

**MILITARY VOTING AND THE FEDERAL VOTING
ASSISTANCE PROGRAM**

HEARING
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE
ONE HUNDRED NINTH CONGRESS
SECOND SESSION

SEPTEMBER 28, 2006

Printed for the use of the Committee on Armed Services



U.S. GOVERNMENT PRINTING OFFICE

35-169 PDF

WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
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MILITARY VOTING AND THE FEDERAL VOTING ASSISTANCE PROGRAM

THURSDAY, SEPTEMBER 28, 2006

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:41 a.m. in room SR-228, Russell Senate Office Building, Senator John Warner (chairman) presiding.

Committee members present: Senators Warner, Talent, Thune, and Dayton.

Other Senator present: Senator Burns.

Majority staff member present: Richard F. Walsh, counsel.

Minority staff members present: Jonathan D. Clark, minority counsel; and Gerald J. Leeling, minority counsel.

Staff assistants present: David G. Collins, Jessica L. Kingston, and Jill L. Simodejka.

Committee members' assistants present: Jeremy Shull, assistant to Senator Inhofe; Stuart C. Mallory, assistant to Senator Thune; William K. Sutey, assistant to Senator Bill Nelson; and Luke Ballman, assistant to Senator Dayton.

OPENING STATEMENT OF SENATOR JOHN WARNER, CHAIRMAN

Chairman WARNER. My apologies for tardiness. This is my 28th year to serve my Commonwealth of Virginia and be a Senator. I've come to observe one thing. Often we try to do everything at the same time, and this is one of those days. Presumably the Senators want to recess, so there are an awful lot of things going on at this time.

Senator Burns, won't you join me?

Senator BURNS. Where do you want me?

Chairman WARNER. Sit right here.

Senator BURNS. What if Senator McCain shows up?

Chairman WARNER. I'll handle that.

Senator BURNS. He was a ranking officer, I was just enlisted.

Chairman WARNER. I understand that. But I welcome you. That's the first line I have in this opening statement.

I visited the Malmstrom Air Force Base last month and had the pleasure of spending some time in that part of the country. Montana is a State that has embraced technological advances and sought to put the internet and e-mail to work to make it easier for absentee voters and military personnel, in particular, to vote in State and Federal elections.

Senator Burns, thank you for attending today. We assured you that our committee wanted to receive the benefit of your views on this situation, and to bring forth from the Department of Defense (DOD) the witnesses that are most appropriately able to address it.

I welcome our four witnesses this morning. First, Dr. Chu, the Under Secretary of Defense for Personnel and Readiness. Dr. Chu has responsibility for the Federal Voting Assistance Program (FVAP) in the Office of the Secretary of Defense. We look forward to your testimony about the Department's efforts to assist military overseas voters. After all, a vote is that support that keeps our Republic and freedom where it is today, and hopefully for generations to come. We want to afford our men and women in the Armed Forces every opportunity to exercise freely their desire to vote, no matter where they are in the world. No matter what they are doing. They—if they so desire—should be given that opportunity, and we should do everything we can to facilitate it.

Paul DeGregorio is the Chairman of the Election Assistance Commission, which was established by the Help America Vote Act in 2002. The Commission serves as a national clearinghouse and resource for information and review of procedures with respect to the administration of Federal elections. He is an expert on election administration, democracy building, and international elections. We thank you for joining us today.

Deborah Markowitz is serving as the 37th Secretary of State of Vermont, and is the officer chiefly responsible for Vermont's elections. As the President of the National Association of Secretaries of State (NASS), she helps to ensure the exchange of information among the various Secretaries of State regarding their administration and voting.

Derek Stewart is the Director of Military and DOD Civilian Personnel Issues within the Government Accountability Office (GAO). The GAO has performed several studies on military voting, and we look forward to your testimony about their findings and recommendations.

The FVAP affects the Department's commitment to ensure that military personnel and their families—particularly those who are deployed and stationed overseas—are provided with the information and assistance they need to participate in State and Federal elections. The Secretary of Defense is responsible for administering the Uniformed and Overseas Citizens Absentee Voting Act, and an important part of that responsibility is ensuring that U.S. civilians living and working overseas are also, I repeat also, given the tools needed to ensure they can submit absentee ballots on time and in conformance with all requirements of the 55 jurisdictions they call home.

I will put the balance of my statement in the record, I must inform the witnesses that I'm managing the Detainee Bill on the floor and we resume that bill—we went into the night last night until 10 o'clock—I'll ask you to chair this hearing, but we first call on our distinguished acting ranking member, Mr. Dayton, Senator from Minnesota. I hope to rejoin you at some point in this hearing. I thank you, Senator.

Senator BURNS. I have another hearing and I have a meeting.

Chairman WARNER. All right, we'll have somebody by that time. Can you spend 15 minutes?

Senator BURNS. You bet. You got it.

Chairman WARNER. Thank you very much. Please, Mr. Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

Not in my wildest dreams did I imagine I'd even get to be acting ranking member for a day before I depart in 3 months, but it's a great honor to sit next to you, sir. I'd be the first to say, I'm no Senator Levin, who is also on the floor. Before you leave, Mr. Chairman, I just want to say that, as I said last night, you and Senator Levin are two of the finest men I've ever met anywhere and had the privilege to serve with, so I want the public record to show that.

I join with the chairman today in welcoming our witnesses. Military absentee voting is especially important in today's war-time environment. Thanks to the chairman's leadership and that of our ranking member, Senator Levin, this is not the first time this committee has examined this issue. It continues to be a work in progress.

Voting is one of the most essential rights we have as American citizens. As we have asked our servicemembers to heroically shoulder so much of the burden and sacrifice in defending this Nation's values, it is critically important that we ensure their continued ability to vote.

Secretary Chu, Ms. Markowitz, Mr. DeGregorio, and Mr. Stewart, welcome. We look forward to hearing from you to better understand the progress which has been made, and the problems which still remain to ensure all servicemembers and their dependents are able to exercise their right, and have their opportunities, to vote.

Several times since the 2000 election, the GAO and the DOD have highlighted the challenges that remain in ensuring every servicemember and dependent's ability to vote. While Congress does have some authority pertaining to Federal elections, most voting activities fall under State regulations and laws. Traditionally, voting by servicemembers is properly a personal choice, not a military order. That makes measuring the DOD's success an inexact science.

Moreover, voting difficulties increase for our troops who are deployed away from their home stations. Similarly, the military postal system faces additional challenges in war zones.

Nevertheless we can, and we must, try to do better. We must make every possible effort to ensure that every servicemember and dependent is provided the opportunity to vote, unburdened by unnecessary administrative barriers, and in a timely manner so that their votes will be counted and will count.

We must continue to make progress in using technology to simplify and expedite the voting process for them. Again, Mr. Chairman, I look forward to hearing from our witnesses today, their thoughts on where this process stands, the improvements that have been made, and how we can still make it better.

I welcome our witnesses and I look forward to your testimony. Thank you, Mr. Chairman.

Senator BURNS [presiding]. Thank you. I don't see how he can say that, I'm not even a member of the committee, and here they

put me in as chairman of this hearing. That's sort of funny, but thank you, Senator Dayton. I certainly appreciate that very much.

Senator DAYTON. You certainly progressed up the ladder faster than I.

Senator BURNS. I know. It makes me feel kind of funny. It would seem to me that what we're going to be talking about today is that we can get bills owed by our military personnel to them, but we can't get a ballot to them. Now something is wrong, and our priorities are in the wrong place. I'd like to thank Chairman Warner and all the members of this committee for recognizing the importance of this issue, military disenfranchisement, and holding this hearing today. I'd like to thank the witnesses and the National Defense Committee and Bob Carey for his testimony, which I understand will be submitted.

I also want to extend a special thanks to members of the Business Transformation Agency who are in attendance today. They did a marvelous job in executing the Interim Voting Assistance System (IVAS) electronic ballot system in about 2 weeks. Those folks will be available to demonstrate their program after this hearing if anybody is interested.

I could go on about the details of the problems facing our men and women in the armed services who are disenfranchised by the inefficiency of a bureaucracy that is still operating the same way that it operated during the Korean War. About \$25 million spent on the aborted 2004 Secure Electronic Registration and Voting Experiment (SERVE) program and on, and on, and on it goes.

Everyone that follows this issue, and certainly anyone who has served this country, already knows that. Instead I'd like for you to hear the words of Brenda Olmith. She lives in Billings, Montana, where I live, and she is a mother of a Marine corporal who is serving in Iraq. Brenda called my office yesterday because she was so frustrated. She said, "My son is serving his country, and he can't vote. His ballot came too late for him to vote in the primary and now his ballot has arrived at my home and a local official will not take my word that his address is overseas."

Now nobody could say it better than she did. She said he deserves, and everybody deserves, a right to vote no matter where you are. I would say right now I am doubtful that there will be enough time to get this young corporal his ballot because he is deployed in Iraq.

I have often said I felt sorry for people who never served in the military, because they somehow feel disenfranchised from this country because they don't think they own a part of it. This is practically true when you're not allowed to vote. You move further out into that abyss.

In 2000, I remember seeing military ballots that were disqualified in Florida. I can remember it. There were sacks of them. I spoke with servicemembers who have been disenfranchised and they either received their ballots too late or they did not return them on time or they never received them at all.

Now this corporal, this Marine corporal, is not an absentee. He and all others of the military are not on vacation. They are serving their country and they have been deployed overseas. It's not that they won't be home in November. They can't be home in November.

They have orders to serve. We owe them their right to vote and making sure that they can vote. \$3 trillion are transmitted every day on the internet, but time and time again the bureaucrats of DOD Personnel and Readiness have told us that getting a blank ballot to our troops electronically is just too difficult. Give me a break. I don't believe that, they are wrong. We have proven them wrong. The technology does exist to deliver ballots to our soldiers electronically without the risk of identity theft or tampering for both the soldier and the local election official (LEO). It only requires a Web browser and about as much effort as ordering a book on Amazon.com.

Despite naysayers and the bureaucrats, and thanks to a concerted bipartisan effort, this IVAS technology is up and operational today. It was authorized by the fiscal year 2007 Supplemental Appropriations Act and by this committee and has been funded. It was contracted and executed in less than a month as a commercial off-the-shelf solution by the Business Transformation Agency and a company called PostX, who developed it at risk. Unfortunately, that's not the end of the story. It's not the end of the story, because the bureaucrats have yet to listen.

It was not enough when I and a bipartisan group of 16 other Senators asked the DOD to execute this program. It was not enough when Congress passed the law and funded the program, and it was not enough when the committee added specific authorizing language that directed the DOD to execute this program.

I've had enough, and I think some of our folks that serve in the military Services have had enough. I believe this committee has had enough. This bureaucracy will change and we will do the right thing by our soldiers. If it does not change then we will change the bureaucrats.

Some people have said to me this is just a small issue. It is not a small issue. It is the basis of our society. Ensuring our troops are not denied the vote just because they are deployed and making sure they get to cast their vote is no trivial matter. However this issue does have a simple solution, it's laying in front of us, but we're going to have to fight for it and we're going to have to hold some peoples' feet to the fire to make sure that they get it done or they get it. Maybe they have to get it first.

I want to thank Chairman Warner for this hearing. I look forward to the testimony and the answers. I have some questions and I'm sorry, I have to leave. I chair the Aviation Subcommittee on Commerce and we're talking about Federal Aviation Administration and reauthorization of that Department. It's a very important hearing and I won't get to stay for all of this, but I look forward to your testimony.

Secretary Chu.

STATEMENT OF DR. DAVID S.C. CHU, UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, DEPARTMENT OF DEFENSE

Dr. CHU. Thank you Senator Burns, Senator Dayton, it's a privilege to appear before this committee again. I do have a statement which I'd like to submit for the record, if I may.

As I think members of this committee and this audience certainly know, DOD is responsible under President Reagan's Executive Order for carrying out the provisions, as far as the Federal Government is concerned, of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) as it is sometimes pronounced.

As Senator Burns story of his constituent illustrates, voting in the United States is ultimately a local responsibility. Usually at the county level and sometimes at the township level—they set the rules. Of course it's the voter's privilege to exercise that franchise. We work with the 55 jurisdictions, 50 States, and 5 additional jurisdictions, at that level as well as the more than 7,000 LEO elements across the United States.

As that broad responsibility implies, one of our most important tasks is education. Education beginning with the training of our voting assistance officers. Every major unit, every major installation, has an officer who is responsible for ensuring that franchise on the part military voters can be successfully exercised and dealing with, as your comments indicated, Senator Burns, the myriad rules that pertain at the local level, that govern how people may request and get an absentee ballot, and what is necessary to convince the LEO that the servicemember's address is now in Iraq, and not Missoula.

We also take responsibility for educating our military personnel themselves on the opportunity to vote. In the Labor Day week, we emphasized the importance of registering, as well as the importance of requesting a ballot so it can arrive in a timely manner. In the Columbus Day week, we emphasized the importance of sending back the ballot to ensure that it does get counted, and we have used an e-mail blast to all our military servicemembers on active duty to ensure they understand the opportunity in front of them.

Likewise, it's our privilege to work with State and local officials like Ms. Markowitz on this panel as we deal in partnership with them with the complexities of American voting practices. Of course as part of our educational effort we maintain the Web site, FVAP.gov, in which you can find the rules governing all 55 of the major jurisdictions as far as voting is concerned in the United States.

At this season of the year, as Senator Burns' story indicates, the emphasis is on ballot transmission and the Post Office remains a key partner of DOD. The bulk of ballots still move by mail. The Post Office, beginning in the 2004 election cycle, committed to using Express Mail in the weeks and days leading up to the election. I am pleased to say that beginning 18 September, all ballot materials from LEOs are supposed to move from those offices to APO and FPO—that's the Army Post Office and Fleet Post Office addresses—by Express Mail, and beginning 1 October, the Post Office will likewise use expedited procedures to bring the mail back to the United States.

We have, as the act requires, deployed postmarking materials to all our major units to ensure that ballots are marked so that the question of whether they can be counted is not subject to debate. We have—for the last 16 years—emphasized as a ballot transmission option use of electronic means. This began with the use of fax as a an option in the Operations Desert Shield/Desert Storm

period in 1990. I am pleased to say a majority of these 55 jurisdictions now permit fax receipt. That's important for a reason I'll come to in just a minute. I'm also pleased that on the order of, anywhere from 6 to 12 jurisdictions, depending on which element of the process is involved, accept e-mail as a means of transmission and 18 jurisdictions have responded to our plea that they establish ballot registration status sites where the voter, the overseas voter, the military voter, can check on the status of his or her request.

One of the reasons fax is important is that military members generally do have access to e-mail and we have—through our electronic transmission service—made it possible to take an e-mail message, and convert it to fax, so it is acceptable to a majority of States that accept fax transmissions.

Finally, as Senator Burns has emphasized, we have deployed for this 2006 election cycle, two tools that use the internet, two different protocols that allow you to request and download a ballot. The ballot still typically has to be sent back by other means. We used a tool like this in the 2004 election cycle. We persuaded 108 counties in that election cycle to employ that tool. I'm pleased to report that in this cycle up to the present day, up to the last count 2 days ago, we had 500. Over 500 counties have agreed to use one or other of these tools. They do still require an e-mail address on the part of the voter.

Ultimately in this business it's results that count. I've made it a practice, starting in the 2004 election cycle, to begin meeting monthly as we lead up to the election with the senior voting representative of each military Service to check on what they are doing and to ensure that we confront properly any issues or problems that arise. This is a matter that has the Secretary of Defense's personal interest and, as he's noted to me, he is now met in each visit he makes to bases by the senior voting assistance officer to make sure that he or she can give a full report on what the base is doing or the unit is doing.

We can look at the results from our survey, post-election survey of voters, both military and civilian in 2004. In 2004, 73 percent of the military community indicated they had voted successfully. That was up 16 percentage points from the results in the 2000 election, so we have dealt with some of the issues that Senator Burns has addressed, although challenges still remain.

Equally important, the proportion of respondents that indicated they attempted to vote and failed to vote was cut in half, from 12 percent in 2000 to 6 percent in 2004. There were similar improvements in Federal civilians overseas and in non-Federal Americans overseas who are also part of our responsibility. Just as a point of reference, the Election Assistance Commission estimates that 60 percent of the national population voted in that last 2004 election.

To produce these results, of course, takes a concerted effort, a team effort, it starts with our commanders and the emphasis that they put on the importance of voting and the opportunity that citizens have to elect their representatives. It does involve a significant partnership with the United States Postal Service, and I want to take this occasion publicly to thank the Postal Service for what they did in 2004 and what they're doing in 2006 and, of course, the concomitant collaboration of the Military Postal Service Agency. It

does sometimes involve the Department of Justice (DOJ) to ensure that jurisdictions send ballots out in a timely manner. I know there are local disagreements over primary results. I respect that fact, but we do set a standard, a standard we have advocated with the Governors that you ought to allow 45 days for the transmission of ballots. Ballots should move 45 days before the election to the overseas or military voters, so there is time both to receive the ballot, to think about one's choices, and to send that ballot back. DOJ has been very helpful in specific instances where we need to take legal action. It equally involves a partnership with Department of State, and, of course, we are very grateful for the support of Congress for these various efforts.

The issue, of course, in 2006 will be, can we replicate the significant improvement that was achieved in 2004? That is our intent. We also hope to use the experience of 2006 to prepare the Department for 2008, to give added emphasis to registration, and to participation in primaries in that election cycle. The planning for that has already begun and that effort will start in earnest on the morning of November 8. Thank you, sir.

[The prepared statement of Dr. Chu follows:]

PREPARED STATEMENT BY DR. DAVID S.C. CHU

Mr. Chairman and members of the committee, thank you for this opportunity to testify on the Federal Voting Assistance Program in the Department of Defense.

In 1988, President Reagan issued Executive Order 12642 designating the Secretary of Defense as his agent to implement the provisions of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and to discharge the Federal functions required by the act. As Under Secretary for Personnel and Readiness, I am responsible for administering the Federal Voting Assistance Program for the Secretary.

BACKGROUND

The UOCAVA safeguards the right to vote for Federal offices by absent uniformed servicemembers and their families, and overseas U.S. citizens. As mandated by the act, the Federal Voting Assistance Program prescribes uniform absentee forms such as the Federal Postcard Application for registration and ballot request to facilitate these citizens' Constitutional right to vote. In 2005, the Federal Voting Assistance Program revised this form, as well as the Federal Write-In Absentee Ballot form, used by voters as an emergency ballot in cases where the State ballot does not arrive promptly. The changes make the forms easier to use by making them more understandable to the citizen while providing more needed information to election officials, such as the citizen's e-mail address and his or her alternate mailing address. In its administration of this law, the Federal Voting Assistance Program 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 several steps. The citizen registers to vote and requests an absentee ballot from his or her local election official using the Federal Postcard Application. Upon receipt of the completed Federal Postcard Application, the local election official determines the citizen's legal voting residence based on the information provided. Approximately 45 to 30 days prior to the election, the local election official provides a State absentee ballot to the citizen. The citizen then votes the ballot and returns it to his or her local election official. These steps traditionally are accomplished by using the United States Postal Service, Military Postal Service Agency, and foreign postal systems.

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; implement measures to ensure a postmark or other official proof of mailing is placed on ballots collected by DOD overseas or vessels at sea; and develop a standard oath for UOCAVA voting

materials. All of these provisions required by the title have been successfully implemented.

The Act required States to designate a single office responsible for UOCAVA citizen procedures; report to the Election Assistance Commission on the number of UOCAVA absentee ballots sent, received and cast; extend the effective period of the Federal Postcard Application through the next two regularly scheduled general elections; inform UOCAVA voters if their registration or ballot applications were refused and the reason for the refusal; and accept a Federal Postcard Application submitted early in the calendar year. The 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. These changes to the law have led to improvements in the absentee voting process by removing unnecessary obstacles faced by UOCAVA voters.

Title V, Subtitle I of the Defense Authorization Act for Fiscal Year 2005 expanded the use of the Federal Write-In Absentee Ballot to allow for its use by uniformed servicemembers and their eligible family members within the United States; allowed all UOCAVA voters to submit their ballot request for use of the Federal Write-In Absentee Ballot either 30 days before the general election or the State deadline for registration and ballot request, whichever is later; and delayed the electronic voting demonstration project until electronic absentee voting guidelines and standards have been established by the Election Assistance Commission.

PROGRESS IN WORKING WITH STATE GOVERNMENTS

State legislatures are also moving forward to facilitate absentee voting. For many years, the Federal Voting Assistance Program has proposed legislative initiatives to State officials that would facilitate absentee voting for UOCAVA citizens. The current top legislative priorities are for States and Territories to:

- 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 ballot would allow the voter to cast votes for Federal and State offices.
- Further expand the use of electronic transmission of voting materials.

Currently, 42 States and Territories provide at least 45 days between the ballot mailing date and the date ballots are due; 16 States and Territories give State Chief Election Officials the emergency authority to alter election procedures in certain circumstances; 27 States and Territories allow election officials to provide a State write-in absentee ballot; and 50 States and Territories provide for the electronic transmission of voting materials. Additionally, 18 States and Territories allow for the late counting of absentee ballots sent prior to the close of polls.

EDUCATING

The Department devotes considerable resources to ensure that UOCAVA citizens are properly informed and educated about the process of absentee voting. Education includes formal training of Voting Assistance Officers, providing information to State and local election officials, and ensuring that UOCAVA citizens have adequate and proper access to the necessary materials and the means to request and submit their absentee ballots.

Federal Voting Assistance Program staff members conduct voting assistance workshops to prepare for upcoming elections. These workshops give Voting Assistance Officers the hands-on training they need to understand their mission and to perform their duties. Since October 2005, Federal Voting Assistance Program staff members have conducted a total of 110 workshops worldwide to prepare for the 2006 mid-term elections. These workshops included:

- 8 workshops open to all Voting Assistance Officers conducted at the Federal Voting Assistance Program headquarters in Rosslyn, Virginia.
- 64 workshops conducted onsite at military installations around the world for Voting Assistance Officers.
- 38 workshops conducted at Department of State installations for State Department Voting Assistance Officers and for civilians of overseas citizen organizations who assist other overseas citizens with completing the absentee voting process.

For Voting Assistance Officers who are unable to attend an in-person workshop, two E-learning options are available to receive certified training. Voting Assistance Officers may request a CD-ROM containing the Federal Voting Assistance Program training from the Federal Voting Assistance Program or may complete an on-line E-learning session produced by the Federal Voting Assistance Program and hosted on the Navy E-learning Web site. A slide presentation for use by Voting Assistance Officers in their outreach is available online.

In addition to the in-person and online training opportunities, the Federal Voting Assistance Program Web site provides Voting Assistance Officers with a wealth of information regarding their responsibilities. On the Web site there are separate sections for Voting Assistance Officer training and Voting Assistance Officer information. Additionally, another section provides specific information for local election officials.

Since the State and local election officials are the individuals who administer elections, they are our allies in facilitating absentee voting. It is important that they 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 education and clarification of UOCAVA issues. In addition, during the past year Federal Voting Assistance Program staff has addressed officials at conferences of the National election official organizations:

- 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) Joint Election Official Liaison Committee

Federal Voting Assistance Program staff also traveled to address several State conferences of local election officials. This year, the Federal Voting Assistance Program attended and addressed local election officials at conferences in:

- Georgia
- Idaho
- Iowa
- New Mexico
- North Dakota
- Oregon
- West Virginia

When addressing these State and local election officials, the Federal Voting Assistance Program recommends practices and procedures to ensure maximum compliance with UOCAVA. These recommendations include:

- 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 Web sites.
- Ensuring all employees in local election offices throughout the State are trained on the provisions of UOCAVA.
- Providing a Web site dedicated to UOCAVA citizens and elections in which UOCAVA citizens can participate.
- Preparing a State UOCAVA Voter Guide for publication on Web site and in hard copy.
- Providing sufficient ballot transit time.
- Providing simple ballot marking and return instructions with absentee ballots, including instructions to return the voted ballot by fax or e-mail where authorized.

INFORMING AND EQUIPPING

The Department works hard to ensure that uniformed service voters are informed about upcoming elections and the procedures for registering and requesting an absentee ballot. Department communication efforts seek to gain maximum exposure for the voting program in a variety of communications media. Department and Federal Voting Assistance Program staff publicize absentee voting through commercial print and broadcast media outlets. Stories on absentee voting are run on the Pentagon Channel, Armed Forces Radio and Television, through the Armed Forces Information Service, as well as in print publications such as Stars and Stripes. Reminders about voting were printed on the leave and earnings statements of all servicemembers and overseas DOD personnel. E-mail blasts about voting have been sent to 1.2 million servicemembers.

Communicating is undertaken through extensive command support. Particular emphasis is placed on voting awareness to reach individual members of the unit. Messages regarding absentee voting are included on Service Web sites, in the Plans of the Day, and at Commander's Call briefings. Billboards are posted on installations informing members of their right to vote. Installations support Armed Forces Voters Week (September 3–9, 2006). Efforts extend 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.

The Federal Voting Assistance Program Web site (www.fvap.gov) is an asset to uniformed servicemembers, voting age family members, and overseas citizens providing remote access to voting information directly on their computer. The site received 1,540,810 hits between January 1, 2006 and September 7, 2006. During that time period, the online version of the Federal Postcard Application was downloaded 42,689 times. The online version of the Federal Write-in Absentee Ballot was downloaded 5,504 times. The site is updated frequently with information pertinent to absentee voters.

The Federal Voting Assistance Program provides up-to-date information to Voting Assistance Officers. The Federal Voting Assistance Program publishes its Voting Information News newsletter monthly. The Federal Voting Assistance Program issues News Releases routinely 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 electronically via e-mail, and posted on the Federal Voting Assistance Program Web site. The newsletter is also made available in a hardcopy format.

The Department provides voters and Voting Assistance Officers the tools, materials, and information necessary to facilitate registration, ballot request, and ballot transmission. The Services distribute Voting Assistance Guides, Federal Postcard Applications and Federal Write-in Absentee Ballots to their Voting Assistance Officers and individual voters. From October 1, 2005–September 7, 2006, Federal Voting Assistance Program distributed 227,000 hard copies of the Federal Postcard Application and 91,000 hard copies of the Federal Write-In Absentee Ballot, and the Services distributed additional copies of the forms through their normal supply chains. Both forms, of course, are also available through the Federal Voting Assistance Program Web site.

FACILITATING BALLOT TRANSMISSION

The Department takes extraordinary steps to ensure that members of the uniformed services, their family members, and overseas citizens have an opportunity to vote. Expediting ballots, particularly via mail, is a very important aspect of the absentee process.

The Department's effort to expedite delivery of ballots starts well before the election year. The Federal Voting Assistance Program, in conjunction with the U.S. Postal Service, redesigned the absentee ballot transmittal and return envelopes in 2005 to minimize the amount of processing time for absentee ballots moving through modern mail-handling equipment.

The Military Postal Service Agency ensures that its outlets have the capabilities to handle absentee ballots. All major military units in forward deployed roles have postmarking capabilities to ensure that ballots are postmarked. Weekly messages are sent to military post offices reminding local workers of the proper procedures in handling ballots. Surveys of all military post offices are conducted biweekly in July and August, and weekly from September through November to ensure no ballots are delayed. Military Postal Service Agency publishes recommended mailing dates, based on location, to help ensure ballot receipt by State deadlines and that servicemembers understand when their absentee ballots need to be returned to their local election officials.

In 2004 the U.S. Postal Service began handling ballots using Express Mail procedures while those ballots are within its system. I want to thank the U.S. Postal Service, particularly Mr. Paul Vogel, Senior Vice President of Global Business, for the outstanding support provided in expediting balloting materials so that our service men and women could exercise their franchise. The Military Postal Service also used special handling and expediting procedures while transporting ballots outside the U.S. to Army Post Office and Fleet Post Office addresses. The Federal Voting Assistance Program, in conjunction with the U.S. Postal Service, is again ensuring that military absentee ballots are expedited. Beginning September 18, absentee ballots from local election officials are handled as Express Mail to Army Post Office and Fleet Post Office mailing addresses to ensure that absentee ballots arrive

promptly. Beginning October 1, the U.S. Postal Service will ensure that absentee ballots from Army Post Office and Fleet Post Office facilities are expedited back to the local election official. This expedited delivery includes special marking and handling of absentee ballots and, in the days leading up to the election, the use of Express Mail for inbound voted absentee ballots.

For those citizens who may not be able to vote because of their mobility or because of sporadic mail delivery to remote locations, the use of technology can provide alternative means for voters and local election officials to send and receive voting materials. In 1990, the Federal Voting Assistance Program initiated, with the cooperation of the States and Territories, emergency use of electronic transmission (facsimile technology) and established the Electronic Transmission Service so that uniformed servicemembers deployed during Operation Desert Shield were not disenfranchised. The Electronic Transmission Service allowed these voters deployed in the Persian Gulf to fax their registration request application and the local election official to fax the blank ballot to the voter. Now, faxing is widely accepted.

The Department aggressively promotes the continually expanding use of technology through electronic transmission alternatives. Fax and e-mail 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.

Currently, the Electronic Transmission Service exists as a toll-free option for voters to send their applications, receive their blank ballots and return voted ballots to local election officials. Voters have the capability of sending and receiving their absentee balloting materials through toll-free fax numbers in 51 countries. Uniformed servicemembers and dependents also have access to a toll-free number through the Defense Switch Network. Currently:

- 32 States and Territories allow UOCAVA voters to submit a Federal Postcard Application for registration by fax.
- 50 States and Territories allow UOCAVA voters to submit a Federal Postcard Application for absentee ballot request via fax.
- 35 States and Territories allow UOCAVA voters to receive the blank ballot via fax.
- 26 States and Territories allow UOCAVA voters to return the voted ballot via fax.

Many States and Territories have expanded their electronic transmission alternative capabilities to include e-mail. The Federal Voting Assistance Program is aggressively urging States to consider using e-mail as an integral part of the electronic alternatives made available to their citizens. Since many forward deployed soldiers have e-mail capabilities but do not have access to fax capabilities, the institution of processes that allow for e-mail ballot request, ballot delivery, and ballot return can be crucial. Currently:

- 12 States and Territories allow UOCAVA voters to submit a Federal Postcard Application for absentee ballot request via e-mail.
 - Alaska
 - Illinois
 - Iowa (2006 Election)
 - Montana
 - Minnesota (Restricted)
 - Mississippi (for Active-Duty overseas)
 - North Dakota
 - Oregon
 - Puerto Rico
 - South Dakota
 - Washington
 - Wisconsin
- 6 States and Territories allow UOCAVA voters to submit a Federal Postcard Application for registration via e-mail.
 - Alaska
 - Oregon
 - Montana
 - Mississippi (for Active-Duty overseas)
 - South Dakota
 - Washington
- 12 States allow UOCAVA voters to receive the blank ballot via e-mail.
 - Alaska

- Florida
- Illinois
- Iowa (2006 election)
- Montana
- Mississippi (for Active-Duty overseas)
- North Dakota
- Oregon
- South Carolina
- Virginia
- Washington
- Wisconsin
- 8 States allow UOCAVA voters to return the voted ballot via e-mail.
 - Alaska
 - Iowa (2006 election)
 - Mississippi (for Active-Duty overseas)
 - Missouri (2006 election)
 - Montana
 - North Dakota
 - South Carolina
 - Washington

The Department also encourages States and Territories to make available to citizens online tools that allow voters to check their registration status. Since 2005, the Federal Voting Assistance Program has encouraged States and Territories to launch these sites and promoted the use of such sites to allow voters the opportunity to promptly know if their absentee ballot has been dispatched and provide them with the opportunity to take corrective measures if necessary. To date, ballot registration status sites have been launched in 18 States and Territories:

- Delaware, pollingplace.delaware.gov/
- District of Columbia, www.dcboee.org/voterreg/vic—step1.asp
- Georgia, www.sos.state.ga.us/cgi-bin/Locator.asp
- Indiana, www.indianavoters.com/PublicSite/Public/PublicVoterRegistration.aspx?AspxAutoDetectCookieSupport=1 Registration
- Kansas, <https://myvoteinfo.voteks.org/>
- Kentucky, cdc.ky.gov/VICWeb/index.jsp
- Louisiana, sos.louisiana.gov/polllocator/
- Maryland, mdelections.umbc.edu
- Michigan, michigan.gov/sos/0,1607,7-127-1633-49313—,00.html
- Nebraska, <https://www.votercheck.necvr.ne.gov/>
- North Carolina, www.sboe.state.nc.us/
- Ohio, www.sos.state.oh.us/sosapps/elections/voterquery.aspx
- Puerto Rico, www.ceeput.org/serviciosLineas/estatusEelectoral/index.htm
- South Carolina, <https://webprod.cio.sc.gov/SCSECVoterWeb/voterInformationSearch.do>
- Utah, gva1.utah.gov/elections/polling.aspx
- Virginia, www.sbe.state.va.us/VotReg/VR—Confirmation/Default.html
- Washington, www.secstate.wa.gov/elections/lookup.aspx/
- West Virginia, www.wvvotes.com/voters/am-i-registered.php

In 2004, the Department administered the Interim Voting Assistance System (IVAS). IVAS was a voluntary project implemented in September 2004 to allow eligible absentee voters (Active-Duty military, activated Guard and Reserve personnel, their dependents, DOD overseas Federal agency personnel in Central Command and DOD contactors overseas) to request their absentee ballots via the internet. In order to take advantage of IVAS, voters must have already been in the Defense Enrollment Eligibility Reporting System, be a UOCAVA voter, and must have been from a State and county that had volunteered to participate.

Using IVAS, the voter could request a ballot over the internet. After the local election official approved the request, IVAS notified the voter via e-mail that the ballot was available to download. The voter then could download and print the ballot, mark it by hand, and return it by mail to the local election official.

One hundred eight counties in nine States agreed to participate in IVAS 2004. At the end of the election, 28 of those counties had actually received and processed ballot requests, and uploaded ballots for UOCAVA voters to pick up. Voters downloaded 17 ballots.

The Department, as mandated by Congress in Public Law 109–234, section 1212, is continuing the IVAS effort from 2004. For 2006, IVAS was renamed and launched as the Integrated Voting Alternative Site, which provides a feature on the Federal Voting Assistance Program Web site consolidating information from the 55 States

and Territories on electronic ballot request and delivery alternatives with the goal of communicating these alternatives to UOCAVA voters.

Additional features of IVAS 2006 are online ballot request and delivery tools being offered for use by States and Territories through the Department. The Federal Voting Assistance Program has communicated with all States and Territories regarding the options that are available to them regarding this project. States may choose the tool best suited to the needs of their UOCAVA voters and their State laws and administrative procedures. The tools are available for use by uniformed servicemembers, family members, and overseas employees and contractors.

Tool #1 is an online ballot request system developed by the Defense Manpower Data Center which allows registered voters to submit a Federal Postcard Application ballot request to their local election official via e-mail. That option is being utilized by seven States and Territories:

- Arkansas
- Illinois
- North Carolina
- Puerto Rico
- Vermont
- Virgin Islands
- Washington

Tool #2 is an online ballot request and delivery system, developed through the Department's Business Transformation Agency and contractor Post-X which allows registered voters to submit a Federal Postcard Application ballot request to their local election official and receive the blank ballot via a secure server. Indiana, Kentucky, and Montana have agreed to utilize this option.

RESULTS

After each presidential election, the Federal Voting Assistance Program conducts a statistically-based, random sample survey of UOCAVA citizens to gather information about their participation in the absentee voting process. For the 2004 general election, among uniformed servicemembers (stateside and overseas) 73 percent voted, and an additional 6 percent attempted to vote (as compared to 57 percent and 12 percent, respectively in 2000). Among Federal civilian employees overseas, 77 percent voted and an additional 3 percent attempted to vote (versus 55 percent and 10 percent, respectively in 2000). Among non-Federal civilians overseas, 53 percent voted and an additional 5 percent attempted to vote (compared to 22 percent and 15 percent, respectively in 2000).

In contrast, the Election Assistance Commission reports that 60.4 percent of the general public voted in 2004 (51 percent voted in 2000 according to the Federal Election Commission).

The participation results for uniformed servicemembers and U.S. civilians overseas reflect the concerted efforts to improve the absentee voting process. Particularly noteworthy in 2004 we reduced by one half to two-thirds the fraction that unsuccessfully attempted to vote in each community (uniformed personnel, Federal civilians, and overseas citizens).

LOOKING FORWARD

Over the last 2 years, the Department has continued to build on the successes of the 2004 presidential election. While mid-term election voting participation rates for uniformed servicemembers and overseas voters are lower than in presidential election years, as with the participation rates for the general voting age population, efforts of the Department, the U.S. Postal Service, the Department of Justice, the Department of State, other Federal agencies, and State and local governments are giving more voters a greater opportunity to participate in this 2006 election. Through our collective efforts to promote and implement expanded electronic transmission alternatives, voters will continue to reap the benefits of these expanded options in this and future elections.

The Department appreciates the support of Congress for its initiatives. These initiatives brought focus to the 2004 election cycle, with significant improvement in military voting participation. We aim for similar improvement in this year's cycle—taking into account the realities of mid-term elections. The procedures we try this year provide a firm foundation for 2008—perhaps even opening the door on the next challenges; facilitating registration and strengthening participation in primary elections.

Senator BURNS. Secretary Chu, thank you very much. I am going to ask a couple questions here if that is okay. You put your state-

ments in, and he'll hear your statements, but I'm really pushing the envelope now on the other side of the building here.

I'm going to ask Ms. Markowitz, when you convened your Secretary of States in July, and DOD met with you at that time, with those officials, it was almost 1 month after Congress had directed the DOD to execute the IVAS program. After that DOD presentation, did you feel that your members had the information they needed to decide whether or not to adopt the IVAS program for your States?

Ms. MARKOWITZ. I think our members had a—

Senator BURNS. Pull that microphone a little closer to you, would you? You have such a kind, soft voice here.

Ms. MARKOWITZ. Thank you. It was a good introductory presentation, but I have to tell you in our experience it took a phone call from a couple of folks who work for the FVAP to our office. I actually spoke directly with two of the staff members with my elections director so that we could think about how we in Vermont could participate, how we could make this work given our own local laws. We were able to. I have to say that that was instrumental, the fact that there was follow-up. So the meeting alone, I think, wasn't enough. That shouldn't be the sole method of communicating with the folks who are running the elections. It requires a follow-up and there are only 55 if you are thinking about what the scope of the project is. So I guess I would give, by way of feed-back, that it's those follow-up calls that really do seal the deal and allow the election officials to have a real conversation about what the goal of the project is and how we could make it work in our States.

Dr. CHU. If I may add, Senator Burns, we did call every one of the 55 jurisdictions. We also wrote every 1 of the 55, and in every case where we had any intimation that the jurisdiction was interested, if we hadn't heard back, we called again.

Senator BURNS. We hear that you, Secretary Chu, are concerned about identity theft and security any time you transfer or use electronic transfer of information—and we know that there is a lack of regard, I think, in some cases with the DOD with regard to these kind of programs. I'm concerned that you have endorsed a system that has security problems.

The IVAS program does not have security problems and can be put in place very easily. I don't like any possibility of identity theft because over in the Commerce Committee we talk about that every day. So, the continued e-mail approach after the DOD evaluation of your program showed that vulnerability. Why do we want to push the same program? Does that make sense?

Dr. CHU. We pay attention, Senator, to security in every one of our programs. There are different levels of security obtainable depending on which approach you use. As I think the security experts will lecture us, there is no perfect security system. We believe e-mail is reasonably secure for these purposes. A significant number of States have accepted e-mail. Even more States have accepted fax.

I do think in this whole enterprise there is, as Ms. Markowitz's comments indicated, a process in which we all have to be comfortable with the particular solution adopted. Each State, each local election office must be comfortable with that process and that's our

intent here, to deploy a variety of tools so that each State or other jurisdiction, each local election office, if it comes to that, can be comfortable with the choice it has made. As I said, I am pleased that between the 2 tools we've deployed this year, thus far already, over 500 counties, out of what I believe are close to 7,000 counties and States, have agreed to participate.

Senator BURNS. I have a couple other questions, and I'm really up against it, I have to go, but—and I'm going to turn this over to Senator Dayton to round this out, but I'm still concerned whether this program should be put in place, the IVAS program, and you named a program over the IVAS.

Dr. CHU. We put the tool I think you're most interested in, in place, Senator, and a number of counties are going to use it. I am delighted by that. We'll gain further experience with it. We have experience in 2004. We have experience now in 2006, and we can use that experience in planning for 2008.

Senator BURNS. We'll be watching very closely, but I am really concerned. It is this business of just getting bogged down in a bureaucracy that gives us a little bit of pause to be nervous up here. Especially when we want something done—and especially if we put it into law—we would like to see it done.

Dr. CHU. We are doing it. We obey the law.

Senator BURNS. Thank you very much, and thank you, Mark.

Senator DAYTON [presiding]. Thank you, Mr. Chairman and I—

Senator BURNS. Oh, I would ask unanimous consent that Mr. Carey's statement be made part of the record, Mr. Chairman.

[The prepared statement of Mr. Carey follows:]

PREPARED STATEMENT BY BOB CAREY

The National Defense Committee wishes to specifically thank Senator Burns as well for requesting these hearings and for his tireless efforts on behalf of military voters. Just yesterday, the National Defense Committee was able to assist a young Marine Lance Corporal from Yellowstone County in Senator Burns' State of Montana, who had received his absentee primary ballot after the primary and was afraid of being disenfranchised again in the general election due to his imminent overseas deployment. The National Defense Committee was able to alert him to the availability of the Federal Write-in Absentee Ballot (FWAB). Although the FWAB is a poor substitute for a full absentee ballot, since this young Marine will still be blocked from voting for State and municipal candidates, it does give him the opportunity to vote for Senator Burns, if he so desires.

I also wish to thank Senator McCain for his steadfast support of the committee's efforts, including those regarding military voter disenfranchisement. As someone who was disenfranchised for almost a decade due to enemy action, his passion for protecting the voting rights of all military servicemembers is evident to the National Defense Committee every day.

Every week, without fail, the National Defense Committee receives yet more desperate pleas from disenfranchised military personnel begging us for assistance in getting ballots, navigating the unnecessarily complex absentee ballot application system, or finding out if their vote was, in fact counted. This after Congress has been unequivocal in its directives to the Department of Defense (DOD) to institute programs to adequately protect those voting rights. In my estimation, the DOD has failed miserably.

Nowhere is this failure more acutely demonstrated than with the Federal Voting Assistance Program (FVAP). Despite having a workable, secure electronic absentee ballot request and transmission system (the Interim Voting Assistance Solution (IVAS) up and running in 2004, the FVAP abandoned it. FVAP then tried to foist off on military voters a significantly less secure, and less capable system, confusingly given the same IVAS acronym, but which was evaluated by DOD as having little, if any, capacity for protecting voter identification or against voter fraud. If I did not know better, I would think that FVAP intended to fail in this program.

Mr. Chairman, you think I'd have gotten used to this. Voter disenfranchisement has been a persistent and common occurrence, rather than the exception, for as long as military personnel were given the right to vote during World War II. A substantial minority, and in some cases a majority, of these brave military personnel have regularly suffered disenfranchisement through no fault of their own.

It's not like this is something we just recently discovered. As early as 1952, the House Administration Subcommittee on Elections concluded many of the servicemembers fighting the Korean War were likely to be disenfranchised in that year's Presidential election. The Honorable C.G. Hall, then Secretary of State of Arkansas and President of the National Association of Secretaries of State, testified that because of late primaries, ballot access lawsuits, and other problems, election officials did not have ballots printed and ready to mail until a few days before the election.¹

Fifty four years later, what's changed? Not much. We could take those exact same words and apply them equally today. From the point of view of the soldiers, sailors, airmen, marines, and coast guardsmen out on patrol, standing watch, and engaging the enemy, it doesn't look like anyone in the DOD cares.

For the vast majority of your and your fellow Senators' constituents, military voters are subjected to anachronistic State requirements to conduct absentee voting the old-fashioned way, by shipping pieces of paper around the world through the United States Postal Service and its Defense Department equivalent. Despite the strong mandates and recommendations of the Help America Vote Act and Uniformed and Overseas Citizen Absent Voters Act (UOCAVA), little has been done to take advantage of the promise the internet holds to provide our deployed servicemembers the same voting rights their fellow citizens back home enjoy.

The result? Like that Lance Corporal from Yellowstone County, military personnel don't get their ballots in time for elections, they can't send them back in time to meet ballot deadlines, and as a result, they are unable to participate in the electoral process. In March 2005, the National Defense Committee surveyed over 7,800 local election officials regarding their overseas and military absentee voting rates for the 2004 general election. NDC found at least a 24 percent disenfranchisement rate for military absentee voters. In fact, that is probably an underestimation of the problem as it relied upon the voluntary reporting of local election officials, and at least 10 States worth of those officials did not participate, in addition to scores of local election offices. A copy of that study is attached to this testimony, and Mr. Chairman, I respectfully request it be entered in the record of this hearing along with my testimony.

Even more disturbing is when we look at what is supposed to be the emergency back-up system for military voters, the FWAB. When a servicemember is reduced to having to use this emergency ballot, we've already accepted substantial disenfranchisement because it does not provide them the opportunity to vote in any State or municipal election. But beyond that, our analysis in 2005 indicated that most of these ballots were not counted. For example:

- California, 278 FWABs received, only 124 counted, a 56-percent disenfranchisement rate.
- Florida, 481 FWABs received, only 284 counted, a 49-percent disenfranchisement rate.
- Illinois, 1,165 FWABs received, only 820 counted, a 30-percent disenfranchisement rate.
- Maryland, 1,829 FWABs received, only 1,118 counted, a 39-percent disenfranchisement rate.
- Missouri, 260 FWABs received, only 169 counted, a 35-percent disenfranchisement rate.
- North Carolina, 285 FWABs received, only 57 counted, an 80-percent disenfranchisement rate.
- New York, 678 FWABs received, only 319 counted, a 53-percent disenfranchisement rate.
- Ohio, 750 FWABs received, only 329 counted, a 56-percent disenfranchisement rate.
- Texas, 2,934 FWABs received, only 727 counted, a 75-percent disenfranchisement rate.
- Tennessee, 161 FWABs received, only 53 counted, a 67-percent disenfranchisement rate.
- Virginia, 207 FWABs received, only 93 counted, a 66-percent disenfranchisement rate.

¹The committee report's complete text is available on the National Defense Committee (NDC) Web site, www.nationaldefensecommittee.org.

When a system so complex is forced on our military men and women that any where from 30 percent to 80 percent of their votes are rejected, we are failing them. We are failing to protect their right to vote just like poll taxes, literacy tests, onerous identification requirements, and other methods of intentional disenfranchisement led to the passage of the Voting Rights Act.

Our results were echoed in the March 2006 Elections Assistance Commission report on voting disenfranchisement in the 2004 general election after the passage of the UOCAVA, which found almost 20 percent of all military and overseas voter absentee ballots were not counted in the 2004 general election. This represents 200,000 military and overseas voters who wanted to vote, but whose vote was not counted. Specific results were even more harrowing, with disenfranchisement rates breaking 50 percent in Arkansas (50.7 percent), and exceeded 28,000 individual voters in Florida.

While the military nears completion on the universal transition to PKI certificates and digital signatures for all military information technology networks, providing near absolute irrefutability of individual Internet and information technology acts and keystrokes, local election officials continue to mandate paper ballots and manual signatures.

For reasons beyond my comprehension, but as you already know, there are three timeconsuming steps required in absentee voting. First, the absentee ballot request must travel from the voter to the election official. Second, the unmarked ballot must travel from the election official to the voter. Finally, the marked ballot must travel from the voter back to the election official in the voter's hometown. Each of these steps can take weeks if the mail must be used, but only seconds if secure electronic means were authorized.

For the military voter, especially, the most difficult and problematic step is the second step, the transmission of the unmarked ballot from the election official to the voter, for two reasons. First, the election official cannot print, much less mail, absentee ballots until all uncertainties about who and what go on the ballot have been resolved. For example, in 2004, in Arkansas, a dispute about whether Ralph Nader had qualified for the ballot was not resolved until several days into October. In the meantime, the Arkansas Supreme Court enjoined local election officials from mailing out ballots, until the State's high court could hear and decide the matter.

The other problem is that the military voter is a moving target. Let me take one example—myself. I received military mobilization orders on October 22, 2004. I reported to my Reserve center on Long Island on that date, and then reported to a military processing site in Washington, DC, a week later. I was scheduled to depart for the Middle East on November 1, but because of a service requirement, was fortunately able to stay in the United States and go to New York on Election Day to vote.

If not for that, I would not have been able to vote. I would have submitted my absentee ballot application on October 22, but where would the ballot have gone? All I had was an ultimate duty station address in Bahrain, to where I was not scheduled to report until after the election. New York law requires the ballot to be postmarked by midnight the day before the election. Because I answered my Nation's call to service, I would not have been able to vote if not for a quirk in my mobilization processing.

The same thing happened upon my return. New York City was having its Mayoral election in November 2005. I departed Bahrain on November 4, 2005, reported to my outprocessing site on November 6. The election was November 8. The New York ballots were not available until 32 days before the election.

Mail regularly took 2 weeks to get to Bahrain and 2 weeks to get back. Please remember that there is a bifurcated system for delivering mail to servicemembers and others. The United States Postal Service (USPS) delivers mail to all addresses within the United States, including military installations and hospitals. The Military Postal Service Agency (MPSA), which is part of DOD, is responsible for delivering mail to Army Post Office (APO) and Fleet Post Office (FPO) addresses outside the United States. So, even if the ballot was mailed exactly 32 days prior to the election, it likely wouldn't arrive in Bahrain until October 23. A delay in receiving his mail of even 10 days, and I would have missed my ballot. So, assuming everything goes perfectly, I had to mail the ballot by November 1. That gave me only a week to analyze my votes for all the city candidates in a city of 8.1 million people. Frankly, this is ludicrous. Why do we continue to accept it?

Every day, billions of dollars are transmitted by secure, but unclassified electronic means over the Internet. The military routinely transmit classified information electronically, by means of the military's Secure Intranet Protocol Routing Network (SIPRNET). Additionally, all unclassified military IT communications are being stamped with digital signatures and PKI certificates tied to the member's military

identification card, providing a much higher degree of user identification than is used at any polling place.

In the interim, we also have the reconstituted original IVAS system directed by Congress through this summer's supplemental appropriations. Up and running in only a few weeks, this system is unfortunately only available to military voters in two Montana counties, in large part because of the failure of FVAP and the DOD to publicize it. It was also delayed because it required the concerted efforts of this committee and Senator Burns to force the DOD to implement this system, even after directed and funded by Congress. Why, Mr. Chairman? Why is FVAP so doggedly opposing proven methods of providing our servicemembers secure, and far easier, means to vote?

I'd also like to lay out a preemptive argument. The National Defense Committee does not buy the argument that providing such electronic voting assistance to military personnel would unduly grant them unequal ballot access. Remember that for most absentee voters, absentee voting is essentially a voluntary act. Most requirements to be away from a voter's community on Election Day are actually not requirements, but conveniences. Business trips and vacations, although important, are not required of the individual voter requesting an absentee ballot. The military servicemember does not have that prerogative. The military servicemember is ordered by Federal action to leave their locality on Election Day and cannot tell the military they will not obey because they want to vote. They are required to obey, and do so in the defense of our country. In my opinion, that fully justifies specific relief for this special class of individuals.

The 1952 congressional hearing report I discussed before includes a letter to Congress from President Harry S. Truman. I invite your attention particularly to the most eloquent opening paragraph of President Truman's letter:

About 2,500,000 men and women in the Armed Forces are of voting age at the present time. Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet 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 year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.

What President Truman wrote of those fighting the Korean War in 1952 is equally true of their grandsons and granddaughters, and great-grandsons and great-granddaughters, fighting the global war on terrorism today. To summarize:

- We know what the problem is, and have known for 54 years.
- State and municipal election officials have either failed or refuse to solve this problem.
- Our military personnel are disenfranchised at unacceptable rates because of that failure.
- Because they are Federal military personnel, taken away from their communities by Federal orders, and because the States and municipalities have failed to resolve this, Federal legislative intervention is necessary and appropriate to preserve the voting rights of military personnel.

Mr. Chairman, I implore you: take action as soon as this Congress reconvenes after the election. Pass a bill out of this committee that guarantees easy, secure, internet-based voting for all levels of elections for every member of the military. We owe them no less.

Senator DAYTON. Thank you, Mr. Chairman. I consulted with the committee staff, and it's my understanding that the committee rules do permit the hearing to continue without a member of the majority so I will ask for a unanimous consent that I may be permitted to hear the rest of the witnesses. I will then confine myself to my own questions unless other members arrive.

Hearing no objection, Ms. Markowitz would you proceed and provide other comments you care to make for the record as part of your formal statement?

STATEMENT OF DEBORAH L. MARKOWITZ, PRESIDENT, NATIONAL ASSOCIATION OF SECRETARIES OF STATE, VERMONT

Ms. MARKOWITZ. Yes, thank you very much, Mr. Chairman, and I want to thank the committee for giving me the opportunity to speak on behalf of the Nation's chief elections officials. I'm Deborah Markowitz, and I'm the Vermont Secretary of State. I'm currently the President of the National Association of Secretaries of State (NASS). It's an honor to appear before you to talk about this important issue.

As you can imagine, my fellow secretaries around the country believe that the most precious right of a democracy is the right to vote and that members of our military are making extraordinary personal sacrifices for their country and deserve all of our efforts to make sure that they can exercise this right.

As an organization, NASS is committed to improving the voting process and to finding ways to make it easier for those in the country—and outside of the country—to exercise the franchise. Unfortunately, State laws sometimes cause barriers. Some States have postmark requirements. Others, like Vermont, have late primary dates. There's absentee ballot request deadlines, voter registration procedures. Vermont actually has a challenging voter registration procedure in that you have to take a sworn oath in order to vote. That oath needs to be notarized, which we make easy because any commissioned officer can provide the notary, but it's an additional step. It means somebody can't register to vote online, but note, that's in our constitution. It's in our State's constitution, so it's not that easy to change. It's an example of the variety of challenges that States face in our efforts to make it easy for people who are overseas, our military in particular, to register and to vote.

Secretaries of State have been working on this issue. I was first elected in 1998, so I have been here now for 8 years as part of this association and, year after year, as we meet we look at ways that we might make changes to our State laws, make changes to the way we approach overseas voters and particularly the military. We have seen improvements. I would say that—I'd like to commend the FVAP for their partnership in that conversation. The fact is they do make sure they're at our meetings talking about this issue. They make sure that it percolates to the top of our list.

With the Help America Vote Act, we've been extremely busy on elections. It wouldn't be surprising had this fallen by the wayside, but it didn't. This issue didn't fall by the wayside because of the persistence, particularly of Polli Brunelli, who I think is here today, and I want to personally thank for her efforts.

NASS as an organization has also been active. In 2004 NASS passed a resolution urging the Federal Government to implement an air express ballot delivery plan that would expedite both the delivery and receipt of ballots for military and overseas voters. It was our belief, and it still is our belief, that such a plan would allow a military or overseas voter to deliver a completed ballot back to the Military Voting Assistance Officer (VAO) or to an appropriate U.S. embassy official by a deadline as close as practical to the election, and still have that ballot delivered in time for it to be counted on election day or according to the laws of the particular State.

As an organization, we called on the Federal Government to implement this service because the internet voting project for military and overseas voters, the SERVE project, had just been cancelled. We felt this was a very important alternative.

In July 2004, we also did a survey of our members. We asked our members to put information on their Web sites directed to military and overseas voters to give those voters an opportunity to go to one spot to find everything they need to know so that they could vote. That information was gathered and also put on the National Association of Secretaries of State Web site, so there's one portal. There's one place that somebody in the military or overseas can go to find out about what they need to do in their States. Actually you should know that this year we added an additional benefit on that Web site. We have a Web site called www.canIvote.org, which lets any voter in the United States or out, come to a central portal to find out if they're registered, and if they're registered, where and who they could contact, who their LEO is so they can contact them to ask for an absentee ballot to be sent. We think this is a proactive way to try to help our military and overseas voters be able to participate.

In doing a survey we found that we got some pretty good information to help us let citizens know what's required of them in their particular State. It also allows us as Secretaries of State to see what others are doing because we learn from each other and when you go to meetings the best part of the meeting is you talk to peers and get some ideas on how you might be able to do it better. Incidentally, I've included with my remarks, my written remarks, copies of those surveys so that you also can have an idea of the variety of efforts that are being made across the country.

Senator DAYTON. Any supporting documents you wish to submit will be added to the record at the conclusion of your statement.

Ms. MARKOWITZ. Thank you, sir. Obviously Secretaries of State have been very eager to work with Federal agencies to assist military and overseas voters. Over the years we have worked very closely with the FVAP on various pilot programs, including the 2000 Internet Voting Project, the 2004 SERVE Project, the expedited postal programs, and now IVAS.

We're also working to think about what other choices are available. We're working with FVAP to help see the variety of challenges in our localities so that they could possibly do their job better and reach the people they need to reach more effectively. I think it's been a tremendous asset to have them at the table at our meetings, as well. We're excited about the IVAS initiative. I personally think it's a great addition to the options. The challenge we all face, though, is timing. For any program to be successful, it has to be implemented early enough to be effective. The States need time to put the right procedures in place. We need time to be able to train our election officials and, I have to say, because of the Help America Vote Act, we're less of a hodge-podge across the country. The Help America Vote Act required the States to have uniformity within the counties or within the jurisdictions. For the first time, I, as the chief elections official, really can put more effort in rules that my localities have to follow. I think that's a real tool for Secretary Chu and his staff.

That being said, in order to implement a new program, we need enough time to train those local workers. They need to know that they may be asked to e-mail out a ballot and that that's acceptable. We're a small enough State that we've been able to meet the challenge, but I do know for the larger States that's a significant hurdle. We have for the first time, because of the Help America Vote Act and the resources that the Help America Vote Act has provided us, we have money that is dedicated to poll worker training, to training those election officials. Early information would allow us to better incorporate these programs into that training. So, I would say looking towards 2008, an early partnership, early information, I think, would benefit everybody.

In Vermont, just to speak a moment about my State that I'm very proud of, we have worked very hard to make it possible for our overseas and military voters to participate. We are one of the late primary States, which means that we are rarely able to get ballots sent out in the mail before 30 days before the election, any earlier than that. That's because with a second Tuesday in September primary, we need some time to print the ballots before we can actually send them out. That's a challenge, and you should know that we have gone to our legislature to ask for that date to be changed. Two years ago, actually about 18 months ago, when I was testifying before the legislature I brought in our National Guard because we have many National Guardsmen and women deployed, particularly in Iraq and Afghanistan, and we obviously share a concern they be able to vote.

We had asked the National Guard to actually do some research to see what has happened to all of the ballots that were requested by Guard members in the previous election. They actually looked up every ballot that was requested. They called every single town and found that all but a few were returned and counted in time, and the ones that weren't returned and counted were not counted, and there's nothing anyone could have done about it. It's because the National Guard member was so far out in the field that they weren't getting communication, they weren't getting mail, they weren't by a telephone and nothing would have really solved that problem. It was frustrating for me personally, because I was arguing for moving this primary date—it was a bad surprise that they came out saying we're doing just fine the way we are.

But, you should know that really has been Vermont's experience, that we have some data now to show that we have been fairly successful. That being said, I know that's not always going to be the case. We had some very committed service officers making sure everybody was getting what they needed. We do fax out ballots, and we did in that election fax out ballots. We're very happy that now we have the option to e-mail ballots as well.

I believe that we do need to take an entrepreneurial approach to this issue and that technology will provide a solution. Maybe not internet voting. In Vermont, for example, we're using an innovative voting technology to permit our citizens who have disabilities, particularly those who are blind or visually impaired, to vote privately and independently, and that technology could be used also for our military and overseas voters. We're hoping to do that in the future. It's a telephone voting system. It's a secure system. A voter can call

in, have PIN numbers, a special code to bring up the right ballot. They then can mark the ballot using the telephone key pad, and it prints out a paper ballot at the end which is scanned in, read back to the voter so the voter can say, "Yes, I like this piece of paper, this ballot says what I want it to say," and then it's cast in our central election center.

It's new technology, and we're using it for the first time in this general election. We used it in our primary with great success. Right now we only use it in our polling places. There are some, obviously, additional security complexities when you use it with military and overseas voters, but, this is an example of how we can be innovative and find additional solutions. I believe that they are there.

I guess in sum, I'd like to encourage Secretary Chu to continue working with the States, continuing to look for innovative technology that might be able to be broadly deployed to solve what's a serious problem for some of our service men and women overseas and our overseas citizens. I'd like to thank you, Mr. Chairman, and the committee for the invitation to speak here and if I, or the National Association of Secretaries of State, can be of any assistance on any of the issues before you, please don't hesitate to call on us.

[The prepared statement of Ms. Markowitz follows:]

PREPARED STATEMENT BY HON. DEBORAH L. MARKOWITZ

Thank you, Mr. Chairman and members of the committee for giving me this opportunity to speak on behalf of the Nation's chief State election officials today. My name is Deborah Markowitz. I am the Vermont Secretary of State and the President of the National Association of Secretaries of State (NASS). It is an honor to appear before you to discuss the status of military voting programs and the Federal Voting Assistance Program (FVAP).

The members of NASS believe that the most precious right of a democracy is the right to vote, and that the members of the U.S. military are making extraordinary personal sacrifices to promote and defend democracy. As an organization whose members include the Nation's chief State election officials, NASS is committed to improving the voting process and to making voting as simple as possible for those serving our country.

Unfortunately, State laws regarding postmarks, late primary dates, absentee ballot deadlines and voter registration procedures often inadvertently make voting more complicated for our military voters and overseas citizens. For years, those States with late primaries—including Vermont—have worked to convince our legislatures that our late primaries make it extremely difficult for us to use the U.S. mail to get election materials to military and overseas voters in time for them to vote.

In February 2004, NASS passed a resolution urging the Federal Government to implement an air express ballot delivery plan that would expedite both the delivery and receipt of ballots for military and overseas voters. It is our belief that such a plan would allow a military or overseas voter to deliver a completed ballot to a military Voting Assistance Officer or an appropriate U.S. embassy official by a deadline as close as practical to the election, and still have the ballot delivered to his or her election official no later than noon on the Friday or Monday before Election Day. As an organization, we called on the Federal Government to implement this service because the Internet voting pilot project for military and overseas voters, SERVE, had just been cancelled.

In July 2004, we called on the States to include voting information for military and overseas citizens on their State Web sites. NASS also included information on our Web site for military and overseas citizens—including our resolution language, links to all of the States' election Web sites and to voting information Web sites for each branch of the Armed Forces, as well as State-by-State surveys on issues relevant to military and overseas voters.

While our surveys are not scientific, we do find that posting the results helps us to inform citizens about voting procedures in their State, while keeping the Secretaries abreast of what other States are doing. Our "Single State Office and Method

of Delivery for Materials” survey summary included State-by-State contact information that both the Secretaries and the general public could use to get answers to their questions about the States’ military and overseas voting practices. The survey summary also outlined the allowable methods for submitting absentee ballot requests and for returning voter registration applications, FPCAs, and completed ballots. In the spring of 2006, we updated the survey to include the question, “What are the allowable methods for sending ballots to military and overseas voters?”

A copy of the survey and copies of our resolutions have been included for your review.

The Secretaries have worked in close cooperation with their legislatures to amend State laws to keep current with technological advances. The use of e-mail and faxing for much of the information exchanged between a voter and an election official is now allowed in most States. However, it is important to note that most States still require the actual voted ballot be returned by mail or express delivery.

We are eager to work with the Federal agencies that have been established to assist military and overseas voters. Over the years, the States have worked closely with the Federal Voting Assistance Program (FVAP) on various pilot programs, including the 2000 Internet Voting project, 2004 SERVE project, Expedited Postal Programs and now IVAS. NASS is working with the FVAP to determine how best to improve communication between Federal, State, and local governments. NASS staff members provide regular updates to the Secretaries by sending out e-mail notices and summaries about programs at the Federal level. Unlike Federal agencies, the association isn’t constricted by Federal laws governing written communications, so NASS is able to give its members advance notice of deadlines and official communications that will be arriving via U.S. mail from Federal agencies like FVAP, the U.S. Election Assistance Commission (EAC) and U.S. Department of Health and Human Services (HHS). In addition to e-mail communications and updates, NASS also invites the Federal agencies to present their programs at our winter and summer conferences each year.

We are very excited about the IVAS initiatives FVAP is implementing for the November 2006 elections. The challenge we all face is timing. In order for any program to be successful, it must be implemented effectively, but it must also be implemented early. The States need time to put the proper procedures (and in some cases new laws) in place and time to notify and train local election officials. Our local election officials will be responsible for ensuring that any new election practice is successfully implemented.

We also share responsibility with the FVAP for making military and overseas voters aware of the new services available to them. The States and localities that are able to implement some or all of the initiatives this year will be a tremendous resource for those who will follow them. We all look forward to building on the success of the programs being utilized this year.

In Vermont we have worked hard to make it possible for our overseas and military voters to participate. We have found ways to be flexible, within the context of our State laws, so that ballots can be faxed or e-mailed overseas so that there can be a great chance of them being voted and then returned to Vermont by Election Day so that they can be counted. We have a special page on our Web site for overseas and military voters so that they can have easy access to all the information they need to register and vote by mail, and we are very happy to be participating in the new IVAS project to accept automated FPCAs.

Looking into the future we are hoping that technology will provide additional solutions to permit our service men and women, and our overseas citizens to vote easily and quickly. This year, in Vermont, we are using the IVS Vote-By-Phone system to permit voters with disabilities to vote privately and independently at our polling places. This system permits a voter to use the telephone keypad to mark a paper ballot which is printed out in our Elections Center, and which can then be counted with the rest of the ballots on Election Day. I believe that this technology holds great promise for use by our overseas and military voters. We have encouraged the FVAP to consider whether this innovative technology could be broadly deployed to solve what is a serious problem for our service men and women and for our overseas citizens.

Mr. Chairman and members of the committee, I thank you again for the invitation to speak here today. If I or NASS can be of any assistance on the issues we’ve discussed, I hope you won’t hesitate to call on us.



Military and Overseas Citizens Voting Assistance Resolution

Adopted February 15, 2004

WHEREAS, the U.S. Department of Defense has cancelled the military and overseas citizen Internet voting project for the 2004 election; and

WHEREAS, mail from military members and U.S. citizens stationed overseas often takes up to three weeks for delivery; and

WHEREAS, military and overseas citizens, particularly those serving in areas of conflict, deserve a system that can deliver their completed ballots in a timely manner;

NOW THEREFORE BE IT RESOLVED, that the National Association of Secretaries of State (NASS) urges the federal government to implement an air express delivery process for military and U.S. citizens stationed overseas so that voters can deliver a completed ballot to the Voting Assistance Officer on a military base or the appropriate official at a U.S. embassy by a deadline as close as practical to the election and have the ballots delivered to the voters' election officials no later than noon on the Friday (Monday) before Election Day.

Expires at the Winter Conference 2009



**RESOLUTION ON VOTING INFORMATION FOR MILITARY AND OVERSEAS CITIZENS
ON THE WEB**

Adopted on July 19, 2004

Whereas, Uniformed Services, including the United States Armed Forces, merchant marine, commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration are serving the United States of America in many locations throughout the world today;

Whereas, the Uniformed Services are making extraordinary personal sacrifices in service to the United States of America to promote and defend democracy;

Whereas, the most precious right of a democracy is the right to vote;

Whereas, the Constitution of the United States of America guarantees the right to vote to all citizens who are of legal age on election day;

Whereas, the Help America Vote Act (HAVA) of 2002, has made significant changes to federal elections laws affecting Absentee Voting by Military Personnel and their Dependents;

Whereas, the National Association of Secretaries of State (NASS) website provides and maintains, HAVA elections information regarding Absentee Voting to Military Personnel and their Dependents serving the United States of America;

Whereas, the NASS website provides a link to each state's elections web site with specific elections information regarding Absentee Voting to Military Personnel and their Dependents serving the United States of America;

Whereas, the United States Department of Defense currently provides a safe and secure military electronic communication transmission system network to the Uniformed Services during times of war and peace;

Whereas, a safe and secure electronic communication transmission system network is necessary to link and interact with HAVA elections information on the NASS and individual state's elections websites regarding Absentee Voting to Military Personnel and their Dependents serving the United States of America throughout the world;

Therefore, NASS resolves that each state's elections website provide specific voter information regarding Absentee Voting to Military Personnel and their Dependents serving the United States of America; and further, that each state URL provide an e-mail link to the United States Department of Defense electronic communication network; and,

Therefore, NASS requests that the United States Department of Defense communicate by e-mail throughout their electronic communication network the availability of this voter information including a hotlink to the NASS website which provides a link to each state's elections website with specific voter information regarding Absentee Voting to Military Personnel and their Dependents serving the United States of America.

Expires at Summer Conference 2009

**Military and Overseas Voters Survey – Single State Office and Method of Delivery for Materials
Responses as of 6-29-06**

State	Designated Single State Office for Voting Info	Will Single State Office Receive all Materials	Methods for Absentee Ballot Requests from Military and Overseas Voters	Allowable methods for Sending Ballots to Military and Overseas Voters	Methods for Returning Voter Registration Apps (PCA) and Completed Ballots
AL	Elections Division Office of the Secretary of State P.O. Box 5616 Montgomery, AL 36103 334-242-7210	No. In AL the circuit clerks or their designees serve as absentee election managers.	Absentee ballot requests Hand delivery by the voter, US Mail, or in the case of a voter who wishes to cast an emergency absentee ballot, hand delivery by the voter's designee.	Ballots to military/overseas by hand delivery or United States mail. See Alabama Code Section 17-10-9	Hand delivery by the voter or US mail
AK	Division of Elections Office Phone: (907) 465-4611 Fax: (907) 465-3203 Website: www.elections.state.ak.us	Yes for all absentee requests; voter reg applications sent to any regional office or Director's Office	Mail, in person or fax; must be received at least 10 days before election	Ballots to military/overseas In person, by mail and by fax.	Voter Registration Apps - mail, in person or fax. Absentee Ballots - mail, in person or fax. Ballots must be received 10 days after election day, if mailed from US; must be received 15 days after election day, if mailed outside the US.
AS	American Samoa Election Office Phone: 684-633-2522 Fax: 684-633-7116 Email: aselect@sam.gov	Yes	Absentee ballot requests - mail and express delivery	Ballots to military/overseas U.S. mail	Voter reg apps - mail and express delivery Absentee ballots - mail and express delivery
AZ	Secretary of State's Office Phone: 602-542-8683 Fax: 602-542-6172 Website: www.azsos.gov	No. If received by the state, the information is immediately forwarded to the appropriate county.	Absentee ballot requests - phone, mail, fax, email and county website links.	Ballots to military/overseas Mail, overnight mail, fax, or by other electronic format approved by the secretary of state	Voter registration apps - mail, fax and electronically if using www.sos.az.gov Absentee ballots - mail or fax
AR	Secretary of State's Office/Election Div Phone: 501-682-3471 Fax: 501-682-3408 Email: general_info@sosmail.state.ar.us Website: www.sosweb.state.ar.us	Not exclusively of the counties. Yes, with inclusion of the counties	Absentee ballot requests - in person, by designated bearer, by mail, by fax, by authorized agent.		Voter registration apps - by mail and in person Absentee ballots - in person, by mail, by designated bearer, by authorized agent.
CA	Secretary of State's Office Phone: 916-637-2166 Fax: 916-633-3214 Email: mvcv@sos.ca.gov Web: http://www.sos.ca.gov/elections/elections.htm	No However, the SOS office will accept applications and ballots as a backup, much as the office does for voter	Absentee ballot request - voter may fax application and state may fax ballot	Ballots to Military/Overseas County election officials utilize fax, overnight mail, US mail. In addition, various counties within the state have the ability to deliver ballots to MOV by email.	Voter registration apps - mail (need original signature) Absentee ballot - mail, express delivery

ID	<p>Secretary of State's Office Phone: 208-334-2300 Fax: 208-334-2282 Email: elections@idoss.state.id.us Website: www.idoss.state.id.us</p>	<p>registration office: No</p>	<p>Absentee ballot requests - any method of delivery that contains a signature including fax and email with scanned signature</p>	<p>Ballots to military/overseas Idaho law provides for the delivery of ballots by "mail or by other appropriate means." In cases of emergency, the Secretary of State can prescribe special procedures (such as faxing ballots) to facilitate delivery and return of absentee ballots</p>	<p> Voter registration apps - any method of delivery that contains a signature including fax and email with scanned signature Absentee ballots - any method that allows return of a ballot sealed in the envelope - fax only in extreme emergency</p>
IL	<p>Illinois State Board of Elections Phone: 866-513-1121 Fax: 217-789-5959 Email: esb@elections.il.gov Website: www.elections.il.gov</p>	<p>Don't solicit them, but will accept and send on to the appropriate election jurisdiction</p>	<p>Absentee ballot requests - mail, fax, email</p>	<p>Ballots to Military/Overseas Mail and overnight mail</p>	<p> Voter registration apps - mail, express delivery Absentee ballots - mail, in-person</p>
IN	<p>Secretary of State's Office (Elections Div) Phone: 317-232-3939 Fax: 317-233-6793 Email: elections@sec.state.in.us Website: www.sos.IN.gov</p>	<p>State will accept voter registration applications and forward to correct county. Absentee ballot applications must go to county, but state will forward any absentee ballots to the appropriate county. All completed ballots must go to county</p>	<p>Absentee ballot requests - mail, hand delivered, in person by fax</p>	<p> Voter reg apps - mail, hand delivered, in person Absentee ballots - mail, hand delivered, in person, fax, bonded express counters and if sanctioned by the DOD, email.</p>	<p> Voter reg apps - mail, hand delivered, in person Absentee ballots for federal services voters may be submitted by mail, fax or in person.</p>
IA	<p>Secretary of State's Office Phone: 715-786-4461 or 800-262-8683 Fax: 785-291-1051 Email: ksos@ksos.iowa.gov Website: www.ksos.iowa.gov</p>	<p>No. However, the Secretary of State's office will accept applications and ballots as a backup, much as the office does for voter registration apps and forward them to appropriate county.</p>	<p>Absentee ballot requests - mail, fax or in person</p>	<p>Ballots to Military/Overseas Military - mail, fax using DOD system and email using DOD system.</p>	<p> Voter registration apps - mail, overnight mail service, hand deliver, fax using DOD system, email using DOD system. Absentee ballots - mail, overnight mail service.</p>
KS	<p>Secretary of State's Office Phone: 800-246-1399 or 302-573-7100 Fax: 502-573-4569 www.elections.ky.gov</p>	<p>State will accept voter reg apps and forward to correct county. All absentee ballot requests and completed ballots must go to county</p>	<p>Absentee ballot requests - mail, overnight mail system, and email using DOD system.</p>	<p>Ballots to Military/Overseas Military - mail, fax using DOD system and email using DOD system.</p>	<p> Voter registration apps</p>
KY	<p>Secretary of State's Office</p>	<p>Voter registration</p>	<p>Absentee ballot request -</p>	<p> Voter registration apps</p>	<p> Voter registration apps</p>
LA	<p>Secretary of State's Office</p>	<p>Voter registration</p>	<p>Absentee ballot request -</p>	<p> Voter registration apps</p>	<p> Voter registration apps</p>

<p>Elections Program Phone: 800-983-2805 Fax: 225-922-1167 elections@ssa.louisiana.gov</p>	<p>applications and absentee ballots should go directly to the parish registrar of voters' office; however, the state will forward any such documents upon receipt to the appropriate parish registrar of voters</p>	<p>Military personnel should check with their commanding officers who will provide the forms to request absentee ballots. U.S. citizens residing overseas should send a request in writing to the parish registrar of voters' offices where they are registered. The ballots should be mailed back at no expense to them in the provided U.S. postage paid envelope. Absentee ballot requests may be submitted by mail, facsimile (fax), or in person.</p>	<p>- mail, hand delivery or fax only from a member of the military or a person residing outside of the United States. Absentee Ballots Ballots for military personnel and U.S. citizens residing overseas must be received by the parish registrar of voters' office no later than 4:00pm on Election Day. They may be received by mail, in person, or express delivery or fax.</p>
<p>ME</p>	<p>Secretary of State's Office/Elections Div Phone: 207-624-7650 Fax: 207-287-6545 Email: ese.elections@maine.gov Website: www.maine.gov/ssa/ese/elec/</p>	<p>No</p>	<p> absentee Ballot Requests – mail, fax, hand delivery, express delivery and by telephone</p>
<p>MD</p>	<p>State Board of Elections Phone: 410-269-2840 Fax: 410-974-2019 Website: www.elections.state.md.us</p>	<p>State will accept voter registration applications and forward to correct county.</p>	<p>Deliver Ballots to Military/Overseas Mail and fax and overnight mail at the expense of the voter</p>
<p>MA MI MN</p>	<p>Secretary of State's Office 651-296-2079 651-215-0682 Email: secretary.state@state.mn.us Website: www.sos.state.mn.us</p>	<p>MN sautes directs that absentee ballot applications be submitted to the County Auditor</p>	<p>Deliver ballots to Military/Overseas MN statute provides that ballot instructions and return envelopes shall be sent by first class mail to addresses within the cont. US and by airmail to other elections.</p>

		where the voter last maintained residence. However, also says that if an application is received by the SOS, it will be forwarded immediately to the appropriate county.	- pending legislation)	addresses outside the US. Any special services provided by the US Govt. for the mailing of voting materials made be made use of.	mail, express mail
MS	Secretary of State's Office, Elections Division Phone: 800-829-6786 Fax: 601-359-1499 Website: www.sos.state.ms.us	This office will not receive all voting materials. We will coordinate absentee applications and ballots transmitted by email. All other materials should be transmitted directly to Registrars.	Absentee ballot requests - in person, mail, fax, email using FPCA	Deliver ballots to Military/Overseas Mail, fax and email	Absentee ballots - in person, mail, fax or email using a/the FPCA.
MO	Secretary of State's Office Phone: 573-751-2301 Fax: 573-526-3242 Email: elections@sos.mo.gov Website: www.sos.mo.gov	No	Absentee ballot requests - mail, overnight delivery, fax		Voter registration apps - mail, overnight delivery Absentee ballots - mail, overnight delivery, or for persons in the federal services, when sent from a location determined by the Secretary of State to be inaccessible on election day, shall be allowed to return their absentee ballot cast by fax or under a program approved by the DOD for electronic transmission of election materials.
MT	Secretary of State's Office Phone: 406-444-5346 Fax: 406-444-2022 Email: sustext@mt.gov Website: sos.mt.gov	Don't solicit them, but will accept and send on to the appropriate election jurisdiction.	Absentee ballot request - mail, telephone, fax or email if available in the county	Deliver Ballots to Military/Overseas Counties deliver ballots and will deliver by any method available and approved by county. State law allows ballots to be sent by mail, overnight mail, fax or electronically if facilities are available.	Voter Registration apps - mail, fax or email if available in the county Absentee ballots - mail, fax or email if available in the county.
NE	Secretary of State's Office Phone: 402-471-2353 Fax: 402-471-7854 Email: ElectionsDivision@sos.ne.gov Website: www.sos.state.ne.us	No	Absentee ballot requests - mail, fax State can now also fax absentee ballots to military and overseas voters.	Deliver Ballots to Military/Overseas Mail, overnight mail and fax transmission	Voter Reg apps -mail, FPCA is accepted by fax. Absentee ballots - mail
NV NH	Secretary of State's Office (Elections Div) Phone: 603-271-3242 Fax: 603-271-6316	No	Voter reg requests - fax Absentee ballot request - fax		Voter reg - mail Absentee ballots - mail

	Email: elections@state.nh.us/ios Website: www.sos.nh.gov								
NJ									
NM	Secretary of State's Office 800-477-3632 505-827-8403 Email: dgonis@state.nm.us Website: www.sos.state.nm.us	No		Absentee ballot requests - fax					Voter reg - fax Absentee ballots - fax, but voter must sign an affidavit waiving secrecy of ballot
NY									
NC	State Board of Elections Phone: 919-733-7173 Fax: 919-715-0351 Website: www.sboe.state.nc.us	The State Board has a plan in place since 2002 for the electronic transmission of the valid voter registration apps, absentee ballot requests and absentee ballots.	Absentee ballot requests - fax, email, small mail	Deliver Ballots to Military/Overseas Voters Transmit ballot to absentee military voter via fax or mail. Overseas citizen can receive only by mail.					Voter registration apps - fax, email, small mail Absentee ballots - fax, email, small mail, commercial courier
ND	Secretary of State's Office Phone: 701-328-4146 Fax: 701-328-1690 Email: loliver@state.nd.us Website: www.state.nd.us/sec/	No	Absentee ballot requests - fax, mail, email, express delivery	Deliver Ballots to Military/Overseas Mail, fax, email attachment					Voter reg - no voter registration in ND. Absentee ballots - mail, fax or email attachment
OH									
OK	Oklahoma State Election Board Phone: 405-521-2391 Fax: 405-521-6457 Email: elections@oksoef.state.ok.us Website: www.elections.state.ok.us	State accepted materials on behalf of counties prior to HAVA and will continue after HAVA. For dating purposes, receipt at the state is the same as receipt at the county.	Absentee ballot request - mail, fax and state can fax ballot to voter						Voter reg - state does not require registration for military and overseas voters. The FPCA (or a letter with same info) is treated as a request for absentee ballots. Absentee ballots - mail, private mail (delivery) service if such service provides delivery documentation and fax only if transit time is insufficient for U.S. mail
OR	Secretary of State/Elections Division Phone: 503-966-1318 Fax: 503-373-7414 Email: elections@sosind.sos.state.or.us www.sos.state.or.us/elections/efechip.htm	No	Absentee ballot request - any method of delivery that contains a signature, including fax						Voter registration apps - mail, hand delivered in person Absentee ballots - mail, hand delivered in person
PA	Bureau of Commissions, Elections and Legislation Phone: 717-787-5280 Fax: 717-787-2854 Website: www.dos.state.pa	No	Absentee ballot requests - fax followed by mail and express delivery						Voter registration apps - mail, personal delivery and express delivery.
RI	Secretary of State's Office Phone: 401-222-2340	State passed law in 2003 that required	Absentee ballot request - can use FPCA form and						Voter reg - state does not require registration for

	<p>Fax: 401-222-1444 Email: elections@sec.state.rh.us Website: www.state.rh.us/elections</p>	<p>SOS office to coordinate all HAVA responsibilities. Also provided that all electronic FPCA's go directly to SOS. All other mail ballot applications and FPCA's go to locals</p>	<p>fax or can use regular state mail ballot, but that must be mailed.</p>	<p>UOCAVA voters. If choose to register, voters can use form on website or the national form and can mail. Also can use FPCA form and fax. Absentee ballots – state mails ballots and faxes FPCA ballot requests. All mail ballots must be mailed or delivered to state by 9pm on election night. Exception – those voters who faxed FPCA can also fax back completed ballot by 9pm on election night.</p>
SC	<p>State Election Commission Phone: 803-734-9060 Fax: 803-734-9366 Website: www.state.sc.us/SESOC</p>	No	<p>Absentee ballot requests – call, fax, or write their county voter registration office</p>	<p>Voter registration apps – mail or fax, but if faxed, must also send hard copy with original signature. Absentee ballots – military in areas of declared war may fax ballots to county voter registration office. Otherwise, overseas and other military may mail completed ballots. Voter reg apps– mail or express delivery Absentee ballots – mail or express delivery</p>
SD	<p>Secretary of State's Office Phone: 605-773-3537 Fax: 605-773-6580 Email: sdsos@state.sd.us Website: www.sdsos.gov</p>	No	<p>Absentee ballot requests- mail or express delivery</p>	<p>Voter reg apps – mail or express delivery Absentee ballots – mail or express delivery</p>
TN	<p>State Coordinator of Elections Office Phone: 615-741-7956 Fax: 615-741-1278 Email: Tennesseeelections@state.tn.us Website: www.state.tn.us/election.htm</p>	No	<p>Absentee ballot requests – fax or mail</p>	<p>Voter reg apps – mail Absentee ballots - mail</p>
TX	<p>Secretary of State's Office (Elections Div) Phone: 800-252-VOTE Fax: 512-475-2811 Fax Website: www.sos.state.tx.us</p>	No	<p>Absentee ballot requests – FPCA's may be received by fax or mail</p>	<p>Voter reg apps – Federal Postcard Applications can be faxed or mailed Absentee ballots – generally have to be returned by mail, but a military voter serving in a combat or hazardous duty zone may return ballot by fax.</p>
UT	<p>Office of the Lieutenant Governor Phone: 801-538-1041 Fax: 801-538-1133 Email: elections@utah.gov Website: www.elections.utah.gov</p>	No	<p>Absentee ballot requests – Fax, phone, website, email, mail</p>	<p>Voter reg apps – fax at the discretion of the county clerk Absentee ballots – fax at the discretion of the county clerk, ballots must be clearly postmarked before election day.</p>
VT	<p>Secretary of State's Office</p>	Yes – for military	<p>Absentee ballot requests</p>	<p>Voter reg apps– mail, express</p>
			<p>Ballots to military/overseas</p>	<p>Ballots to military/overseas</p>

<p>Phone: 802-828-2363 Fax: 802-828-5171 Email: dorssman@sec.state.vt.us Website: www.sec.state.vt.us</p>	<p>and overseas voters - not for persons currently residing in VT</p>	<p>- applications and ballot requests can be done by fax, mail, email, express delivery and telephone. Ballots can be sent to the voter by mail, express delivery or fax</p>	<p>a ballot can be sent to military or overseas voters by mail, special delivery (overnight mail, fed ex, DHL, UPS etc-- if the voter or someone pays for it) or by fax.</p>	<p>delivery Absentee ballots - mail or express delivery in an inside envelope with a certificate (sent by the state) signed and affixed to the inside of the envelope</p>
<p>VA Virginia State Board of Elections Uniformed and Overseas Citizen Voting Coordinator Phone: 804-864-8932 Fax: 804-786-2045 Email: Vickie.Williams@sbe.virginia.gov Website: www.sbe.state.va.us</p>	<p>No</p>	<p>Absentee ballot requests - mail, fax, email attachment or in person. Federal Post Card Applications and Virginia State Absentee Ballot applications available in a PDF format on Virginia's website.</p>	<p>Ballots to military/overseas Allows for the transmission of ballots by email or fax to a qualified military and/or overseas VA voter who has requested it. However the voter is still required to print out the ballot and oath and return them in the specified manner and return them by mail to the specific electoral board. This program has two components. The Emergency Program allows for Active duty uniformed service members serving overseas or living outside the Continental US to receive their ballot electronically (fax or email attachment). The Pilot Program allows for all other overseas citizens living and working electronically (fax or email attachment). The Pilot Program is limited to counties or cities which have established central absentee voter election districts and whose electoral board opts in to the pilot. The applicant is encouraged to apply to have their ballot electronically transmitted.</p>	<p>Voter registration apps - mail, in person or thru a designated voter registration agency Absentee ballots - in person, mail or commercial delivery at his or her own expense.</p>
<p>WA Secretary of State's Office Phone: 800-448-4881 or 360-902-4180 Fax: 360-564-4619 Email: elections@secstate.wa.gov Website: www.secstate.wa.gov</p>	<p>Yes and No. SOS is the recipient for accepting all valid voter registration apps and often receives absentee ballot requests, but they are forwarded on to counties for processing. Continue to inform voters to send their requests and completed ballots</p>	<p>Absentee ballot requests - email, fax, mail, fed ex</p>	<p>Ballots to military/overseas Currently, one or more counties deliver blank ballots upon request by email, fax, overnight mail, and by posting a sample ballot on a web site.</p>	<p>Voter registration apps - can be returned by mail, in-person or through designated registration agency Absentee ballots - mail or other delivery which allows for a signature on the ballot and a postmark or sent date of election day or earlier. A voter can choose electronic transmission but the original must follow within 7 days. Electronic transmission requires the ballot</p>

		directly to counties	Absentee ballot requests - Application can be sent by mail, fax and email	Ballots to military/overseas Mail, hand delivery	be duplicated in order to be excluded. Voter registration apps - hand and mail Absentee ballots - hand and mail
WV	WV Secretary of State's Office Elections Division 1900 Kanawha Blvd. East Charleston, WV 25305	No	Absentee ballot requests - fax, mail and state can send ballot by fax or email	Ballots to military/overseas Sends blank ballots 90 days before primary and general to military and overseas voters via mail and will fax and email upon request. Also have an email program for national guard currently deployed.	Voter registration apps - hand and mail Absentee ballots - mail
WI	Wisconsin State Elections Board Phone: 608-266-8005, 866-VOTEWIS Fax: 608-267-0500 Email: esb@sch.state.wi.us Website: http://elections.state.wi.us	No	Absentee ballot requests - any method - email, fax, mail, etc		Voter reg apps - fax, mail Absentee ballots - mail
WY	Secretary of State's Office Phone: 307-777-7186 Fax: 307-777-7640 Email: elections@state.wy.us Website: http://sos.wy.state.wy.us	No, but the state will forward all requests to the appropriate county clerk.	Absentee ballot requests - mail, fax		Voter registration applications - mail Absentee ballots - mail
DC	DC Board of Elections and Ethics Phone: 202-727-2525 Fax: 202-347-2648 Website: www.dcbos.org	Yes			Voter registration apps - Overseas voters return by mail Absentee ballots - mail, they state the reason preventing them from mailing a voted ballot within the 45-day period and waive their right to a secret ballot. Pending regulations will extend the right to fax a ballot to all overseas voters.

Compiled by the National Association of Secretaries of State

Senator DAYTON. Thank you, Madam Secretary of State. That was an excellent and impressive overview about what you're doing in Vermont. I will convey to the authors and champions of the Help America Vote Act, Senators McConnell, Dodd, and Bond, the fact that this has made a difference and I know they'll be very pleased to get that report. Thank you very much.

Mr. DeGregorio, welcome to the committee.

STATEMENT OF PAUL DeGREGORIO, CHAIRMAN, UNITED STATES ELECTION ASSISTANCE COMMISSION, WASHINGTON, DC

Mr. DeGREGORIO. Good morning, Mr. Chairman. Thank you. I am pleased to be here this morning on behalf of the U.S. Election Assistance Commission, also known as the EAC, to discuss the responsibility our agency has in supporting the States and local governments in serving military and overseas voters.

We are here today to discuss a very important segment of our electorate, military and overseas citizens. This group of voters, which is estimated to be over 3 million Americans, has very specific needs. At the EAC we are working to understand the needs of these voters and to help election officials develop practices and procedures that address those needs.

In every election, military and other overseas voters are not able to cast timely ballots because of the excessive amount of time that it takes to complete the voting process. According to several studies, up to 25 percent of these voters are often disenfranchised. We find this level of disenfranchisement unacceptable. A significant portion of this percentage is composed of military voters who simply did not have enough time to vote, either because they never received their ballot, received it too late, or couldn't return their ballot by the required deadline.

In 2004, the EAC conducted the first comprehensive survey of State practices involving military and overseas voting. The survey found that many jurisdictions are not tracking how many ballots are sent to, and received from, these voters as required by the Help America Vote Act of 2002. These challenges were highlighted just last week when the EAC conducted a public meeting in St. Louis, Missouri, focused on issues related to military and overseas voting. Mr. Chairman, I have a copy of the testimony we received last week and would like to submit that for the record.

Senator DAYTON. Without objection.

Mr. DeGREGORIO. Thank you. Several salient points were gleaned from the presentations made at the meeting. First, the current voting process for these citizens is not working as well as it should. Second, members of the military and overseas citizens have very difficult and different issues, needs, and resources when it comes to voting. Finally, the current methods for reducing excessive delays in requesting, transmitting, and receiving ballots from these voters are merely temporary solutions to a much larger problem.

While DOD has attempted several projects to increase the use of technology in voting, the receptiveness of the States to these projects has been limited. Also, often times the dates of the primary elections dictate the length of time that a military and overseas voter has to request, receive, and return a voted ballot. States that continue to hold late primary elections or finalize their ballots less than 45 days before the general election make it very difficult for these voters to receive a ballot, much less vote.

The EAC is working to find solutions to these problems. In 2004, our agency, in conjunction with the FVAP, released a report on

best practices for facilitating voting by military and other overseas citizens. The EAC recognizes that ballots for overseas voters are sent and received by the 6,700 local election authorities and it is there where military and other overseas voters must ultimately be served. It is with this concept in mind that the EAC recommends the following best practices.

First, local officials should mail absentee ballots to military and overseas voters at least 45 days prior to the deadline for receipt of voted absentee ballots.

Second, the States should expand the use of fax and e-mail to distribute absentee ballots to overseas voters more quickly.

Third, the States need to ensure that local jurisdictions are in compliance with State law for mailing absentee ballots to military and other overseas voters.

Finally, LEOs need to create a specific point of contact for these voters in their offices so their needs can be better served.

Challenges lay ahead for the future of military and overseas voters. The implementation of technology alone will not solve the problems that these voters face. This is a complex problem that requires rethinking the way that elected and election officials serve this important constituency. These challenges can be overcome. Every day financial institutions use secure technology to transmit billions of dollars. The U.S. military uses secure technology to send sensitive and classified information. We should utilize these resources with strategically located personnel to ensure that these voters have the ability to participate in U.S. elections.

The EAC has contracted for a study of internet voting and the transmission and receipt of absentee ballots for military and other overseas voters. This study will include reviewing the practices of the States and local jurisdictions that use technology to transmit or accept ballots, which may allow over-the-internet voting.

In conclusion, over the past 4 years significant changes have been made to our election administration system. The Help America Vote Act contemplated the need to modernize election administration, and we have seen progress serving domestic voters, however we must turn that same level of attention to serving the voters who protect the democracy that we cherish by making sure that they can participate in our elections.

Thank you, Mr. Chairman. Thank you for the opportunity to address the committee. I'd be happy to answer any questions.

[The prepared statement of Mr. DeGregorio follows:]

PREPARED STATEMENT BY HON. PAUL DEGREGORIO

Good morning Chairman Warner and members of the committee. I am pleased to be here this morning on behalf of the U.S. Election Assistance Commission (EAC) to discuss the responsibility EAC has in supporting the States and local governments in serving military and overseas voters.

We are here today to discuss a very important segment of our electorate, military, and overseas citizens. This group of voters, which many estimate to be over 3 million Americans, has very specific and unique needs in comparison to voters who have the ability to vote in the precincts that are just blocks from their homes. Members of the armed services are often separated from their home polling places by time and great distances. Overseas citizens have left their home land to serve their country in various governmental capacities, or they are out of country for business, family, or other reasons. None of these Americans have left behind their right to vote and their ability to help make decisions about the government of their country of citizenship. Both of these groups are important to our democracy, their votes are

important to our elections, and it is imperative that we take steps to assure that their votes are cast and counted. However, the distances that separate these voters from their election jurisdictions cannot easily be bridged by our current election processes and procedures. At EAC, we are working to understand the needs of military and overseas voters and to help election officials develop practices and procedures that address those needs.

EAC'S ROLE IN MILITARY AND OVERSEAS VOTING

EAC is a bipartisan commission consisting of four members: Paul DeGregorio, chairman; Donetta Davidson; and Gracia Hillman. There is currently one vacancy on the Commission. The EAC was established by the Help America Vote Act (HAVA). HAVA was a comprehensive piece of election reform legislation that charges election officials at the State and local level with implementing improvements to voting technology, provisional voting, voter registration management, voter identification, and information provided to voters. However, HAVA did more than prescribe these changes. Congress, through HAVA, has appropriated \$3.1 billion for States to implement HAVA's election reforms. EAC was given the responsibility of distributing those funds to States and providing guidance to States in the implementation of these new election administration practices. In addition to responsibilities regarding HAVA's requirements, EAC was also charged with assuming the duties of administering the National Voter Registration Act (NVRA) and collecting information and conducting studies of election administration under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

In 2004, EAC began its work on military and overseas voting by working with the Federal Voting Assistance Program (FVAP) to produce a set of best practices. In addition, in 2004, EAC for the first time sought to collect information from all 50 States, the District of Columbia, and the 4 Territories on the number of ballots that were sent to and the number of ballots that were returned by military and overseas citizen voters. In 2005, EAC continued its work with election officials to implement the requirements of HAVA that will impact all voters, including members of the military and overseas citizens. This work included issuing guidance on the implementation of statewide voter registration databases and developing standards for voting systems. Since its inception, the EAC has also met on a continuing basis with various groups who represent the interests of military and overseas voters. Most recently, EAC conducted a public meeting in St. Louis, Missouri that focused on the needs of military and overseas citizen voters. In 2006 and 2007, EAC will continue its work to support States in administering elections involving military and overseas citizen voters by collecting information on the participation of members of the military and overseas citizens in the November 2006 election and by conducting a study of electronic means that can be used to facilitate a faster turn around time in sending out and returning ballots.

THE MILITARY AND OVERSEAS VOTING SYSTEM

Military and overseas citizen voting, just like domestic voting, is conducted through our distributed system of election administration. There are a handful of Federal laws that protect the rights of citizens in voting and that govern certain portions of the administration of Federal elections. These laws include the Voting Rights Act, the Accessibility to Elderly and Handicapped Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, and the Help America Vote Act. The gaps left by these laws are filled by State laws, procedures, and practices, including laws that set the time for printing absentee ballots, the means by which absentee voting is conducted, and the procedures for counting absentee ballots.

By and large, the current system of military and overseas voting is conducted by mail. Servicemembers and overseas citizens must request a ballot by mail, must be mailed a ballot for voting, and must return that ballot by mail for counting—a process that takes at least 45 days. EAC has examined the current system of voting by researching available resources on the topic, talking to groups that represent affected voters, collecting information about voter participation through its 2004 UOCAVA Survey, and holding a public hearing on the topic in September 2006.

UOCAVA Voters Are Frequently Disenfranchised

In every election, members of the military and U.S. citizens living overseas are not able to cast timely ballots because of the excessive amount of time that it takes to complete the voting process. According to an informal study of local election officials conducted by the National Defense Committee, disenfranchisement of overseas military voters for the 2004 presidential election approached 24 percent. Another

study involving nonmilitary overseas voters indicated that they are also being disenfranchised due to problems with ballot distribution. According to the Overseas Vote Foundation, 19 percent of overseas voters who responded to a post-2004 Election Survey never received the ballots that they requested and another 24 percent received ballots too late to have them returned and counted. The EAC's 2004 UOCAVA Survey generally supports the conclusion of these studies.

We find this level of disenfranchisement unacceptable. A significant portion of this percentage is composed of overseas military voters who simply did not have enough time to vote either because they never received their ballot, received it too late, or couldn't return their ballot by the required deadline. Deployed military voters are moving targets rarely staying in one place for very long, which makes it extremely difficult to ensure that they are going to get a ballot in a timely fashion. This fact combined with the late primaries in many States and late absentee ballot distribution creates an almost impossible timeframe for the voter to receive and return their ballot.

The HAVA requires States to report the number of ballots transmitted to and returned by UOCAVA voters. It further requires that EAC develop a tool or form for the collection of that data. In 2004, EAC conducted the first comprehensive survey of the 50 States, the District of Columbia, and 4 territories regarding their practices in sending and receiving ballots from members of the military and overseas citizens. A comprehensive survey of this sort had never been administered in all U.S. election jurisdictions. In the past, FVAP has conducted a similar survey from a sample of election jurisdictions and extrapolated those responses to give a picture of how military and overseas voting was being conducted throughout the country.

The survey showed that in every State there were more UOCAVA ballots sent than returned.

State	UOCAVA Absentee Ballots Sent*	UOCAVA Absentee Ballots Returned*
AK	14,574	9,839
AL	8,005	4,234
AR	5,173	2,539
AZ	12,046	8,282
CA	62,468	No data
CO	10,339	6,669
CT	6,045	4,489
DC	2,532	1,722
DE	1,811	1,273
FL	122,194	93,524
GA	16,690	13,216
HI	3,862	2,492
IA	5,343	4,920
ID	4,275	3,874
IL	30,556	26,639
IN	8,980	6,811
KS	6,564	5,084
KY	6,234	4,912
LA	12,899	8,631
ME	3,410	2,649
MD	12,916	11,306
MA	125,031	111,017
MI	13,583	9,916
MN	12,322	8,757
MS	2,779	1,683
MO	15,477	9,006
MT	4,721	3,490
NE	3,867	2,775
NV	5,699	4,420
NH	4,516	3,727
NJ	14,256	8,475
NM	519	348
NY	55,183	43,699
NC	18,063	11,996
ND	1,587	1,117
OH	14,527	11,768
OK	7,682	5,737
OR	18,752	14,307

State	UOCAVA Absentee Ballots Sent*	UOCAVA Absentee Ballots Returned*
PA	36,051	30,042
RI	21,498	19,046
SC	168,814	157,990
SD	3,823	3,288
TN	19,635	16,609
TX	88,847	66,374
UT	4,598	3,817
VT	1,733	1,340
VA	29,646	24,463
WA	37,198	30,446
WV	4,712	3,745
WI	10,275	7,146
WY	3,123	2,594
AS	326	284
GU	No Response	No Response
PR	No Response	No Response
VI	No Response	No Response

*Some State numbers may reflect total absentee ballots sent and received. (UOCAVA and Non-UOCAVA).

EAC learned a great deal from conducting this survey in 2004. Most importantly, EAC found that many jurisdictions are not tracking how many ballots are sent to and received from members of the military or overseas citizens, as required by HAVA. This reality is due to a number of factors. First, some States do not distinguish between absentee ballots for these citizens and absentee ballots for state-side, nonmilitary voters. Second, some did not track the exact number of ballots that were transmitted to military and overseas voters. Third, States have different ways of defining key terms that affect the questions that were asked in the survey. Last, some States did not respond at all to the survey for one or more reasons. EAC produced a report based upon the responses that it received from the States in response to the 2004 survey. That report is available on EAC's Web site, <http://www.eac.gov/docs/UOCAVASurvey%20Report%20-%20Final%203-3-06.doc>.

Using experience gained from the 2004 survey, EAC worked with the National Association of Secretaries of State and other organizations of election officials to promote more accurate data collection in 2006. In addition, the EAC established a working group to help develop its survey questions for the 2006 Federal elections. EAC is currently taking comments on its draft survey, which is available on EAC's Web site, <http://www.eac.gov/eav-survey.asp>

Challenges for UOCAVA Voters

Members of the military face unique challenges when attempting to cast a ballot. First, requests for ballots and ballots themselves must be transmitted using two mail systems, the U.S. Postal Service and either the Army Post Office or Fleet Post Office. Second, while ballot request forms are valid for 4 years, members of the military are frequently transferred, deployed or restationed. Third, for members of the Armed Services who are deployed in forward areas, access is sometimes limited to fax machines and computers that may expedite the voting process. On the contrary, U.S. citizens living overseas are often less transient and have access to technology that may be used to expedite the voting process. However, they still face using a slow international mail system to transmit requests for and actual ballots. In addition, State laws that require notarization of ballot request forms require overseas citizens to go to the U.S. Embassy in their countries. Unless the overseas citizen lives in the area of the Embassy, he or she must travel to the Embassy on a day when an appointment is available and wait to have the ballot request form notarized.

On September 21, 2006, EAC conducted a public meeting in St. Louis, Missouri, where it focused on issues related to military and overseas voting. A panel of speakers including representatives of FVAP, organizations representing the armed services and overseas citizens, and State and local election officials testified about the problems and solutions surrounding registering, distributing ballots, and receiving voted ballots from this group of voters. The complete testimony for each of these panelists is available on the EAC Web site, <http://www.eac.gov/public-meeting-092106.asp>. Several salient points were gleaned from these presentations:

- The current voting process for military and overseas citizens is not working;

- Members of the military and overseas citizens have very different issues, needs, and resources when it come to voting;
- The voting process requires an average of 45 days for a military member or overseas citizen to request, obtain, vote, and return a ballot; and
- The current methods for reducing excessive delays in requesting, transmitting, and receiving ballots from members of the military and overseas citizens are merely temporary solutions to a much larger problem.

Representatives from FVAP and State and local election officials testified about the processes that are in place to reduce the amount of time needed to request, receive, vote, return, and count a UOCAVA ballot. The Department of Defense first introduced electronic transmission service (ETS) to the UOCAVA voting process in 1990. Military voters who were deployed to the Persian Gulf region could use a fax to return their ballots. Since that time, the Department of Defense has attempted several other projects to increase the use of technology in voting, including the ability to e-mail election materials and ballots. However, the receptiveness of the States to these methods has been limited:

- 12 States allow a voter to submit a request for an absentee ballot via e-mail;
- 6 States allow UOCAVA voters to submit a registration application via e-mail;
- 12 States allow UOCAVA voters to receive a blank ballot via e-mail;
- 8 States allow UOCAVA voters to return a voted ballot via e-mail;
- 35 States allow UOCAVA voters to receive a blank ballot via fax; and
- 26 States allow UOCAVA voters to return a voted ballot via fax.

States often require a special order to permit the use of these forms of technology in UOCAVA voting. Thus, faxing ballots is only possible to forward areas or when a special order is issued by the State's governing authority. Other States have laws that are not consistent with the transient nature of military voters. For example, it is not uncommon to have ballots returned as undeliverable when a military voter has been deployed. Some States require that these voters' requests, generally valid for 4 years, be cancelled immediately. Many local election jurisdictions continue to require paper ballots, the U.S. Postal Service and manual signatures. These methods are aimed at maintaining the security and authenticity of the voting process, ensuring that the UOCAVA voter is, in fact, eligible.

States set the dates for primary elections and the distribution of ballots. Oftentimes the dates of the primary election dictate the length of time that a UOCAVA voter has to request, receive, and return a voted ballot. Even States that have early primaries can have laws that dictate a late date to finalize a general election ballot. So, in States with late primaries and States that finalize their ballots close to a general election, UOCAVA voters have shortened and often times impossible windows in which to participate in a general election. In locations where disputes over the names of candidates on the ballot are ongoing, the printing of ballots can be further delayed until the suits are resolved. When delayed printing of ballots impacts the ability to timely transmit UOCAVA ballots, the Department of Justice has had to intervene with the States to extend the dates when UOCAVA ballots can be received. With a UOCAVA voting process that takes an average of 45 days to complete, States that continue to hold late primary elections or finalize their ballots less than 55 days before the general election make it very difficult for UOCAVA voters to receive a ballot, much less, vote. State laws also vary on when ballots must be received in order to be counted. Some States require all UOCAVA ballots to be present on Election Day, while others permit the counting of these ballots even if they are received several days after the election. Because UOCAVA ballots are transmitted postage-free, it is often difficult for States to determine when the ballot was actually sent.

Proposed Changes to UOCAVA Voting

EAC is working to find solutions. In September 2004, the EAC in conjunction with FVAP released a report on the "Best Practices for Facilitating Voting by U.S. Citizens covered by UOCAVA." The EAC recognizes that UOCAVA ballots are sent and received by the 6700 local election authorities in the United States, and it is there where UOCAVA voters must ultimately be served. Each local election jurisdiction is also overseen by a State election authority that has certain responsibilities under State and Federal law to serve the voters in their State. Thus, this report represents a list of suggestions made to the States to help them and their local election authorities better serve UOCAVA voters across the world.

First, the EAC recommended the mailing of absentee ballots at least 45 days prior to the deadline for receipt of voted absentee ballots. Studies have shown that 45

days is the ideal length of time for voters to be sent, receive, and return the ballot. While many States allow for this 45-day period, a significant number do not mail ballots out until 30 days prior to the election. Inadequate ballot transit time through the mail is the primary obstacle to timely delivery of absentee ballots to UOCAVA voters. In order to meet this 45-day timeline, States should consider moving up their primary election date. In several States the primary election is at such a late date that it is impossible to create, print, and send the ballots for the general election 45 days prior to the election.

To further combat this problem of ballot access States should provide a State write-in absentee Ballot to ensure UOCAVA citizens without access to regular mail service to cast a ballot. States should consider automatically mailing these write-in absentee ballots if regular ballots are not available at least 45 days in advance of an election.

Second, States should expand the use of fax and e-mail to distribute absentee ballots to overseas voters more quickly. The ease and accessibility of e-mail is ideal for UOCAVA voters particularly those military personnel on the frontlines who often only have access to the internet and only for a limited time.

Also, States need to continue to work with local post offices to speed up the ballot distribution process in order to further increase the amount of time overseas voters have to submit their ballots.

Third, States need to perform an internal survey to ensure that local jurisdictions are in compliance with State law for mailing absentee ballots to UOCAVA citizens. In conjunction with this internal survey States need to ensure that local election offices are aware of UOCAVA issues arising in their jurisdiction. FVAP offers training sessions for local election officials at State conferences, as well as providing a special section on their Web site for local election officials to reference. FVAP also distributes a monthly memo to State and county election officials on UOCAVA-related issues.

The EAC also recommended that local jurisdictions create a specific point of contact for UOCAVA voters to take their questions and concerns to. This would allow local jurisdictions to better serve UOCAVA voters while keeping track of UOCAVA specific issues that arise.

Fourth, States need to prepare a UOCAVA voter guide for publication on their Web site and in hard copy to distribute to voters. This does not need to be an expensive, time-intensive voter guide. It can be as simple as a single information page, like the ones used in Minnesota and Nebraska. The guide needs to simply provide jurisdiction-specific UOCAVA procedures and local election official contact information. States also need to update their election Web sites to include procedures for UOCAVA citizens to follow specific to that State. This is essential because often for overseas voters the internet is the fastest and most accessible source of information.

Finally, States that require postmarking on the ballot return envelope should consider using the date the voter provides on the envelope with the voter's signature as evidence of when the voter cast the ballot. If necessary the State may require the voter to sign an oath attesting to the truth and accuracy of the information provided. This will eliminate the problem of a ballot return envelope not being properly postmarked or the postmark being difficult to read and therefore possibly discarded or not counted.

THE FUTURE OF MILITARY AND OVERSEAS VOTING

The current methods suggested or in place to reduce the amount of time that it takes to request, receive, cast, and return a ballot do not address the root of the problem. While electronically transmitted ballots may save time, this does not address the time involved in requesting or returning that ballot. Similarly, electronically transmitting ballots does not address the fact that the transient nature of military life makes finding the voter complicated. The ability to return a ballot by fax may also save time in the voting process, but voters who use this method forfeit the privacy of their ballot.

The implementation of technology, alone, will not solve the problems of military and overseas citizen voting. This is a complex problem that requires rethinking the way that we as elected and election officials serve this important constituency, the way that we use available resources, and the ways that we can leverage technology to create better solutions. The Department of Defense and Department of State already have vast resources in place in countries all over the world. For example, every military unit has a voting assistance officer. Similarly, there are Embassies in virtually every country with local officials, called wardens, in districts of those countries.

Every day financial institutions around the world use secure technology to transmit billions of dollars. The U.S. military uses secure technology to transmit sensitive and, even, classified information. With the availability of these resources and existing and strategically located personnel we could do more to ensure that UOCAVA voters have the ability to participate in U.S. elections.

EAC has contracted for a study of internet voting and the transmission and receipt of absentee ballots for UOCAVA voters. This study will include reviewing the practices of States and local jurisdictions that use technology to transmit or accept ballots and may allow internet voting. In addition, EAC will survey UOCAVA voters who have participated in some form of electronic voting. Through this study we hope to more fully understand the problems, resources and potential solutions involved in military and overseas citizen voting.

EAC has also been tasked with developing standards for Internet voting that Department of Defense can use in developing an Internet-based voting system for UOCAVA voters. Introducing technology seems like a simple solution to the problem; however there will be substantial resistance to a technology-only fix for military and overseas voting. It is important to remember that segments of our society have a healthy distrust of the security of electronic voting, particularly when voting systems or methods are connected to the Internet. Thus, it is critical that we address issues such as how an Internet-based voting system will provide confidence to the public that it is not only secure, but also that the person casting the ballot using that system is an eligible voter.

CONCLUSION

Over the past 4 years, significant changes have been made to our election administration system. New voting systems have been purchased and implemented. Each State has adopted a single list of registered voters to better identify those persons who are eligible to vote. Provisional voting has been applied across all 50 States, the District of Columbia, and 4 territories. However, one thing has not changed. Elections are a human function at home or overseas. There are people involved at every level of the election process, from creating the ballots, to transmitting the ballots, to casting the votes.

HAVA contemplated the need to modernize election administration, and we have seen progress serving domestic voters. However, we must turn that same level of attention to serving voters who protect the democracy that we cherish by ensuring that they can participate in our elections.

Mr. Chairman, thank you for the opportunity to address the committee today. I will be happy to answer any questions that you may have.

Senator DAYTON. Thank you.

Mr. Stewart, welcome.

Mr. STEWART. Good morning, Mr. Chairman.

Senator DAYTON. Good morning, sir. Please proceed.

STATEMENT OF DEREK B. STEWART, DIRECTOR, MILITARY AND DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. STEWART. Thank you for the invitation to be here today to discuss military voting.

The GAO has reviewed DOD's voting program twice. In the aftermath of the 2000 presidential election, Congress asked us to review DOD's military and overseas absentee voting program. Based on this review, we issued a report in September 2001. The report contained several recommendations, and DOD agreed or partially agreed with all of our recommendations.

Following the 2004 presidential election, Congress again asked us to review DOD's efforts to facilitate absentee military voting. I should note, we have undertaken a third review, which will focus on DOD's long-term plans for electronic voting. So, we haven't reviewed that piece that we are focusing on today, but we have work underway.

Today, I would just like to briefly touch on three areas. How DOD's efforts to facilitate absentee voting differed between the 2000 and 2004 presidential election; actions taken by DOD to respond to our recommendations in the 2001 report; and the remaining challenges related to absentee voting.

For the 2004 presidential election, our review showed that DOD expanded its efforts beyond what was taken for the 2000 election. Among other things, DOD conducted 100 more training workshops; provided online training for VAOs; improved the access to their Web site for voting information; and distributed more voting materials. These are just some of the activities that they expanded.

We heard Dr. Chu say that the result is what counts and that the voting for uniformed servicemembers was up 16 percent. We at GAO would have liked to have seen a larger response rate to the post-election surveys. For uniform servicemembers there was a 27-percent response rate, so we would just urge that the results be interpreted with caution there.

In our 2001 report, we recommended, and DOD took corrective actions to assist the Services in revising their voting guidance; improving oversight of installation voting assistance programs; and, increasing command emphasis on voter education and awareness. These were huge steps, Mr. Chairman, and DOD deserves a lot of credit for taking those actions.

Despite these improvements, our limited visits during our most recent work to installations showed that the level of voting assistance continued to vary. Because the VAO role is a collateral duty and VAO's understanding and interest in voting differs, we believe that some variance in voting assistance may always exist. It's not going to be an exact science.

On the remaining challenges related to absentee voting, we believe there are two, and we've talked about both of them today. Simplifying and standardizing the absentee voting process which involves working with the States, and implementing a secure electronic registration and voting system. DOD, through its legislative initiatives program, has encouraged the States to simplify and standardize this multi-step absentee voting process. Of the remaining 9 DOD initiatives, 21 States have agreed to 1 or more. Iowa is the only State that has agreed to all nine. However, DOD is limited in its ability to affect States' absentee voting procedures because it lacks enforcement authority. So, it really is an effort that the States will just have to come along.

The second challenge to absentee voting, implementing a secure electronic registration and voting system, is a daunting challenge, Mr. Chairman. For the 2004 election you have heard today that DOD did invest \$26 million into an internet-based registration and voting system only to have to shut it down due to potential security problems. There is little doubt that internet voting would increase the convenience of voting and add speed and precision to vote counts. However, security is the primary technical challenge for internet voting, and addressing this challenge adequately is vital for public confidence.

With that, Mr. Chairman, I conclude my remarks and I'd be happy to take your questions. Thank you.

[The prepared statement of Mr. Stewart follows:]

PREPARED STATEMENT BY DEREK B. STEWART

Mr. Chairman and members of the committee: I appreciate the opportunity to participate in today's hearing on military voting and the Federal Voting Assistance Program (FVAP). The 2000 presidential election brought to light concerns about a number of issues, including absentee voting by members of the military and civilians living overseas. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) established that members of the U.S. military, their dependents of voting age, and American citizens no longer maintaining a permanent residence in the United States are eligible to participate by absentee ballot in all Federal elections. The act covers more than 6.5 million people, including approximately 3.7 million overseas citizens not affiliated with the government (about 2 million of whom are of voting age), 1.4 million military servicemembers, and 1.3 million military dependents of voting age.

As requested, my testimony today will focus on absentee voting for military servicemembers. I will address: (1) how FVAP's efforts to facilitate absentee voting by military personnel differed between the 2000 and 2004 presidential elections, (2) actions taken by the Department of Defense (DOD) in response to prior GAO recommendations on absentee voting, and (3) remaining challenges related to military absentee voting. Mr. Chairman, we should also note that we have just begun work to assess FVAP's long term plans to implement and expand electronic voting. Upon completion of this work early next year, we will report the results to Congress.

In preparing for this testimony, we drew extensively from our published work on the election process and absentee voting for military servicemembers.¹ We also identified recent changes to DOD voting guidance that discusses the electronic transmission of voting materials. All the work on which this testimony is based was performed in accordance with generally accepted government auditing standards.

RESULTS IN BRIEF

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to facilitate absentee voting by military personnel. For example, FVAP distributed more absentee voting materials and improved the accessibility of and added more election-related links to its Web site, which includes voting information. FVAP also conducted more voting training workshops than it did for the 2000 election, conducting 164 workshops rather than the 62 workshops conducted for the 2000 election, and provided an online training course for Voting Assistance Officers (VAOs). In addition, FVAP designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all States and Territories—although the ballot's availability was not announced until a few weeks before the election. FVAP used data from its postelection surveys to assess its efforts for the 2004 election. FVAP reported increased voter participation rates, which it attributed to an effective voter information and education program. However, in light of low survey response rates, FVAP's estimates and conclusions should be interpreted with caution.

DOD has taken actions in response to our prior recommendations regarding voting assistance to servicemembers. In 2001, we recommended that DOD revise its voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers. In 2001, we reported that implementation of the Federal voting assistance program by DOD was uneven due to incomplete service guidance, lack of oversight, and insufficient command support. Prior to the 2004 presidential election, DOD implemented corrective actions that addressed our recommendations. Specifically, the Services revised their voting guidance and enhanced oversight of the military's voting assistance program, and emphasis on voting education and awareness increased throughout the top levels of command within DOD. However, the level of assistance continued to vary at the installations we visited. Because the VAO role is a collateral duty and VAOs' understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD plans to continue its efforts to improve absentee voting assistance.

Despite the efforts of DOD and the States, our April 2006 report identified two major challenges that remain in providing voting assistance to military personnel, which are: simplifying and standardizing the absentee voting process and developing and implementing a secure electronic registration and voting system. FVAP attempted to make the absentee voting process easier by encouraging States to simplify the multi-step process and standardize their absentee voting requirements.

¹See appendix I for a list of related GAO reports.

FVAP's Legislative Initiatives program encouraged States to improve the absentee voting process for military personnel by adopting changes such as: (1) removing the notary requirement on election materials, and (2) allowing the use of electronic transmission of election materials. However, FVAP is limited in its ability to affect State voting procedures because it lacks the authority to require States to take action on absentee voting initiatives. Developing and implementing a secure electronic registration and voting system, which would likely improve the timely delivery of ballots and increase voter participation, has proven to be a challenging task for FVAP. FVAP has not been able to develop a system that would protect the security and privacy of absentee ballots cast over the Internet, despite conducting a small Internet voting project during the 2000 election and developing an electronic registration and voting experiment for the 2004 election. In both cases, security concerns prevented expanded use of these projects. Communications technologies, such as faxing, e-mail, and the Internet, have been used to improve communication between local jurisdictions and voters. For example, for the 2004 election, FVAP's Voting Assistance Guide showed that the States allowed some form of electronic transmission of certain voting materials.

BACKGROUND

The U.S. election system is highly decentralized and based upon a complex interaction of people (election officials and voters), processes, and technology. Voters, local election jurisdictions, States,² and the Federal Government all play important roles in ensuring that ballots are successfully cast in an election. The elections process within the United States is primarily the responsibility of the individual States and their election jurisdictions. States have considerable discretion in how they organize the elections process and this is reflected in the diversity of processes and deadlines that States have for voter registration and absentee voting, including diversity in the processes and deadlines that apply to military voters. Each State has its own election system with a somewhat distinct approach. Within each of these 55 systems, the guidelines and procedures established for local election jurisdictions can be very general or specific. Even when imposing requirements, such as state-wide voter registration systems and provisional voting on the States in the Help America Vote Act of 2002,³ Congress left States discretion in how to implement those requirements and did not require uniformity.

Executive Order 12642, dated June 8, 1988, designated the Secretary of Defense or his designee as responsible for carrying out the Federal functions under UOCAVA. UOCAVA requires the presidential designee to: (1) compile and distribute information on State absentee voting procedures, (2) design absentee registration and voting materials, (3) work with State and local election officials in carrying out the act, and (4) report to Congress and the President after each presidential election on the effectiveness of the program's activities, including a statistical analysis on UOCAVA voter participation. DOD Directive 1000.4, dated April 14, 2004, is DOD's implementing guidance for the Federal Voting Assistance Program, and it designated the Under Secretary of Defense for Personnel and Readiness (USD P&R) as responsible for administering and overseeing the program. For 2004, FVAP had a full-time staff of 13 and a fiscal year budget of approximately \$6 million. FVAP's mission is to: (1) inform and educate U.S. citizens worldwide of their right to vote; (2) foster voting participation; and (3) protect the integrity of and enhance the electoral process at the Federal, State, and local levels.

DOD Directive 1000.4 also sets forth DOD and Service roles and responsibilities in providing voting education and assistance. In accordance with the directive, FVAP relies heavily upon the military services for distribution of absentee voting materials to military servicemembers. According to the DOD directive, each military service is to appoint a senior service voting representative, assisted by a Service voting action officer, to oversee the implementation of the Service's voting assistance program. The directive also States that the military services are to designate trained VAOs at every level of command to provide voting education and assistance to servicemembers and their eligible dependents. One VAO on each military installation should be assigned to coordinate voting efforts conducted by VAOs in subordinate units and tenant commands. Where possible, installation VAOs should be of the civilian rank GS-12 or higher, or officer pay grade O-4 or higher. In accordance with the DOD directive, commanders designate persons to serve as VAOs. Serving

²Throughout this testimony, States also include the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

³Pub. L. No. 107-252, § 706 (2002).

as a VAO is a collateral duty, to be performed along with the servicemember's other duties.

DIFFERENCES IN FVAP'S EFFORTS BETWEEN THE 2000 AND 2004 PRESIDENTIAL ELECTIONS

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to provide military personnel tools needed to vote by absentee ballot. FVAP distributed more absentee voting materials and improved the accessibility of its Web site, which includes voting information. Also, FVAP conducted 102 more voting training workshops for its VAOs than it did for the 2000 election. FVAP also provided an online training course for them. FVAP also designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all States and territories—although its availability was not announced until a few weeks before the election. In assessing its efforts for the 2004 election, using data from its postelection surveys, FVAP attributed increased voter participation rates to an effective voter information and education program. However, in light of low survey response rates, FVAP's estimates and conclusions should be interpreted with caution.

FVAP Distributed More Voting Materials and Improved Access to Its Web Site

In preparing for the 2004 election, FVAP distributed more absentee voting materials and improved the accessibility of its Web site. For the 2000 election, we reported that voting materials such as the Federal Postcard Application (FPCA)—the registration and absentee ballot request form for UOCAVA citizens⁴—were not always available when needed. DOD officials stated that they had enough 2004 election materials for their potential absentee voters. Each Service reported meeting the DOD requirement of 100 percent in-hand delivery of FPCAs to each servicemember by January 15.

After the 2000 presidential election, FVAP took steps to make its Web site more accessible to UOCAVA citizens worldwide by changing security parameters surrounding the site.⁵ According to FVAP, prior to the 2004 election, its Web site was within the existing DOD “.mil” domain, which includes built-in security firewalls. Some overseas Internet service providers were consequently blocked from accessing this site because hackers were attempting to get into the DOD system. As a result, FVAP moved the site out of the DOD “.mil” domain to a less secure domain. In September 2004, FVAP issued a news release announcing this change and provided a list of Web site addresses that would allow access to the site.

FVAP also added more election-related links to its Web site to assist UOCAVA citizens in the voting process. The Web site (which FVAP considers one of its primary vehicles for disseminating voting information and materials) provides downloadable voting forms and links to all of FVAP's informational materials, such as the Voting Assistance Guide, Web sites of Federal elected officials, and State election sites. It also contains contact information for FVAP and the military departments' voting assistance programs. Although FVAP provided more resources to UOCAVA citizens concerning absentee voting, it is ultimately the responsibility of the voter to be aware of and understand these resources, and to take the actions needed to participate in the absentee voting process.

FVAP Increased Absentee Voting Training Opportunities

For the 2004 election, FVAP increased the number of VAO training workshops it conducted to 164. The workshops were conducted at military installations around the world, including installations where units were preparing to deploy. In contrast, only 62 training workshops were conducted for the 2000 election. FVAP conducts workshops during years of Federal elections to train VAOs in providing voting assistance. As an alternative to its in-person voting workshops, in March 2004 FVAP added an online training course to its Web site. This course was also available on CD-ROM. According to FVAP, completion of the workshop or the online course meets a DOD requirement that VAOs receive training every 2 years. Installation VAOs are responsible for monitoring completion of training. The training gives VAOs instructions for completing voting forms, discusses their responsibilities, and informs them about the resources available to conduct a successful voting assistance program.

⁴This includes members of the United States military, their dependents of voting age, and American citizens no longer maintaining permanent residence in the United States.

⁵<http://www.fvap.gov/>.

FVAP Designed an Electronic Absentee Ballot Form

On October 21, 2004, just a few weeks prior to the election, FVAP issued a news release announcing an electronic version of the Federal Write-in Absentee Ballot, an emergency ballot accepted by all States and Territories. UOCAVA citizens who do not receive their requested State absentee ballots in time to meet State deadlines for receipt of voted ballots can use the Federal Write-in Absentee Ballot. The national defense authorization act for fiscal year 2005 amended the eligibility criteria for using the Federal Write-in Absentee Ballot.⁶ Prior to the change, a UOCAVA citizen had to be outside of the United States, have applied for a regular absentee ballot early enough to meet State election deadlines, and not have received the requested absentee ballot from the State. Under the new criteria, the Federal Write-in Absentee Ballot can also be used by military servicemembers stationed in the United States, as well as overseas.

FVAP's Report of Higher Voter Participation Should Be Interpreted with Caution

On the basis of its 2004 post-election survey, FVAP reported higher voter participation rates among uniformed servicemembers in its quadrennial report to Congress and the President on the effectiveness of its 2004 voting assistance efforts. The report included a statistical analysis of voter participation and discussed experiences of uniformed servicemembers during the election, as well as a description of State and Federal cooperation in carrying out the requirements of UOCAVA. However, the low survey response rate raises concerns about FVAP's ability to project increased voter participation rates among military servicemembers.

We reported in 2001 that some absentee ballots became disqualified for various reasons, including improperly completed ballot return envelopes, failure to provide a signature, or lack of a valid residential address in the local jurisdiction.⁷ We recommended that FVAP develop a methodology, in conjunction with State and local election jurisdictions, to gather nationally projectable data on disqualified military absentee ballots and reasons for their disqualification. In anticipation of gathering nationally projectable data, prior to the election, FVAP randomly selected approximately 1,000 local election officials to receive an advance copy of the postelection survey so they would know what information to collect during the election to complete the survey. The survey solicited a variety of information concerning the election process and absentee voting, such as the number of ballots issued, received, and counted, as well as reasons for ballot disqualification. In FVAP's 2005 report, it cited the top two reasons for disqualification as ballots were received too late or were returned as undeliverable.

FVAP reported higher participation rates for military servicemembers in the 2004 presidential election as compared with the rate reported for the 2000 election. FVAP attributed the higher voting participation rate to an effective voter information and education program that included command support and agency emphasis. State progress in simplifying absentee voting procedures and increased interest in the election were also cited as reasons for increased voting participation. However, a low survey response rate raises concerns about FVAP's ability to project participation rate changes among uniformed servicemembers. According to FVAP, while the 2004 postelection survey was designed to provide national estimates, the survey experienced a low response rate, 27 percent. FVAP did not perform any analysis comparing those who responded to the survey with those who did not respond. Such an analysis would allow researchers to determine if those who responded to the survey are different in some way from those who did not respond. If it is determined that there is a difference between those who responded and those who did not, then the results cannot be generalized across the entire population of potential survey participants. In addition, FVAP did no analysis to account for sampling error. Sampling error occurs when a survey is sent to a sample of a population rather than to the entire population. While techniques exist to measure sampling error, FVAP did not use these techniques in their report. The practical difficulties in conducting surveys of this type may introduce other types of errors as well, commonly known as non-sampling errors. For example, errors can be introduced if: (1) respondents have difficulty interpreting a particular question, (2) respondents have access to different information when answering a question, or (3) those entering raw survey data make keypunching errors.

⁶Pub. L. No. 108-375, §566 (2004).

⁷GAO, Elections: Voting Assistance to Military and Overseas Citizens Should Be Improved, GAO-01-1026 (Washington, DC: Sept. 28, 2001).

ACTIONS TAKEN IN RESPONSE TO PRIOR RECOMMENDATIONS

DOD has taken actions in response to our prior recommendations regarding voting assistance to servicemembers. In 2001, we recommended that DOD revise its voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers. In 2001, we reported that implementation of the Federal Voting Assistance Program by DOD was uneven due to incomplete service guidance, lack of oversight, and insufficient command support. Prior to the 2004 presidential election, DOD implemented corrective actions, such as revising voting guidance and increasing emphasis on voting education at top command levels to address our recommendations. However, the level of assistance continued to vary at the installations we visited. Because the VAO role is a collateral duty and VAOs' understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD plans to continue its efforts to improve absentee voting assistance.

The Services Revised Their Voting Guidance and Enhanced Program Oversight

In response to our recommendations in 2001, the Services revised their voting guidance and enhanced oversight of the military's voting assistance program. In 2001, we reported that the Services had not incorporated all of the key requirements of DOD Directive 1000.4 into their own voting policies, and that DOD exercised very little oversight of the military's voting assistance programs. These factors contributed to some installations not providing effective voting assistance. We recommended that the Secretary of Defense direct the Services to revise their voting guidance to be in compliance with DOD's voting requirements, and provide for more voting program oversight through inspector general reviews and a lessons-learned program.

Subsequent to DOD's revision of Directive 1000.4, the Services revised their guidance to reflect DOD's voting requirements. In the 2002–2003 Voting Action Plan, FVAP implemented a best practices program to support the development and sharing of best practices used among VAOs in operating voting assistance programs. FVAP included guidance on its Web site and in its Voting Assistance Guide on how VAOs could identify and submit a best practice. Identified best practices for all the Services are published on the FVAP Web site and in the Voting Information News—FVAP's monthly newsletter to VAOs.

Top-level Command Emphasis Increased

For the 2004 election, emphasis on voting education and awareness increased throughout the top levels of command within DOD. In 2001, we reported that lack of DOD command support contributed to the mixed success of the Services' voting programs and recommended that the Senior Service Voting Representatives monitor and periodically report to FVAP on the level of installation command support. To ensure command awareness and involvement in implementing the voting assistance program, in late 2003, the USD P&R began holding monthly meetings with FVAP and the Senior Service Voting Representatives and discussed the status of Service voting assistance programs. In 2001, we also reported that some installations and units did not appoint VAOs as required by DOD Directive 1000.4. In March 2004, the Secretary of Defense and Deputy Secretary of Defense issued memorandums to the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and Commanders of the Combatant Commands, directing them to support voting at all levels of command. These memoranda were issued to ensure that voting materials were made available to all units and that VAOs were assigned and available to assist voters. The Chairman of the Joint Chiefs of Staff also recorded a DOD-wide message regarding the opportunity to vote and ways in which VAOs could provide assistance. This message was used by FVAP in its training presentations and was distributed to military installations worldwide. During our review, we found that each Service reported to DOD that it assigned VAOs at all levels of command.

Voting representatives from each Service used a variety of servicewide communications to disseminate voting information and stressed the importance of voting. For example, the Marine Corps produced a videotaped interview stressing the importance of voting that was distributed throughout the Marine Corps. The Army included absentee voting information in a pop-up message that was included on every soldier's e-mail account. In each Service, the Voting Action Officer sent periodic messages to unit VAOs, reminding them of key voting dates and areas to focus on as the election drew closer. Throughout the organizational structure, these VAOs contacted servicemembers through servicewide e-mail messages, which contained information on how to get voting assistance and reminders of voting deadlines. According to Service voting representatives, some components put together media campaigns that included reminders in base newspapers, billboards, and radio and closed

circuit television programs. They also displayed posters in areas frequented by servicemembers (such as exchanges, fitness centers, commissaries, and food court areas).

REMAINING CHALLENGES RELATED TO ABSENTEE MILITARY VOTING

Despite the efforts of DOD and the States, our April 2006 report identified two major challenges that remain in providing voting assistance to military personnel, which are:

- simplifying and standardizing the timeconsuming and multistep absentee voting process, which includes different requirements and timeframes for each State; and
- developing and implementing a secure electronic registration and voting system.

Simplifying and Standardizing the Absentee Voting Process

FVAP attempted to make the absentee voting process easier by encouraging States through its Legislative Initiatives program, to simplify the multi-step process and standardize their absentee voting requirements. Many military personnel we spoke to after the 2000 and 2004 general elections expressed concerns about the varied State and local requirements for absentee voting and the short timeframe provided by many States and local jurisdictions for sending and returning ballots. FVAP's Legislative Initiatives program encouraged States to adopt changes to improve the absentee voting process for military personnel. However, the majority of States have not agreed to any new initiatives since FVAP's 2001 report to Congress and the President on the effectiveness of its efforts during the 2000 election. FVAP is limited in its ability to affect State voting procedures because it lacks the authority to require States to take action on absentee voting initiatives. In the 1980s, FVAP began its Legislative Initiatives program with 11 initiatives, and as of December 2005 it had not added any others. Two of the 11 initiatives: (1) accept one FPCA as an absentee ballot request for all elections during the calendar year, and (2) removal of the not-earlier-than restrictions for registration and absentee ballot requests⁸—were made mandatory for all States by the National Defense Authorization Act for Fiscal Year 2002 and the Help America Vote Act of 2002, respectively.⁹ According to FVAP, this action was the result of State election officials working with congressional lawmakers to improve the absentee voting process.

Between FVAP's 2001 and 2005 reports to Congress and the President, the majority of the States had not agreed to any of the remaining nine initiatives. Since FVAP's 2001 report, 21 States agreed to 1 or more of the 9 legislative initiatives, totaling 28 agreements. Table 1 shows the number of agreements with the initiatives since the 2001 report. According to FVAP records, one State withdrew its support for the 40- to 45-day ballot transit time initiative. Initiatives with the most State support were: (1) the removal of the notary requirement on election materials and (2) allowing the use of electronic transmission of election materials. We also found a disparity in the number of initiatives that States have adopted. For example, Iowa is the only State to have adopted all nine initiatives, while Vermont, American Samoa, and Guam have adopted only one initiative each.

TABLE 1: NUMBER OF AGREEMENTS WITH FVAP'S LEGISLATIVE INITIATIVES

FVAP Initiatives	Number of States in agreement		Change
	2001	2005	
1. Allow a 40- to 45-day transit time between the date the absentee ballot is mailed to the voter and the due date for the voted ballot to be returned	42	41	-1
2. Remove the notary requirement on any election materials	49	50	1
3. Establish late registration procedures for persons recently separated from the uniformed services and citizens returning from overseas employment	24	28	4
4. Provide for a special State write-in absentee ballot	27	27	0
5. Incorporate reference to UOCAVA into State election code	33	37	4
6. Allow the use of electronic transmission of election materials	48	49	1

⁸Not-earlier-than restriction refers to States not accepting an FPCA if it arrives before a specified date.

⁹Pub. L. No. 107-107, § 1606 (2001) and Pub. L. No. 107-252, § 706 (2002), respectively.

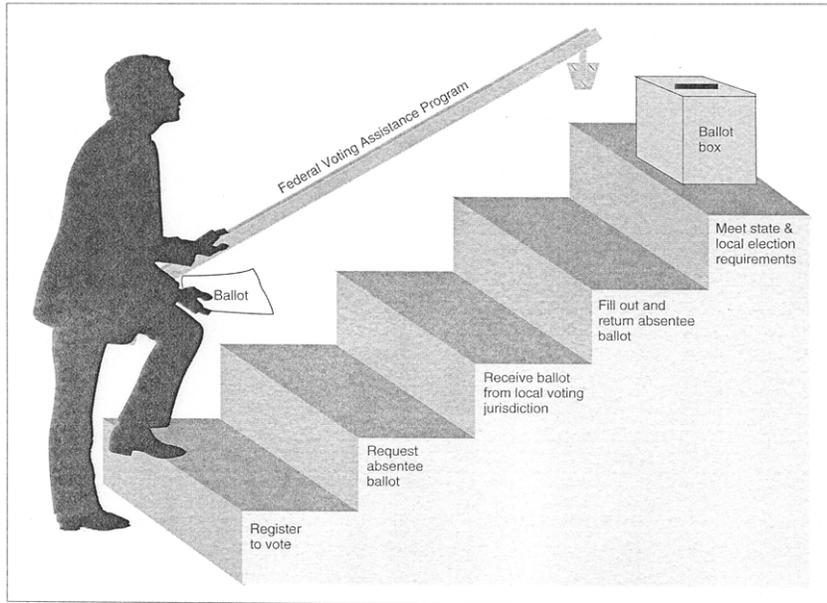
TABLE 1: NUMBER OF AGREEMENTS WITH FVAP'S LEGISLATIVE INITIATIVES—Continued

FVAP Initiatives	Number of States in agreement		Change
	2001	2005	
7. Expand use of the Federal Write-in Absentee Ballot to include special, primary, and run-off elections, and allow the ballot to be used as a simultaneous registration application and ballot	7	12	5
8. Provide emergency authority for absentee ballot handling to the State's chief election official during periods of declared emergency	11	16	5
9. Enfranchise citizens who have never resided in the United States or its territories	8 ^a	17	9
Total			28 ^b

Source: GAO generated from FVAP data.
^a Eight States agreed, but one State later withdrew support.
^b Some States agreed to more than one initiative.

The absentee voting process requires the potential voter to take the following five steps: (1) register to vote,¹⁰ (2) request an absentee ballot, (3) receive the ballot from the local election office, (4) correctly complete the ballot, and (5) return it (generally through the mail) in time to be counted for the election. (See fig. 1.) There are several ways for military servicemembers to accomplish these steps. Military voters must plan ahead, particularly when deployed during elections. Moreover, military voters require more time to transmit voting materials because of distance.

Figure 1: Steps in the Absentee Voting Process



Source: GAO

Military servicemembers are encouraged to use the Federal Postcard Application (FPCA)¹¹ to register to vote and to request an absentee ballot. Servicemembers can obtain the FPCA from several sources, including the unit VAO, from the Internet

¹⁰ In some States, registration may not be necessary to vote.

¹¹ In all States and Territories, the FPCA serves as a valid request for registration and/or absentee ballot for those citizens entitled to use it regardless of whether they have registered prior to the submission of the FPCA.

via FVAP's Web site, or from their local election office. DOD Directive 1000.4, Federal Voting Assistance Program, requires the in-hand delivery of a FPCA to eligible voters and their voting age dependents by January 15 of each year. DOD encourages potential voters to complete and mail the FPCA early, in order to receive absentee ballots for all upcoming Federal elections during the year. Military mail and the U.S. postal service are the primary means for transmitting voting materials, according to servicemembers with whom we spoke.

Knowing when to complete the first step of the election process can be challenging since each State has its own deadlines for receipt of FPCAs, and the deadline is different depending on whether or not the voter is already registered. For example, according to the Voting Assistance Guide, Montana required a voter that had not previously registered to submit an FPCA at least 30 days prior to the election. A voter who was already registered had to ensure that the FPCA was received by the County Election Administrator by noon on the day before the election. For Idaho voters, the FPCA had to be postmarked by the 25th day before the election, if they were not registered. If they were registered, the County Clerk had to receive the FPCA by 5 p.m. on the 6th day before the election. For Virginia uniformed services voters, the FPCA had to arrive not later than 5 days before the election, whether already registered or not. Using different deadlines for newly registered and previously registered voters to return their absentee ballots may have some administrative logic and basis. For example, the process of verifying the eligibility of a newly registered voter might take longer than the process for previously registered voters, and if there was some question about the registration information provided, the early deadlines provide some time to contact the voter and get it corrected.

For the November 2004 general election, according to our site survey, nine States reported having absentee ballot deadlines for voters outside the United States that were more lenient than the ballot deadlines for voters inside the United States. Table 2 lists these nine States and the difference between the mail-in ballot deadline from inside the United States and the mail-in absentee ballot deadline from outside the United States.

TABLE 2: STATES REPORTING DIFFERING MAIL-IN ABSENTEE BALLOT DEADLINES FROM INSIDE AND OUTSIDE THE UNITED STATES, NOVEMBER 2004 GENERAL ELECTION

State	Mail-in absentee ballot deadline from inside the United States	Mail-in absentee ballot deadline from outside the United States
Alaska	10 days after Election Day and postmarked by Election Day.	15 days after Election Day and postmarked by Election Day
Arkansas	Election Day	10 days after Election Day
Florida	Election Day	No later than 10 days after Election Day if postmarked or signed and dated by Election Day (Federal races only)
Louisiana	1 day before Election Day	Election Day
Maryland	1 day after Election Day if postmarked before Election Day.	10 days after Election Day and postmarked before Election Day
Massachusetts	Election Day	10 days after Election Day and postmarked by Election Day
Ohio	Election Day	10 days after Election Day
Pennsylvania ...	4 days before Election Day	Absentee ballot deadline extended per court order for November 2004 general election for not only absentee ballots from outside the United States but also for those voters covered by UOCAVA, including domestic uniformed servicemembers, who are nonetheless absent from the place of residence where they are otherwise qualified to vote
Texas	Election Day	5 days after Election Day

Source: GAO 2005 survey of State election officials.

Another challenge for military servicemembers in completing the FPCA is to know where they will be located when the ballots are mailed by the local election official. If the voter changes locations after submitting the FPCA and does not notify the local election official, the ballot will be sent to the address on the FPCA and not the voter's new location. This can be further complicated by a 2002 amendment to UOCAVA,¹² which allowed military personnel to apply for absentee ballots for the next two Federal elections. If servicemembers request ballots for the next two Federal elections, they must project up to a 4-year period where they will be located when the ballots are mailed. DOD recommended that military servicemembers com-

¹²The Help America Vote Act of 2002 amended UOCAVA.

plete an FPCA annually in order to maintain registration and receive ballots for upcoming elections.

After a valid FPCA has been received by the local election official, the next step for the voter is to receive the absentee ballot. Prior to mailing the ballot, the local election jurisdiction must process the FPCA. Based on one of our recent reports,¹³ local election jurisdictions reported encountering problems in processing FPCAs. For example, 39 percent of the jurisdictions received the FPCA too late to process—a problem also encountered with other State-provided absentee ballot applications. An estimated 19 percent of local jurisdictions encountered the problem of receiving the FPCA too late to process more frequently than the other problems. Other reported problems with FPCAs included: (1) missing or inadequate voting residence address, (2) applied to wrong jurisdiction, (3) missing or inadequate voting mailing address, (4) missing or illegible signature, (5) application not witnessed, attested, or notarized, and (6) excuse for absence did not meet State law requirements.

The determination of when the State mails its ballots sometimes depends on when the State holds its primary elections. FVAP has an initiative encouraging a 40- to 45-day transit time for mailing and returning absentee ballots; however, 14 States have yet to adopt this initiative. During our focus group discussions, some servicemembers commented that they either did not receive their absentee ballot or they received it so late that they did not believe they had sufficient time to complete and return it in time to be counted.

After the voter completes the ballot, the voted ballot must be returned to the local election official within timeframes established by each State. As we reported in 2004, deployed military servicemembers face numerous problems with mail delivery, such as military postal personnel who were inadequately trained and initially scarce because of late deployments, as well as inadequate postal facilities, material-handling equipment, and transportation assets to handle mail surge.¹⁴ In December 2004, DOD reported that it had taken actions to arrange for transmission of absentee ballot materials by Express Mail through the Military Postal Service Agency and the U.S. Postal Service. However, during our focus group discussions, servicemembers cited problems with the mail, such as it being a low priority when a unit is moving from one location to another; susceptibility of mail shipments to attack while in theater; and the absence of daily mail service on some military ships. For example, some servicemembers said that mail sat on the ships for as long as a week, waiting for pick up. Others stated that in the desert, mail trucks are sometimes destroyed during enemy attacks.

Voters must also cope with registration requirements that vary when local jurisdictions interpret State requirements differently. We found variation in the counties we visited in several States as to how they implemented State laws and regulations, with some holding strictly to the letter of the law and others applying more flexibility in accepting registration applications and ballots. For example:

- In Florida, officials in three counties told us they allow registration of applicants who have never lived in the county, while the fourth county said they require a specific address where the applicant actually lived.
- In New Jersey, officials in three counties said they accepted any ballot that showed a signature anywhere on the envelope while the fourth county disqualified any ballot that did not strictly meet all technical requirements.

Some local election officials in the States we visited took actions to help absentee voters comply with State and local voting requirements by tracking down missing information on the registration form or ballot envelope and ensuring that applications and ballots went to the right jurisdiction. However, local officials told us they must balance voting convenience with ensuring the integrity of the voting process. This balance often requires the exercise of judgment on the part of local election officials.

DEVELOPING AND IMPLEMENTING A SECURE ELECTRONIC REGISTRATION AND VOTING SYSTEM

Developing and implementing a secure electronic registration and voting system, which would likely improve the timely delivery of ballots and increase voter participation, has proven to be a challenging task for FVAP. Eighty-seven percent of servicemembers who responded to our focus group survey said they were likely to vote over the Internet if security was guaranteed. However, FVAP has not devel-

¹³ GAO, Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election, GAO-06-450 (Washington, DC: June 6, 2006).

¹⁴ GAO, Operation Iraqi Freedom: Longstanding Problems Hampering Mail Delivery Need to Be Resolved, GAO-04-484 (Washington, DC: Apr. 14, 2004).

oped a system that would protect the security and privacy of absentee ballots cast over the Internet. For example, during the 2000 presidential election, FVAP conducted a small proof of concept Internet voting project that enabled 84 voters to vote over the Internet. While the project demonstrated that it was possible for a limited number of voters to cast ballots online, FVAP's project assessment concluded that security concerns needed to be addressed before expanding remote (i.e., Internet) voting to a larger population. In 2001, we also reported that remote Internet-based registration and voting are unlikely to be implemented on a large scale in the near future because of security risks with such a system.¹⁵

For the 2004 election, FVAP developed a secure registration and voting experiment. However, it was not used by any voters. The National Defense Authorization Act for Fiscal Year 2002 directed DOD to conduct an electronic voting experiment and gather data to make recommendations regarding the continued use of Internet registration and voting.¹⁶ In response to this requirement, FVAP developed the Secure Electronic Registration and Voting Experiment (SERVE), an Internet-based registration and voting system for UOCAVA citizens. The experiment was to be used for the 2004 election by UOCAVA citizens from seven participating States,¹⁷ with the eventual goal of supporting the entire military population, their dependents, and overseas citizens.

FVAP established a Security Peer Review Group, a group of 10 computer election security experts, to evaluate SERVE. However, in January 2004, a minority report published by four members of the group publicly raised concerns about the security of the system. They suggested it be shut down due to potential security problems that left it vulnerable to cyber attacks. Furthermore, they cautioned against the development of future electronic voting systems until the security of both the Internet and the world's home computer infrastructure had been improved. Specifically, the report stated:

The real barrier to success is not a lack of vision, skill, resources, or dedication, it is the fact that, given the current Internet and PC security technology, and the goal of a secure, all-electronic remote voting system, the FVAP has taken on an essentially impossible task.

According to FVAP, after the minority group issued its report, the full peer review group did not issue a final report. Also, because DOD did not want to call into question the integrity of votes that would have been cast via SERVE, they decided to shut it down prior to its use by any absentee voters. FVAP could not provide details on what it received for the approximately \$26 million that it invested in SERVE. FVAP officials stated that they received some services from the contractor, but no hardware or other equipment.

Communications technologies, such as faxing, e-mail, and the Internet, can improve communication between local jurisdictions and voters during some portions of the election process. For example, FVAP's Electronic Transmission Service (ETS) has been in existence since the 1990s, and is used by UOCAVA citizens and State and local officials to fax election materials when conditions do not allow for timely delivery of materials through the mail. For the November 2004 general election, FVAP's Voting Assistance Guide showed that the States allowed some form of electronic transmission of the FPCA, blank absentee ballot and the voted ballot. However, it is important to note that of the 10,500 local government jurisdictions responsible for conducting elections nationwide, particular local jurisdictions might not offer all of the options allowed by State absentee ballot provisions. As shown in Table 3, for the November 2004 presidential election, 44 States allowed the FPCA to be faxed to the local election jurisdiction for registration and ballot request. In each of these States, the completed FPCA also had to be mailed to the local election jurisdiction. In one State, the completed FPCA had to be mailed or postmarked the same day that the FPCA was faxed. A smaller number of States allowed the blank absentee ballot to be faxed to the voter and an even smaller number of States allowed the voted ballot to be sent back to the local election jurisdiction. According to FVAP's records, in calendar year 2004 ETS processed 46,614 faxes, including 38,194 FPCAs, 1,844 blank ballots to citizens, and 879 voted ballots¹⁸ to local election officials. Total costs to operate ETS in 2004 were about \$452,000. According to FVAP's revised Voting Assistance Guide for 2006–2007, only one additional State allowed the faxing of the FPCA for registration and ballot request. Table 3 also shows options allowed by each State and Territory for electronic transmission of

¹⁵ GAO-01-1026

¹⁶ Pub. L. No. 107-107, § 1604 (2001).

¹⁷ The seven States were Arkansas, Florida, Hawaii, North Carolina, South Carolina, Utah, and Washington.

¹⁸ Voters sacrifice privacy for timeliness when they return completed ballots by fax.

election materials for the November 2006 election. Two additional States also allowed the faxing of the blank ballot.

TABLE 3: OPTIONS ALLOWED BY STATES AND TERRITORIES FOR ELECTRONIC TRANSMISSION OF ELECTION MATERIALS FOR THE NOVEMBER 2004 AND NOVEMBER 2006 ELECTIONS

Number of States that allowed faxing of:	November 2004		November 2006	
	Yes	No	Yes	No
FPCA for registering	44	11	45	10
FPCA for ballot request	49	6	50	5
Blank ballot	31	24	33	22
Voted ballot	23	32	23	32

In September 2004, DOD implemented the Interim Voting Assistance System (IVAS), an electronic ballot delivery system, as an alternative to the traditional mail process. Although IVAS was meant to streamline the voting process, its strict eligibility requirements prevented it from being utilized by many military voters. IVAS was open to active duty servicemembers, their dependents, and DOD overseas personnel who were registered to vote. These citizens also had to be enrolled in the Defense Enrollment Eligibility Reporting System,¹⁹ and had to come from a State and county participating in the project. FVAP officials said the system was limited to DOD members because their identities could be verified more easily than those of nonmilitary overseas citizens. Voters would obtain their ballots through IVAS by logging onto www.MyBallot.mil and requesting a ballot from their participating local election jurisdiction. One hundred and eight counties in eight States and one Territory agreed to participate in IVAS;²⁰ however, only 17 citizens downloaded their ballots from the site during the 2004 election. According to FVAP, many States did not participate in IVAS for a variety of reasons including State legislative restrictions, workload surrounding regular election responsibilities and additional Help America Vote Act requirements, lack of technical capability, election procedural requirements and barriers, and unavailability of Internet access.

Despite low usage of the electronic initiatives and existing security concerns, we found that servicemembers and VAOs at the installations we visited strongly supported some form of electronic transmission of voting materials. During our focus group discussions, servicemembers stated that election materials for the 2004 presidential election were most often sent and received through the U.S. postal system. Servicemembers also commented that the implementation of a secure electronic registration and voting system could increase voter participation and possibly improve confidence among voters that their votes were received and counted. Additionally, servicemembers said that an electronic registration and voting system would improve the absentee voting process by providing an alternative to the mail process, particularly for those servicemembers deployed on a ship or in remote locations. However, at one location, some servicemembers were more comfortable with the paper ballot system and said that an electronic voting system would not work because its security could never be guaranteed.

CONCLUDING OBSERVATIONS

The Federal Government, States, and local election jurisdictions have a shared responsibility to help increase military voters' awareness of absentee voting procedures and make the process easier while protecting its integrity. The election process within the United States is primarily the responsibility of the individual States and their election jurisdictions. Despite some progress by FVAP in streamlining the absentee voting process, absentee voting requirements and deadlines continue to vary from State to State. While it is ultimately the responsibility of the voter to understand and comply with these deadlines, varying State requirements can cause confusion among voters and VAOs about deadlines and procedures for registering and voting by absentee ballot. The ability to transmit and receive voting materials electronically provides military servicemembers another option to submit a ballot in time to participate in an election. Although State law may allow electronic transmission of voting materials, including voted ballots, the 10,500 local election jurisdictions must be willing and equipped to accommodate this technology. The integra-

¹⁹The Defense Enrollment Eligibility Reporting System provides a means for quickly verifying and validating a person as eligible to receive military health care and other DOD benefits.

²⁰The nine States and Territories were Kansas, Kentucky, Maryland, Mississippi, Montana, New Mexico, South Carolina, Virgin Islands, and Wisconsin.

tion of people, processes and technology are very important to the United States' election system.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the committee may have at this time.

Senator DAYTON. Thank you, each of you, for very informative testimony. I think, Secretary Chu, your noted improvements in the percentage of those who have voted is important progress. We'd always like to see better, but I think that's real progress that should be noted.

I do recognize the discrepancy between your own statements, and I want to see if this is an apples-to-apples comparison. Those who could not vote you cited as 6 percent and, Chairman DeGregorio, you cited that as 23 percent? No, 27 percent.

Mr. DEGREGORIO. 24 percent.

Senator DAYTON. 24 percent, I'm sorry, you're right, 24 percent. Can you reconcile that? Are you both measuring the same way or describing the same situation here or not?

Dr. CHU. These are two different metrics.

Senator DAYTON. Okay.

Dr. CHU. Our results are based on a survey of our various populations, the military itself, Federal civilians overseas, and Americans overseas, not who are, however, part of the Federal Government.

Senator DAYTON. When they say—so I'm clear, you say they could not vote. What does that mean in practical terms?

Dr. CHU. What that meant was, it was an answer to a question that we asked: "Did you vote?" If they said, "No," we asked, "Did you attempt to vote?" So the numbers I cited for the 6 percent or so in the 2004 election in the military column who attempted, but could not vote. That's from their answers to that survey, so ours is based on a survey of the voting population.

The 20-some percent number comes out of what, as I understand it, the EAC was directed by Congress to do. What others have done on an ad hoc basis from time to time before, which leads to the National Defense Committee's estimates where they try—but, I think, less carefully than Ms. Markowitz outlines—to do this comparison of how many ballots were sent out versus how many returned. That's where the 20-some percent difference lies.

I was interested in this report in which EAC said it was pleased to find that no one reported more ballots were sent back than were sent out, which of course is our first consideration. But, to be serious about it, it also in this report notes, and Chairman DeGregorio can certainly speak to this, the inadequacies of State reporting on this front up to now. As he said in his oral statement, many States really do not have in place the mechanisms to track this. Many of these numbers are all absentee ballots sent out versus all returned, not, in other words, the military or overseas voters per se. Many States or many jurisdictions—and that actually is a feature of Federal law now—push absentee ballots out to someone who voted absentee the last time.

The military turns over at a rate of 10 to 20 percent per year, and in addition, the remaining people move around a great deal. So, any kind of push system is going to result in a significant number of ballots not showing up. I'm impressed with Vermont's sta-

tistic that when they actually looked at the National Guard, a segment of that total population, they found that virtually all ballots were returned. We make every effort to get those ballots back.

We have taken to heart the National Association's call for an air express ballot delivery system. We set the standard in 2004 for return of ballots. The standard would be 5 days from foxhole to the LEO. We did that by insisting that whatever else forward commanders had to do, that their responsibility was to get the ballot from the fox hole to one of the five air pickup points in Iraq within a 2-day timeframe, and from that point we would take it by air to the major air gateway, which is Kuwait—or was Kuwait at that time—and from Kuwait back to New York, and from New York by express mail back to the LEO, so we invest a great deal.

I fully support what Chairman DeGregorio advocated, which is, we need a longer time from ballot transmission by the States, even if we can get more of them to use electronic means, ballot transmission from the State to the voter, we really would like the 45 days. I am very grateful that Ms. Markowitz is willing to go before her legislature, charge up this hill for us even though she didn't succeed the last time. I would like to encourage her to try again.

Senator DAYTON. Minnesota also has its primary on the second Tuesday in September. Chairman DeGregorio, do you want to respond, and also could you clarify exactly what it is that you are measuring, please?

Mr. DEGREGORIO. Yes, I appreciate Dr. Chu's answer and I think he did adequately explain some of the discrepancy, but let me go a little further just to explain where these figures come from.

We had our hearing in St. Louis last week, and we had testimony from the National Defense Committee, which is a committee that basically advocates for military voters overseas, and the Overseas Vote Foundation that takes a look and advocates for other overseas citizens too. They both conducted surveys independent of each other for the 2004 elections and came to very similar conclusions: roughly one in four people who attempted to vote were not getting their ballot back in time in order to be counted.

Our statistics that were supplied to us by the States, were required by the Help America Vote Act. These voters—known as UOCAVA voters, in the terminology of the law—the individual jurisdictions of the country must report to us how many ballots were sent to them and how many were received. Our report did certainly acknowledge, and state very clearly, that many jurisdictions are not keeping these statistics.

Even with that in mind though, in the statistics that we were provided by almost all of the States and Territories there is a pattern, and the pattern generally supports the statistics of these two independent groups. We're still seeing what I would characterize as a fairly high disenfranchisement rate from military and overseas voters. I think that Senator Burns talked to that this morning about a citizen in his State. You probably can find some in Minnesota in your State who are attempting unsuccessfully to vote. You have a late primary and it makes it difficult sometimes for the local jurisdictions to produce their ballot for the November 7 election.

I do think we need to—as I said in my testimony, oral and written—that we have to address this issue. We have to take a look at the fact that this 45-day period is one that we have to have the ballots out by the 45th day because it takes so long to get ballots to and from voters.

We had significant testimony last week in St. Louis from folks who had served overseas who have attempted to vote and their ballots were not counted because of the time it takes to send their requests and get their requests back. So, we need to take a look at this and see if there needs to be Federal legislation that gives the States greater options, but also as the Help America Vote Act does, provides incentives to them to deal with the problem.

I think that perhaps encouraging them to change these deadlines, these dates for primaries or extend the deadline to receive these ballots is certainly one way to deal with this, but also provide greater opportunities for electronic transmission of ballots. The IVAS program of DOD is certainly a step in that direction, and we'd certainly like to see that nationwide, not just in three States, and not just in a very limited use in terms of transmitting ballots to people.

Senator DAYTON. Senator Thune, I think under the protocol you just became chairman.

Senator THUNE [presiding]. Don't let me interfere.

Senator DAYTON. I'll continue with my questions, thank you.

I think it's worth noting for the record—we talk about the complexities or the lack of complexities given 45 States and other entities—but you also described, Secretary Chu, that there really are 7,000 counties. I was State Auditor of Minnesota previously, and I know I didn't have the functions of the Secretary of State, but I knew her well and audited the counties and understood clearly that most county auditors, at least in Minnesota, are elected. They're independent minded as they have the right to be—so I think it adds greater complexity for the Department, as well as for the Secretaries of State, than perhaps that figure of 45 would suggest.

I guess I'd ask, Madam Secretary of State, obviously Montana's a different State, different situation, but how would you respond to that mother in Montana that Senator Burns mentioned there, and if an individual at the local level, as I understood it, his background, the clients didn't provide the necessary certification, what recourse does that mother, or what recourse does that soldier have?

Ms. MARKOWITZ. You raise a good issue. There is autonomy, although you should know that the Help America Vote Act really did—for the first time—give the State some authority to create uniformity in how the law is handled within a State.

That being said, what we're seeing across the country is that sometimes it takes a lawsuit. It sometimes takes the State bringing suit against a local official to get them to give up some of that autonomy to do it right.

In my experience, though, as a practical matter, it doesn't really take lawsuits, it takes training and education. I would feel terrible meeting somebody who is disenfranchised in this way, obviously, but I would want the local official to hear that story as well so that they can understand, really, what's required of them.

In my experience, though, what it is is education that's required for our local officials, because they're as committed as we are to doing the right thing.

I'd like to go back to—

Senator DAYTON. I'm sorry, in deference to Senator Thune—

Ms. MARKOWITZ. Yes, please.

Senator DAYTON.—because I have exceeded my normal committee time, if you want to—the committee record we're going to leave open, I believe, for 7 days—is that typical? Or whatever the normal time is, so if anybody has additional comments to submit for the record, please do so.

Let me just ask one final question and ask each of you, again, to be brief. Do you recommend any particular additional Federal legislation? Do you believe it's necessary? What would it be that you could recommend to my colleagues?

Dr. CHU. I think certainly I want to be respectful of the Federal nature of our system, just as Ms. Markowitz has pointed out—this is really a local responsibility. I do think encouragement of one sort or another to a 45-day window for physical ballot delivery, or more support for electronic means if it's not going to be physical, would be very helpful.

Senator DAYTON. Anyone else? Federal legislation?

Ms. MARKOWITZ. I would encourage you to continue to fully fund this effort from the voter assistance positions down to some of these more innovative projects. I would also caution you about legislation that may have unintended consequences. One of the challenges that we have right now is there is this requirement that if somebody is a military overseas voter and has requested an absentee ballot, that we continue to send them absentee ballots without requests in future elections for a number of years. Particularly in the military, people get redeployed within 18 months and that puts us in a sticky situation—we send out a ballot to somebody who's no longer there, we can't send out a second ballot because of security. So whatever Congress does, I ask you to please vet fully the unintended consequences because we want to be able to make things better as opposed to creating additional challenges. But, I thank you.

Mr. DEGREGORIO. Mr. Chairman, I think that as Congress did with the Help America Vote Act that provided resources to the States and mandates to the States, but also some clear guidance in some areas—I think we can take a look at that same concept in the way we look at overseas voters and provide financial incentives, greater tools that they can use—for instance the IVAS program, taking it nationwide—but also taking a look at these deadlines that the States have and provide some incentive for them to move these deadlines for producing ballots.

Senator DAYTON. Mr. Stewart?

Mr. STEWART. I have no comment, sir. This is a very complicated issue, and I think you're getting an appreciation for that. The gentleman that Senator Burns mentioned—this is still very much an individual responsibility, voting—you have to first register, and then you have to request your ballot. When you request your ballot is very important, so if your ballot doesn't show up sometimes, it's

not the system's fault, it's the individual not acting soon enough, so this is very complicated.

There are over 10,000 voting jurisdictions, the last figure I saw was 10,500, some of my colleagues say that—depending on how you want to slice it, it could be as many as 13,000 local voting jurisdictions. The State may have the authority, or the Federal Government may have the authority to pass legislation, but the rubber meets the road when you get down to the local jurisdiction and resources is a problem. Not all of the local jurisdictions have the internet, or the ability to send e-mail, so it's a very complicated issue.

Senator DAYTON. The GAO reports which I read last night reflected that complexity—I commend you for that. Mr. Chairman?

Senator THUNE [presiding]. Thank you, Mr. Chairman. Before we adjourn the hearing, I just wanted to reference one question here.

There is a concern—generally speaking—we're 40 days away, or thereabouts, from an election. As there is in every election, there's always discussion about disenfranchisement of certain voter blocks. It's obviously not a new problem, but one of the concerns I think that's been raised is the potential of that happening with military and overseas voters. I would address this question to Mr. DeGregorio—in your written statement, you indicated that you have contracted for a study of internet voting and the transmission and receipt of absentee ballots for uniformed and overseas citizens, Absentee Voter Act voters, and I guess the question is when do you expect that study to be completed? Is there any reason you can suggest the study will not support some sort of online or internet voting?

Mr. DEGREGORIO. Thank you, Mr. Chairman. We just contracted with an institution to conduct that study, just weeks ago, and we expect them to come up with a report by late next spring. They're going to certainly take a look at this election in particular to see what tools are being used by the States and by local election jurisdictions to serve military and overseas voters. This concept of internet voting is something that certainly has been discussed, the DOD has looked into it and several studies and several projects, and I'm certainly an advocate of moving in that direction. I do believe that we have the brains in this country, and the technology in this country, to address the issue in a positive manner to make the internet more friendly towards voters. I think we're going to take a look at military and overseas voters first as the DOD has done, and we want to find solutions to the problem, and that's what we've directed our researchers to do.

Senator THUNE. Secretary Chu, any comment on that? The possibility of that being an option somewhere in the future?

Dr. CHU. The Department remains very interested in that option for obvious reasons, Congress has directed us to go both ways on this issue—first telling us to do it, then telling us to stop doing it—and as a result, our report on the last election cycle, 2004, is in abeyance until the EAC working with us sets standards for the future.

I recognize there are issues about security out there, but I'm optimistic, like Mr. DeGregorio, that we can eventually solve those issues. I would urge that we allow the Department at an early date

to try this out again on some kind of pilot basis, because I do think it is very powerful and overcomes many of the restrictions, if we can accept the security restraints that will be necessary, I'm intrigued by Ms. Markowitz's telephone voting idea that she mentioned just a few moments ago, which is another solution of a similar sort. I think we're very open to a wide range of solutions. Our philosophy is to put as many tools out there for LEOs to use as possible, because we recognize that it is a local responsibility to decide what are going to be the rules of the game, what's going to be satisfactory in this particular State, this county, in terms of its elected officials, who have key responsibility for the sanctity of American elections. We don't want to overrule their good judgment. We would like to put a variety of the tools out there, that's our philosophy at IVAS, that's our philosophy across the board—let them choose which is the best to use. We would like to guide them in certain directions, I will acknowledge that, and this is one that we'd like to encourage.

Senator THUNE. Thank you. I appreciate your concern. I think every LEO too has the same concern about integrity, ballot security, all of those sorts of things, so I share that concern and want to make sure as we proceed forward that we can do it in a way that does preserve the integrity of the elections and the voting. It does seem in a lot of other areas, I just came from a hearing I was chairing having to do with moving to a paperless system, such as filing requirements and digital signatures and everything else we have today and authenticating those—it seems at least that there ought to be ways of working with LEOs so that ultimately they run elections as you said, and that we could come up with some ways that would at least make it easier for our service men and women and their families to be able to participate in the democratic process in this country, which obviously—of all people—they certainly have the greatest right to do.

Thank you for your testimony—I see my colleague from Missouri has arrived, so he may now be the—this is rotating chairmanship today—

Senator TALENT [presiding]. I will continue to defer to you, Mr. Chairman. I'm sorry that I had other obligations this morning and I wasn't able to get here before. I wanted to do a couple of things, one of them is to thank the chairman and the ranking member for this important hearing. Given the kind of technology that we have available, we really don't have any excuse for not making the right to vote fully available on as convenient a basis as possible—they're fighting for it, and they ought to be able to engage in it.

I also wanted to recognize and thank a great Missourian, and my old friend, Paul DeGregorio, for his work on this issue and indeed on election issues and issues vital to the development of democracy around the world. I don't think I can count the number of miles you have logged, Paul, in helping to supervise elections all over the world, and often under very difficult circumstances, and adapt our principles to the needs of particular cultures and countries. I'm grateful to you, and Missouri is as well, and I think the country is as well.

Let me just ask, any one of you may want to comment on this, but Dr. Chu, in particular—what issues do you see with the in-

terim voting system that we have in place, and what direction do you see that going in, what are your priorities for making it work better for our service men and women?

Dr. CHU. Thank you, sir, for that question. I'm very pleased with our results thus far for 2006. We tried this out on a, really, quite limited scale in 2004. We have deployed two different tools under this rubric, this time. One, e-mail-based that uses, essentially, a banking-type secure server. As I indicated this morning, it's an honor to report we have approximately 500 counties in the United States in a dozen States or so that have agreed to use it for this election cycle. It represents very important experience, a very important basis for deciding what's the best option for 2008. It very well may be that the best option is a set of options. What I'm interested in is that by giving two choices to LEOs, I think we got a lot more response then when we had only one mode, or one answer. Because each of that set of important actors has his or her own issues, constitutions—as Ms. Markowitz has reminded me this morning—to deal with and one solution that may be good for State A, will not work so well for State B, a different solution there. So, what I'm taking away from our experience thus far is that having more than one answer so that the LEO can choose what's best, may be a good strategy for the long-term.

Senator TALENT. Thank you, I appreciate that very much, and your sensitivity to the needs of our Secretaries of State, and also our county clerks and our election officials who really do want everybody to be able to vote in as convenient a means as possible, but have a lot of practical concerns. We've experienced this with the Federal Voting Law, which was certainly aimed at a good objective and has done a lot of good, but I hear from my county clerks all of the time about things that they have to do that they don't think make a lot of sense in their jurisdictions. So it's a balance we have to strike.

I'm not going to keep the witnesses any longer. I know, Ms. Markowitz, that you have to leave. I'm sure I expressed the opinion of the chairman and the ranking member when we say thank you for your work in this area and for appearing before us.

Senator DAYTON. Mr. Chairman, if I just may?

Senator TALENT. I'm sorry, the Senator from Minnesota?

Senator DAYTON. If I may correct my earlier comment, I'm told that the hearing record will remain open for 2 days. Any additional comments, please submit within that timeframe. Thank you.

Senator TALENT. Without objection. The hearing is adjourned.

[Whereupon, at 11:01 a.m., the committee adjourned.]