in their nation's democratic process: expanding the use of electronic transmission of electoral materials, adapting time frames between ballot transmission and receipt to the serious obstacles facing many overseas and particularly military voters, adapting registration and ballot requirements to this far-flung population so eager to vote...

We feel confident that, as was the case following the 2000 election, our legislators will join across political boundaries to eliminate many of the obstacles that continue to prevent us from voting, discourage some from even trying to vote, and cause us to lose confidence in a system where, despite our best efforts, our ballots may not even be counted.

Thank you for your dedication to this issue. We wish you every success and hope to be able to be of assistance as you and your colleagues progress toward enacting new electoral reforms.

Very sincerely,

Lucy Stensland Laederich, FAWCO U.S. Liaison

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Ms. LOFGREN. We will now be in adjournment with tremendous thanks to you for your wonderful testimony in helping us move forward on this enormously important issue.

[Whereupon, at 10:57 a.m., the subcommittee was adjourned.]

