

# MILITARY AND OVERSEAS VOTING IN 2012

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## HEARING

BEFORE THE  
COMMITTEE ON HOUSE  
ADMINISTRATION  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED THIRTEENTH CONGRESS  
FIRST SESSION

HELD IN WASHINGTON, DC, NOVEMBER 20, 2013

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## MILITARY AND OVERSEAS VOTING IN 2012

WEDNESDAY, NOVEMBER 20, 2013

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC.*

The committee met, pursuant to call, at 11:40 a.m., in Room 1310, Longworth House Office Building, Hon. Candice S. Miller [chairman of the committee] presiding.

Present: Representatives Miller, Harper, Gingrey, Schock, Rokita, Brady, and Vargas.

Staff Present: Kelly Craven, Staff Director; Peter Schalestock, Deputy General Counsel; Yael Barash, Legislative Clerk; Salley Wood, Communications Director and Deputy Staff Director; Bob Sensenbrenner, Senior Counsel; Kyle Anderson, Minority Staff Director; Matt Pinkus, Minority Senior Policy Advisor; Matt Defreitas, Minority Professional Staff; Khalil Abboud, Minority Deputy Counsel; Thomas Hicks, Minority Senior Counsel; Mike Harrison, Minority Chief Counsel; Greg Abbott, Minority Professional Staff; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I would now call to order the Committee on House Administration hearing on military and overseas voting in 2013. And the hearing record will remain open—or, excuse me, for the election year of 2012.

The hearing record will remain open for 5 legislative days so that Members may submit any materials that they wish to be included therein.

And, again, a quorum is present, so we can proceed.

First of all, I want to thank all my fellow committee members for being here today to discuss military and overseas voting.

Every one of the brave men and women who serve our Nation in uniform across the globe has volunteered for the job. This is a total volunteer military. And they volunteer because they believe in our democracy, they believe in freedom, and they are willing to sacrifice so greatly to ensure that freedom and liberty are always protected.

And yesterday, as we all know, actually marked 150th anniversary of the Gettysburg Address. And in closing that address, President Abraham Lincoln said, “It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this Nation, under God, shall have a new birth of freedom, and that the government

of the people, by the people, for the people shall not perish from the Earth.”

And I mentioned this because the entire concept—I think this is an interesting thing to note—the entire concept of absentee voting was actually established at that time by the States, with cooperation of the Federal Government, to make certain that Union soldiers would be able to cast ballots in the Presidential election of 1864. It was the first time our Nation used absentee balloting.

And I am sure that it was a challenge for the States, it was a challenge for the Federal Government and the military, but it got done. And so, certainly, we should make no less an effort today for our military.

Those who have worn the uniform of our Nation in defense of freedom and of liberty have made certain that government of the people, by the people, and for the people has not perished. In fact, it has thrived. And, today, all in our society, regardless of their race or sex or creed, are able to fully participate in our government due in large measure to their devotion.

And as a representative here of the American people, and particularly those of us who serve on this committee, we have a solemn duty to ensure that our troops, those who protect our freedom, have the ability to vote and to participate in the democratic process for which they are so willing to risk their life.

And it is also the solemn responsibility of our witnesses here today and one that I know they take very, very seriously, as well. And so, to our witnesses, I certainly want to express our gratitude to both of you for your service and dedication to fair and open and free and accurate and inclusive electoral processes.

And as a former Michigan Secretary of State, I am very aware of the challenges each State election officer faces when trying to improve voting access for their military constituencies who are serving overseas. Myself and Mr. Rokita, as well, as a former Secretary, very familiar with the challenges of processing absentee requests and transmitting ballots overseas and, unfortunately, discarding overseas ballots that arrived after the State deadlines, as well, which happens far too often. However, it has been a decade since I have been the Secretary of State, and we have seen some fantastic advancements in technology as well as at the State and Federal level with their procedures.

For the second consecutive Presidential election, we have seen reports that show that military personnel are registering to vote at rates 15 to 17 percentage points higher than the overall civilian population. Similar reports also indicate that the percentage of military personnel who voted slightly increased from 2008 to 2012. These figures, I think, tell us two things: one, that our military personnel want to vote; and, two, that we are slowly improving their ability to vote.

And with the combined efforts of the Federal Voting Assistance Program administered by the Department of Defense, various State initiatives, and Federal legislation, as well, aimed at supporting both, we have really seen greater participation amongst military voters.

The Military and Overseas Voter Empowerment Act, known as the MOVE Act, was the first major piece of legislation aimed at fa-

ilitating overseas voting since 1986. And it was designed to advance DOD and State initiatives in three ways: First, it required that all military overseas ballots be sent at least 45 days before an election. And this was intended to address ballots being discarded because they were arriving, as we said, after the State deadlines. Second, it required the Department of Defense to install voting assistance offices at every military installation to assist servicemembers with their registration and absentee requests. And, finally, it provided grants for States to improve or to adopt programs that electronically transmitted ballots to our soldiers overseas.

In 2012, 3 years after its adoption, I believe that we have seen success of the legislation, and we have identified areas, as well, where there is still room for improvement. The largest room is always the room for improvement.

For example, since the MOVE Act grant program started, which has provided, as we say, over 40 States and local counties with \$35 million, we have seen a significant increase in the number of States that are adopting and testing procedures that allow servicemembers to access their blank ballots online, significantly expediting the process of voting from overseas.

And we have also heard valid concerns about the legislation's requirement that the DOD outfit every installation, even the most remote, with voting assistance representatives—a costly burden that could perhaps be satisfied with more timely, cost-effective methods like social media.

So, today, we will hear from our witnesses about their unique experiences and observations related to the implementation of the MOVE Act, as well.

Unfortunately, due to a family issue, the Michigan Secretary of State, Ruth Johnson, who was also going to be one of our witnesses today, was not able to be here. However, we have received and reviewed her testimony, which will be—her full testimony will be submitted into our hearing record.

And I certainly want to acknowledge the great work that she has done for the State of Michigan. Particularly, I am impressed with her work as cofounder of Operation Our Troops Count, which is a program dedicated to ensuring that military voters overseas have the ability to vote.

And I know that last September both Secretary Johnson and Secretary Miller participated in a bipartisan delegation to the Middle East to meet with our troops. I will be interested to hear a little bit about your experiences there, Secretary.

Again, I just want to thank our witnesses for being here. I look forward to discussing this very important issue and to hearing about their observations, both domestically and abroad as well.

And, at this time, I would like to recognize the ranking member of the committee, Mr. Brady, for his opening statement.

Mr. BRADY. Thank you, Madam Chairman.

And I want to thank the chairman for calling this very important hearing.

I would also like to congratulate Mr. Boehmer for moving from active head of the Federal assistance program to officially becoming the director, I think.

Mr. BOEHMER. Thank you.

Mr. BRADY. Last week, we celebrated Veterans Day. On that day, we acknowledged the sacrifice members of our Armed Forces make to protect our rights. It is only fitting that this committee do its part to make sure that they are not sacrificing their own fundamental right, the right to vote.

Some of the important questions continue to be: What role has technology placed in assisting our military and overseas voters? How are the Department of Defense and the Federal Voting Assistance Program working together to ensure that all Americans are guaranteed the right to vote? What would allow secretaries of State to streamline this process?

Ensuring the voting rights of all eligible Americans is this committee's most important obligation. In the next session of this Congress, I look forward to working with Chairman Miller as we work to expand and intensify our efforts to uphold that responsibility. We must begin to address this litany of bills referred to us that are designed to improve our electoral process. The Voter Empowerment Act, introduced in the last two Congresses, addresses everything from the registration process to modernization to improving the Election Assistance Commission.

I thank again the chairman for calling this meeting. I look forward to hearing from our witnesses.

The CHAIRMAN. I thank the gentleman very much.

Any other opening statements?

Dr. Gingrey.

Mr. GINGREY. Madam Chairman, I want to thank you for calling this important hearing on military and overseas voting in the 2012 election and particularly the effectiveness of the Military and Overseas Voting Empowerment Act, MOVE.

I would also like to welcome our witnesses, Nevada's Secretary of State, Ross Miller, and Matt Boehmer, as Mr. Brady said, the recently appointed director of the Federal Voting Assistance Program.

Congratulations, Mr. Boehmer.

In December of 2009, the MOVE Act was enacted to address shortcomings in the voting process for military and, of course, overseas citizens and to enhance the use of available technology to facilitate their voting. Today's hearing provides the opportunity to take stock of the successes and issues with the MOVE Act in the 2012 elections and to determine how we can better promote voting by servicemembers, their dependents, and, of course, the lesser number of citizens living overseas.

The right to vote—and Mr. Brady said this so well—the right to vote is a fundamental freedom. It is imperative that we ensure that Americans, no matter where they are in the world, that they have the opportunity to have their voices heard on Election Day.

And I, too, believe that it is particularly critical to provide our service men and women with the chance to vote. These men and women are on the front lines; they are protecting our freedoms. It is critical to preserving, indeed, our very way of life. And in return, we owe them. We, indeed, owe them an effective electoral system that protects their right and ability to vote in the very system which they are fighting to safeguard.

Georgia is home, my State, to several military installations, including Fort Benning, Warner Robins Air Force Base, Fort Gordon, Dobbins Air Reserve Base in my district, to just name a few. And, as such, the issue of military voting hits particularly close to home for me. Those willing to die for our freedoms deserve the chance to participate in a democratic republic.

And I am hopeful that this hearing will highlight progress in giving a voice to military and overseas voters, but also show us how we can improve the process to make it easier and more efficient for our citizens across the globe to participate in our elections. We must ensure that FVAP, States, and localities are making the most effective use of the limited resources and that our citizens are aware of the tools and resources that are available.

And so I am grateful for the chance to hear from our witnesses today about how we can help FVAP to fulfill its mission, increase compliance with the MOVE Act without creating any undue burden on our States and localities, and ensure that those overseas know that their vote will count.

Thank you, Madam Chairman. I yield back.

The CHAIRMAN. Thank you very much, Dr. Gingrey.

And before I introduce our two witnesses and ask for their testimony, I would ask unanimous consent to enter into the record the written testimony from Michigan's Secretary of State, Ruth Johnson, and the report produced by the Secretaries of State who visited the Middle East, "Military and Overseas Voters 2012: Observations and Recommendations by a Delegation of State Chief Elections Officers."

Without objection, entered into the record.

[The statement and report of Ms. Johnson follows:]



**RUTH JOHNSON**  
Michigan Secretary of State

Testimony - Committee on House Administration  
U.S. House of Representatives

November 20, 2013

Ruth Johnson Testimony  
Nov. 20, 2013

**Madam Chair and honorable members of the  
Committee on House Administration:**

Thank you for your interest in improving overseas voting and the opportunity to discuss, via written testimony, progress that is being made in Michigan and the challenges that remain for our military personnel as it concerns elections.

As a nation, we have a duty to ensure the brave men and women protecting democracy around the world can participate in it here at home.

As they fight for us, we need to fight for them by safeguarding one of their fundamental freedoms and guaranteeing their voice is heard on Election Day. Their vote – like the vote of all Americans – must count.

That has long been the goal of **OPERATION: OUR TROOPS COUNT**, a campaign I founded with two other county clerks in 2009 when I was serving as Michigan's Oakland County clerk.

As you know, the **Military and Overseas Voter Empowerment Act** (or MOVE Act) was passed in 2009 and began implementation in 2010. Concurrently, we successfully pushed for state law changes to implement the MOVE Act and streamline military voting by allowing local clerks to email absentee ballots to overseas military personnel, reducing mailing delays. These changes were codified as part of federal law.

In 2012, as Michigan's secretary of state, I was part of a bipartisan delegation of State Chief Election Officers who travelled to the Middle East to meet with troops, military voting representatives and U.S. Embassy officials to examine absentee voting issues. Sponsored by the Department of Defense, the trip included visits to military installations in Kuwait, Qatar and Bahrain. *(Please see attached report.)*

My testimony today is a reflection of the insights gained from that trip, underscored by national trends with military and overseas voting and perspectives from efforts we have launched in Michigan.

Ruth Johnson Testimony  
Nov. 20, 2013

#### STATISTICS

I believe the Federal Voting Assistance Program and the 2009 federal MOVE Act have been effective in reducing many obstacles encountered by military and overseas voters. In fact, I am encouraged by the Overseas Vote Foundation report from earlier this year that found the number of military and overseas American voters who reported not receiving a ballot or receiving a ballot too late had declined in last year's presidential election to one-fifth of those who voted compared to a full half surveyed after the 2008 election.

*([https://www.overseasvotefoundation.org/files/OVF\\_ElectionReport\\_2013\\_web.pdf](https://www.overseasvotefoundation.org/files/OVF_ElectionReport_2013_web.pdf))*

However, it is clear there are still challenges that impact voter participation – challenges that range from communication issues to computer access, especially in combat zones.

In terms of national voting trends, according to the Federal Voting Assistance Program:

- 79 percent of active duty military members were registered to vote in 2012 compared to 77 percent in 2008.
- Of those, 55 percent voted in the 2012 general election, compared to 53 percent in 2008.

Here in Michigan, our statistics reflect the interest in what was a historic election in 2008 and the need to do better in encouraging the return of ballots from our military personnel and overseas voters:

- In 2008, of 12,840 ballots sent to military and overseas voters; 10,483 or 81.6 percent returned.
- In 2010, of 2,571 ballots sent to military and overseas; 1,963 or 76.3 percent returned.
- In 2012, of 9,367 ballots sent to military and overseas voters; 7,272 or 77.6 percent returned.

Ruth Johnson Testimony  
Nov. 20, 2013

#### MICHIGAN'S PROGRESS

Michigan has made incredible strides in the fight to safeguard the votes of military personnel stationed abroad and all overseas voters. As Chairperson Miller knows, Michigan is unusual when it comes to elections because we have a rare, decentralized system in which 1,600 local and county clerks are actually responsible for overseeing and administering elections.

Some of our strong measures include:

- Comprehensive training and education efforts targeting our clerks paired with strong tracking to ensure local clerks send out absentee ballots to military and overseas voters 45 days prior to elections, as required by law.
  - While more than 98 percent of our local clerks adhere to this requirement, in 2012 some failed to meet the November election deadline, despite repeated reminders and warnings.
  - To protect the vote of our military and overseas voters, Attorney General Bill Schuette and I filed suit against those 24 communities to require the clerks to extend the deadline for acceptance and counting the ballots that were not sent by the deadline. ([http://www.michigan.gov/sos/0,4670,7-127-1640\\_9150-288203--,00.html](http://www.michigan.gov/sos/0,4670,7-127-1640_9150-288203--,00.html).) Later, we successfully initiated State legislation to codify those changes.
- Improvements to our e-ballot delivery system to make it easier for clerks to send e-ballots to absentee voters. This cuts traditional mailing time in half.
- Improved the electronic ballot developed for voters covered by the MOVE Act. The process used by military/overseas voters was streamlined considerably and these voters were given the ability to mark their ballots online (eliminating the possibility of over-voting) before printing and returning the ballot to the local clerk.
- Expansion of our online Michigan Voter Information Center (MVIC) ([www.michigan.gov/vote](http://www.michigan.gov/vote)) which is now smartphone-friendly. Users can access contact information for their local clerks, confirm they are registered to vote, view sample ballots (which is extremely helpful if they vote via a Federal Write-in Absentee Ballot) and find important links to websites for military and overseas voters.

Ruth Johnson Testimony  
Nov. 20, 2013

- With a \$430,000 grant from the Federal Voting Assistance Program (FVAP), we enhanced our program that allows election officials to electronically create and transmit ballots to provide an online tracking system that all absentee voters can use to view the status of their absentee ballot request, their ballot transmittal from the clerk's office and the receipt of their voted ballot back to the clerk's office.
- Streamlined FVAP data requests and the Election Administration and Voting Survey data collection process provided by the Election Assistance Commission (EAC) to better ensure every jurisdiction properly categorizes and reports on the issuance and return of military/overseas ballots. We go through an intense data collection process with clerks statewide every two years to fulfill these data requests from the federal government.
- Obtained the email addresses of thousands of military/overseas voters which will enable our Bureau of Elections to more effectively communicate with these voters.
- Pushed for law changes in 2012 that now allow military and overseas voters to have a say in local and state elections by expanding the use of the Federal Write-in Absentee Ballot.
- Launched a special military/overseas webpage for voters at:  
<http://www.michigan.gov/sos/0,1607,7-127-1633-238835--,00.html>.
- Launched a webpage for clerks who are assisting military personnel (including a detailed new manual for issuing and tracking military/overseas ballots) at:  
[http://www.michigan.gov/sos/0,4670,7-127-1633\\_11976\\_62664---,00.html](http://www.michigan.gov/sos/0,4670,7-127-1633_11976_62664---,00.html).

#### ACTION STEPS

The bipartisan delegation of State Chief Election Officers, who visited with election officials, outreach coordinators, U.S. embassy officials and troops in the Middle East, prepared a report with recommendations. The report indicated that voter outreach efforts at military installations appear "to be very effective" and "it seems highly unlikely that any particular service member would not have been exposed to voting assistance messaging."

We found during our Department of Defense tour that efforts are being made and noted that we want to explore further opportunities on how states can work with the DOD, FVAP and the State Department to improve the policies and procedures for military and overseas voters while maintaining security and integrity in the electoral process.

Ruth Johnson Testimony  
Nov. 20, 2013

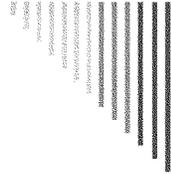
**RECOMMENDATIONS:**

Members of the committee, there may be a workable solution and I would ask that federal officials explore a core recommendation of the delegation to tap the technology of the military's "**Common Access Cards**" for military voting.

Technology is key to improving the return rate for overseas ballots. Michigan has successfully used electronic means to transmit absentee ballots to military and overseas voters for some time. Like many states, Michigan does not allow voted ballots to be sent back electronically due to security and election integrity concerns.

The CAC card, however, is an established tool for standard identification of active-duty military personnel, DOD civilian employees and eligible contract personnel. The card is required, for example, to access defense networks and systems. Military personnel use the CAC system to routinely and securely sign and transmit even high security clearance documents. These cards could provide a sufficient means of establishing voter identity and a secure method of transmitting ballots electronically. Again, I would urge federal officials to explore whether this is a feasible, secure option for use nation-wide.

Again, I want to thank Chairperson Miller and the Committee for the opportunity to be heard via written testimony. I believe it is critical – both morally and legally – to ensure U.S. citizens can vote from all four corners of the world.



# **Military and Overseas Voters 2012**

## **Observations & Recommendations by a Delegation of State Chief Elections Officers**

Ross Miller, Nevada Secretary of State & President, National Association of Secretaries of State  
Mark Martin, Arkansas Secretary of State  
Alison Lundergan Grimes, Kentucky Secretary of State  
Tom Schedler, Jr., Louisiana Secretary of State  
Ruth Johnson, Michigan Secretary of State



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<b>TABLE OF CONTENTS</b>
--------------------------

<b>BACKGROUND .....</b>	<b>1</b>
<b>OBSERVATIONS.....</b>	<b>3</b>
Mail Balloting.....	3
Non-Military Overseas Voters.....	4
Outreach.....	5
Installation Voting Assistance Office Outreach .....	5
CVN Outreach .....	6
Overseas Citizens Outreach.....	7
<b>RECOMMENDATIONS.....</b>	<b>8</b>
Recommendation #1 .....	8
<i>Explore the Use of the "Common Access Card" to Enable the Electronic Transmission of Absentee Ballots.....</i>	8
Recommendation #2 .....	10
<i>Enhance Efforts to Provide Individualized Content to Absentee Voters (Direct-to-the-Voter Assistance) .....</i>	10
Recommendation #3 .....	11
<i>Enhance Coordination with MPS and State and Local Election Officials .....</i>	11
<b>CONCLUSION .....</b>	<b>13</b>

**BACKGROUND**

From September 8-15, 2012, the Office of the Secretary of Defense hosted a bipartisan delegation of Secretaries of State who serve as their respective states' Chief Elections Officer and a representative of the Federal Voting Assistance Program (FVAP) to travel to U.S. installations in the Middle East to meet with troops, military voting representatives and U.S. Embassy officials. The five secretaries participating were Nevada Secretary of State Ross Miller (2012-13 President, National Association of Secretaries of State), Arkansas Secretary of State Mark Martin, Kentucky Secretary of State Alison Lundergan Grimes,<sup>1</sup> Louisiana Secretary of State Tom Schedler Jr., and Michigan Secretary of State Ruth Johnson. FVAP's representative was Paddy McGuire. The Department of Defense (DOD) outlined the purpose of the tour as follows:

The purpose of the NODEL (Non-Congressional Delegation) is to educate key Secretaries of State on civil, military and political initiatives along with absentee voter issues within the CENTCOM AOR (Central Command Area of Responsibility). The Delegation will also visit ARCENT (Army Central Command), NAVCENT (Navy Central Command), AFCENT (Air Force Central Command) Headquarters and embark overnight on USS CVN (Aircraft Carrier) for familiarization briefs and tours onboard an operational platform.<sup>2</sup>

The delegation's travel to Kuwait, Qatar and Bahrain for this educational tour included meetings and briefings with high level military personnel, U.S. Embassy officials, Voting Assistance Officers (VAOs) and other personnel knowledgeable about military and overseas voting, as well as active-duty service members from all military branches. The original itinerary also included a tour of and meetings aboard the USS Eisenhower, but that visit was canceled due to logistical issues. In Kuwait, the delegation met with U.S. Ambassador Matthew Tueller and embassy staff. Additionally, the Kuwait visit included an extensive tour, briefings and meetings at Camp Arifjan, home to ARCENT. The delegation then travelled to Al Udeid Air Base in Qatar, where they met with personnel of the AFCENT. While on base, the delegation also met with the U.S.

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<sup>1</sup> See Grimes, Alison Lundergan, Kentucky Secretary of State. Military Matters: Protecting the Rights of Those Who Protect Us. (September 19, 2012).

<sup>2</sup> Itinerary, Version 12, NODEL Secretary of State Delegation Tour. (September 24, 2012).

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Embassy's Deputy Chief of Mission, Ian McCary. Traveling to Bahrain, the delegation then toured NAVCENT headquarters, where they were briefed by Vice Admiral John Miller and other military leaders on base. The delegation also met with members of the Marine Forces Central Command (Forward) (MARCENT). The visit also included a tour of the USS Ponce and USS Exultant, where the delegation met with crew members. While in Manama, Bahrain, the delegation met with U.S. Ambassador Thomas Krajeski and embassy staff then headed south to Isa Air Base where they toured the base and held further meetings with military personnel.

This bipartisan trip was the second mission of a contingent of state election officials sponsored by the U.S. DOD. The first such tour was conducted in the Fall of 2008 and culminated in a similar report, "Military and Overseas Challenges: A Report from the Front."<sup>3</sup> That report highlighted many challenges experienced by military personnel stationed overseas, often in combat zones, in the transmission of their ballots and was a pivotal component in building the bipartisan momentum needed to enact state legislation around the country making it easier for military and overseas voters to cast their ballots, including perhaps most notably the federal Military and Overseas Voter Empowerment (MOVE) Act of 2009.

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<sup>3</sup> Hoseman, Delbert, Mississippi Secretary of State. Military and Overseas Challenges: A Report from the Front.

**OBSERVATIONS**

The process, procedures and educational voter outreach designed to ensure that military and overseas voters are able to timely receive and transmit their ballots prior to Election Day appear to be functioning very well. Legislative changes, including the MOVE Act, Uniform Military and Overseas Voters (UMOVA) Act and other state statutes, pertaining to military and overseas voting initiatives appear to have made significant progress in establishing mechanisms and timelines that provide military personnel and overseas citizens the opportunity to cast an absentee ballot and timely return it via a variety of transmission options so that it can be counted. Challenges in effective voter outreach remain; additional enhancements could further simplify the electoral process for military and overseas voters. It is evident that the efforts of FVAP, working in concert with local and state elections officials, have resulted in an effective system for ensuring that military and overseas citizens can cast their ballots within a time frame that will ensure those ballots are counted.

***Mail Balloting***

The Military Postal Service (MPS) has made significant enhancements to the ballot transmission process, and military voters generally reported that they had no issues timely receiving and transmitting their ballots. In fact, the timely transmission of ballots is among the highest priorities of U.S. Central Command (USCENTCOM) absentee ballot postal policy and procedures. USCENTCOM Regulation 25-64 mandates that, "Absentee Ballots shall be afforded the most expeditious handling and transmission possible." During many meetings and briefings throughout the tour, it was explained that DOD has made it clear that "ballots go before beans and bullets" in the priority of transportation of assets. During the delegation's tour it was evident that the MPS did, in fact, place the highest priority on timely processing ballots and that there is a robust system for ensuring that military voters are able to have their voices heard during an election. With respect to the effectiveness of this "priority of movement message," it was reported that ballots to even the most remote forward operating bases would reach the destination within ten days.

The mission included extensive tours of postal facilities with detailed demonstrations by military personnel outlining the process within the MPS. It was abundantly clear that the Department of Defense is fully committed to ensuring timely ballot transmission and that there are procedures

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in place to fulfill that commitment. For example, the MPS applies the Express Mail Service Label 11-DOD to each ballot from an overseas service member, ensuring expedited delivery to election offices within the United States. The label also provides voters and the MPS with the ability to track military ballots from acceptance through delivery, as well as delivery scans conducted by the U.S. Postal Service. Military personnel within MPS reported that the system functions well, with sufficient safeguards to ensure ballot security and tracking while simultaneously providing enough efficiency that aggressive ballot delivery timelines are met.

The feedback from military voters relating to absentee balloting by mail was overwhelmingly positive. They reported that the process is familiar and effective, and most VAOs relayed that they were unaware of military voters who had experienced problems in voting during recent elections. This positive feedback is a very promising development and particularly noteworthy because previous reports suggested that balloting by mail in prior elections had been problematic and did not afford enough time for many military voters to complete the process. Notably, the 2008 delegation of secretaries of state noted that, “the delay caused by mail delivery of ballot materials effectively leaves many military personnel with insufficient time to vote.”<sup>4</sup> Similarly, a 2009 Pew Center on the States report, “No Time to Vote,” noted that procedural delays in the voting process made it impossible for many military voters to timely cast their ballots.<sup>5</sup> It appears that the bipartisan federal and state legislative efforts to address these deficiencies in absentee mail ballots, along with considerable enhancements within FVAP, in partnership with state and local election officials and within the MPS, have resulted in a more robust and effective system for timely transmission of absentee mail ballots.

***Non-Military Overseas Voters***

With respect to issues facing overseas citizens, many challenges in ensuring that eligible voters have adequate time to cast an absentee ballot persist. Despite the significant enhancements of the MOVE Act in prescribing deadlines for the preparation and transmission of ballots, U.S. embassy officials relayed that due to the unreliability of foreign postal systems, the dependency on receiving ballots via the foreign mail services can be a significant barrier to the timely

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<sup>4</sup> *Id.*

<sup>5</sup> The PEW Center on the States. No Time To Vote: Challenges facing America’s Overseas Military Voters. (January 2009).

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transmission of ballots. However, return mail functions effectively because citizens can return the ballots to the embassy. Embassy officials in Kuwait reported that fax machines are available and are often the means of conducting business; however, some machines cannot fax to 800 numbers, posing an issue with respect to returning ballots by fax to some elections offices.

***Outreach***

Voter outreach efforts at military installations, which include widespread and varied communication channels, appear to be very effective. Officials at every installation highlighted the significant efforts in place to reach all eligible citizens, including specific election-related events, email reminders and notices about the voting process, and general installation announcements. Additionally, FVAP banners were ubiquitous at heavily trafficked locations throughout every installation the delegation visited, and it was apparent that the Armed Forces Network (AFN) had engaged in a vigorous public service announcement campaign related to voting. The outreach efforts at the installations included in the delegation's tour were so robust, visible and omnipresent that it seems highly unlikely that any particular service member would not have been exposed to voting assistance messaging.

***Installation Voting Assistance Office Outreach***

Although the overall outreach campaigns appear to be functioning very effectively, some channels of communication proved more efficient than others. During interaction with many service members, there was a general lack of awareness of the presence of specific voter assistance offices at any given installation. While it was reported that certain installations did have an operational and functioning Installation Voter Assistance Office (IVA), military personnel were generally not aware of the location, or even existence, of any such office. Some service members questioned the efficacy of IVA offices as a means of communication, recommending that resources instead be focused on email, general announcements and direct communication in meetings and major gatherings.

The feedback from military personnel questioning the efficacy of brick-and-mortar IVA offices was of interest to the delegation because whether IVA offices have been sufficiently established in order to meet UOCAVA guidelines has been the subject of recent scrutiny. The recently released report by the Department of Defense Inspector General (DODIG) No. DODIG-2012-123 concluded that "the Services had not established all the IVA offices as intended by the

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MOVE Act and noted a high rate of failure in attempts to contact IVA offices identified by FVAP.<sup>6</sup> This DODIG finding was the subject of further questioning during the House Committee on Armed Services Subcommittee on Military Personnel hearing on FVAP performance on September 13, 2012. At that hearing, Acting FVAP Director Pam Mitchell opined that FVAP believes brick-and-mortar IVA offices may not be the most effective means of providing assistance or information to military voters.<sup>7</sup> Ms. Mitchell further noted that a DODIG report dated March 30, 2012, entitled "Assessment of Voting Assistance Programs for Calendar Year 2011" had made the same finding.<sup>8</sup>

Based on the feedback received from service members, the delegation raised similar questions about whether brick-and-mortar IVA offices are a worthwhile use of resources. The August 31, 2012, DODIG report noted that funding for adequately establishing required IVA offices was not available and costs could exceed \$15-\$20 million per year. If the mandate to establish an IVA office on every installation is continued, a comprehensive analysis should be conducted to determine whether IVA offices are worth the investment or whether the funding could be more effectively allocated toward communication channels more likely to efficiently reach the service members.

***CVN Outreach***

Although the delegation's tour of the USS Eisenhower was cancelled, military officials relayed specific feedback about the process on a carrier. They reported that several means of outreach have proved highly successful, including an "all-hands email" starting before the primary election and increasing weekly starting in July through the general election, 1MC loud speaker announcements throughout the ship during key deadlines, daily reminders in the ship newspaper along with at least two feature stories and announcements at all officers and hand meetings. Among the challenges they face, it was reported that one major complaint from personnel on board was that the FVAP website was non-functional due the extremely low bandwidth

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<sup>6</sup> Inspector General, U.S. Department of Defense, Report No. DODIG-2012-123 Special Plans and Operations: Assessment of the Federal Voting Assistance Program Office Implementation of the Military and Overseas Voter Empowerment Act. (August 31, 2012).

<sup>7</sup> Pam Mitchell, Acting Director, Department of Defense Federal Voting Assistance Program. Statement before the House Committee on Armed Services, Subcommittee on Military Personnel Hearing on the Federal Voting Assistance Program. (September 13, 2012).

<sup>8</sup> Inspector General, U.S. Department of Defense, Report No. DODIG-2012-068 Special Plans and Operations: Assessment of Voting Assistance Programs. (March 30, 2012).

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sometimes found on the ships. Additionally, while FVAP has added a mobile website, the site does not currently provide a means to fill out the required Federal Post Card Application (FPCA) or Federal Write-in Absentee Ballot (FWAB) online. Another reported issue was that embarked squadrons and staff did not have any formal communications with the IVA office until the individual sought them out. While each squadron has an assigned VAO, they reported a need for a more formal recognition of the VAO for the ship once the units deploy.

***Overseas Citizens Outreach***

With respect to overseas citizens, U.S. embassy officials reported that there are outreach efforts in place. Consular staff described outreach through traditional media, social media, email notifications and prominent banners within the embassies. They also described specific outreach conducted during Absentee Voting Week, which took place September 30 – October 7, 2012,<sup>9</sup> including outreach to American organizations and companies requesting they partake in the dissemination of information related to overseas voting. However, despite these vigorous efforts, embassy officials also reported many challenges in effectively communicating the voting process. Notably, officials relayed challenges in identifying U.S. citizens in the jurisdiction. In most instances, if a U.S. citizen is living or traveling abroad and has not registered with the U.S. Department of State’s “Safe Traveler Enrolling Abroad” (STEP) program, embassy staff does not have direct access to that individual, and therefore effective outreach is problematic. The embassy officials also cited specific legal barriers that exist in some states that preclude citizens from voting. For example, in twenty-two states, U.S. citizens who were born abroad, but have never resided in the U.S., are ineligible to vote absentee.

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<sup>9</sup> Press Release #25, Federal Voting Assistance Program. It’s Absentee Voting Week – Request Your Ballot and Vote. (September 27, 2012).

**RECOMMENDATIONS**

The delegation appreciates the efforts of the DOD and FVAP to engage, educate and inform state election officials on current practices and processes as well as unique challenges in guaranteeing military personnel and overseas citizens' access to voting. This tour not only underscores the value federal and state legislative changes have made in transforming the electoral process for these voters, but also provides an opportunity for further discussion on how election officials can work together with DOD, FVAP and the State Department to find solutions to these challenges and continue to improve the policies and procedures for military and overseas voters. To this end, the following three recommendations are offered as a means of continuing the dialogue.

***Recommendation #1*****Explore the Use of the "Common Access Card" to Enable the Electronic Transmission of Absentee Ballots**

Throughout the tour, many military personnel made it abundantly clear that the preferred method of participating in the election process is electronic transmission of election materials, including unmarked and marked ballots. Since 2008, many states have made significant changes to their electoral processes in an effort to move toward this option. Forty-seven states currently allow military and overseas voters the option to receive election materials electronically. Many military members relayed that while the current process in many states for voting via electronic transmission is accessible and straight forward, the system could be improved by reducing the number of steps required to request and transmit their ballots. While many states currently allow electronic transmission of election materials, the process typically requires the voter to print the ballot, complete it by hand, sign it and then scan it into an electronic format before transmitting it back via email to the local election official. This process could be dramatically streamlined if a voter could instead simply attach a secure electronic signature or provide personal identification information before emailing the ballot back to the election official. For that reason, the delegation recommends that analysis be conducted as to whether use of the DOD Common Access Card (CAC) could provide a sufficient means of establishing the identity of the voter and a secure method of transmitting ballots electronically.

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The CAC is a type of smart card about the size of a credit card that serves as standard identification for active-duty military personnel, Selected Reserve, DOD civilian employees and eligible contract personnel. The CAC is required to access defense computer network and systems, and it functions by requiring the user to insert the card into a reader and then entering a personal identification number (PIN). Once a user has gained access to the computer network and systems, documents can be signed and securely transmitted by attaching a valid digital signature. This means of attestation allows for a reliable and secure means of authentication and further ensures that the document has not been altered in transit because it is encrypted using both a public and private key. Military personnel reported uniform familiarity with the CAC system and routinely using the system's digital signature capability to securely sign and transmit documents.

As a result of the widespread familiarity with attaching digital signatures through use of the CAC controlled system, the delegation explored in some depth issues relating to whether the electoral system could be enhanced to allow for secure transmission of election materials, including marked ballots, within this system. In response, many military members acknowledged that being able to transmit election materials electronically by attaching an electronic CAC signature would make it much easier to participate in the election process and vote. This feedback relating the desire to transmit ballots electronically is not new; it was cited by the 2008 DOD-sponsored delegation of secretaries of state in their report. That delegation of secretaries of state reported that, "clearly, email balloting is a solution of choice for the deployed troops who met with the Secretaries in Kuwait, Iraq, Afghanistan and Germany. Most troops stated they almost always had access to their email accounts, and email presents a very user-friendly way to vote." Additionally, with respect to Internet-based voting, they reported, "Like e-mail, Internet voting was a frequently expressed preference of the military voters who met the Secretaries. Secure Internet voting would combine the ease of email with greater security, voter authentication and ballot handling. Deployed military personnel are accustomed to logging on to websites to handle many of their affairs back home."<sup>10</sup>

While many military members in 2008 clearly encouraged election officials to explore the use of a streamlined electronic ballot transmission process, the 2008 delegation noted concerns with

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<sup>10</sup> Hoseman, Delbert, *supra*.

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voter authentication and ballot security. This delegation shares those same ballot security concerns related to an electronic ballot transmission process being made available to members of the general public. Additionally, electronic ballot transmission may be prohibited by provisions of some state statutes or constitutions and those underlying policy concerns should first be explored in depth. However, we believe the use of the CAC system, along with other security measures, may provide sufficient safeguards to securely transmit election materials, including marked ballots, and its use in the electoral system should be further explored.

***Recommendation #2***

**Enhance Efforts to Provide Individualized Content to Absentee Voters (Direct-to-the-Voter Assistance)**

Challenges clearly remain in delivering voting assistance information to overseas and military voters in a manner that does not pose an additional barrier to voting compared with traditional voters living within the U.S. To be certain, despite the significant efforts of FVAP and state and local election officials, many military and overseas voters still report that the cumbersome process of deciphering state-by-state procedures, timelines and deadlines can be absolutely mystifying. Further coordination between state and local election offices and the federal government could streamline and facilitate navigation of the system.

Current outreach most frequently directs voters to access the FVAP online portal, where military and overseas voters can find general and state-specific information on absentee voting rules and deadlines. This portal functions through an effective wizard system that assists voters in navigating the process by guiding the user through a series of questions and then delivering tailored information relating to their voting jurisdiction. While many military and overseas voters reported that the system is easy to use and has been well received by absentee voters, the delegation also received comments that the system is overly cumbersome because it requires an affirmative commitment by the individual voter to seek out the information. This additional step in seeking out information related to procedures, timelines and deadlines is in many ways unique to absentee voters.

One means of making the voting process easier and more efficient for overseas citizens and military members is to communicate jurisdiction-specific information directly to the voter in an

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individualized communication. In contrast to the current system, which requires the voter to determine their appropriate voting jurisdiction, these communications about the voting process would reach the individual voter directly, perhaps by email, and contain state-specific information relating to procedures, timelines and deadlines. The overwhelming challenge in presenting information to absentee voters in this manner is the fact that information about an individual voter's residence for purposes of determining their voting jurisdiction is not always readily available to local and state election officials. In fact, in some instances the issue is complicated even further by the fact that some citizens who are eligible to vote via absentee ballot may not know themselves in which U.S. jurisdiction they are eligible to vote. An additional barrier is that even though some federal agencies may collect or maintain data relating to residency, legal privacy barriers prevent sharing the data with election officials. However, to the extent that the DOD or the Department of State maintains information pertaining to the residency of these absentee voters, it should be further explored whether use of the residency data could be enhanced to better provide these voters with individualized information relating to how and when they can cast their ballots.

***Recommendation #3***

**Enhance Coordination with MPS and State and Local Election Officials**

A common complaint about the overseas and absentee voting process was that tracking or confirmation mechanisms in place within local election offices are not efficient. Several military members reported frustration after they had attempted to communicate with their local election office but had not received acknowledgement or confirmation that the communication had been received. For example, several voters reported that they sent their FPCA or otherwise requested absentee ballots but did not receive immediate confirmation that any request had been made or processed. This results in voter confusion as to whether the request was received by the election officials, whether they would in fact be able to cast a ballot in the upcoming election as well as a general lack of confidence that their ballots would ultimately be counted.

Although funding was made available to the states to enhance systems relating to ballot tracking and communication,<sup>11</sup> the system enhancements in some states have not been maintained and

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<sup>11</sup> Press Release #19, Federal Voting Assistance Program. FVAP Wants to Provide More Online Tools – Registration, Absentee Ballot Application and Ballot Completion to be Done Electronically. (December, 15, 2009).

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could be further improved. In 2010, FVAP provided grants to states to create a customized, web-based ballot request and marking system capable of delivering an absentee ballot electronically. The system was precinct-specific, supported online marking of ballots or printing of blank ballots, and had ballot return features per state requirements. FVAP provided Tier 1 call support for military and overseas voters, and vendors provided system-specific troubleshooting. There was no cost to states for baseline functionality, but states had the option to provide additional features at their own cost. Although these grants allowed for upgrades to systems within election offices, the grant structure did not often provide sufficient flexibility to allow the states to incorporate the enhancements into their legacy systems. Outside of additional costs, the next biggest contributing factor to the inability to link into legacy systems was the short timeframe for implementation of this grant. States were given a six month timeline (April 30 - October 31, 2010) to execute the process, including the requirement that they opt into the program, contribute and participate in the RFP application process, and work with the selected vendor to develop, test and deploy the system. The developed product, while adequate, was only a baseline system. These constraints provided limited time to integrate a new online absentee ballot marking solution into legacy systems during the six months leading into a general election. As a result, many of the upgrades were not maintained in succeeding elections. These initiatives should be reexamined to determine whether additional funding, resources and time could be effectively allocated to improve communication between local election offices and our overseas and military voters.

Additionally, the administration of absentee ballots could be further enhanced by better integrating MPS systems and those of state and local election offices. Notably, the MPS maintains and operates a sophisticated mail tracking system, Automated Military Postal System (AMPS), which logs valuable data pertaining to the location and quantity of ballots within the system. Further analysis should be conducted as to whether the data from AMPS could be shared or integrated with local and state election offices. This data could provide to election officials valuable information pertaining to the volume of ballots in transit, including expected arrival times at the local election office, which could provide significant improvements in the allocation of resources. Furthermore, this information could potentially be shared with individual voters through state and local election offices, adding enhanced ballot tracking and tracing capabilities.

**CONCLUSION**

The recommendations set forth in this report are proposals that we consider the appropriate next steps to ensure easy access to elections information and processes for military and overseas voters. It is our belief that in the broadest sense, the keys to doing so are the availability and use of technology, and the leadership of both civilian and military election officials in developing and maintaining procedures that facilitate military and overseas voting.

The CHAIRMAN. Any other opening statements?

I would like now to take some time to introduce more formally our two witnesses.

First, we are going to hear from Secretary of State Ross Miller. Secretary Miller, from Nevada, was president of the National Association of Secretaries of State in 2012. He is a former criminal prosecutor; elected Nevada's Secretary of State in 2007. And as the State's chief election officer, his accomplishments include the multi-jurisdictional Elections Integrity Task Force and Aurora, Nevada's searchable campaign finance database. As Secretary, he led the election fraud investigation into ACORN in Nevada, which led to criminal charges against the organization. And he also participated in the FVAP Middle East observation mission in 2012.

And Matt Boehmer recently was selected as permanent director, as has been mentioned, of the Federal Voting Assistance Program after serving as an acting director since January. And in his capacity as the director, he administers the Federal responsibilities of the Uniformed and Overseas Citizens Absentee Voting Act. The act covers the voting rights of uniformed services personnel, their eligible family members, and all U.S. citizens residing outside of the United States. He has worked in the Office of the Under Secretary of Defense for Personnel and Readiness since 1991. Previously, he was director of Joint Advertising, Market Research, and Studies and worked at the Defense Manpower Data Center and the Defense Human Resource Activity.

And, with that, the chair would now again welcome and recognize the Secretary of State from Nevada, Ross Miller.

**STATEMENTS OF THE HON. ROSS MILLER, SECRETARY OF STATE, NEVADA; AND MATT BOEHMER, DIRECTOR, FEDERAL VOTING ASSISTANCE PROGRAM**

**STATEMENT OF THE HON. ROSS MILLER**

Mr. MILLER. Thank you, Chairman Miller, Ranking Member Brady, and members of the committee.

For the record, Ross Miller, Nevada Secretary of State.

I want to thank you for the opportunity to be here today to discuss military and overseas voting procedures and issues and, in particular, how they are addressed in my home State of Nevada.

In Nevada, we have a strong military presence, most notably the Fallon Naval Air Station in the northern part of the State and Nellis Air Force Base in the south. This is an issue that I care deeply about since I have been Secretary of State, when I was elected in 2007. I have made it a significant priority to try to enhance the system so that we can ensure that the military ballots are transmitted in a timely manner, and I think we have made significant progress.

Just to note, in the last 2012 election, Nevada transmitted 6,449 ballots to those covered voters, and 96 percent of those ballots were returned. Only 265 were not counted for various reasons.

That said, there is clearly room for improvement. Most noteworthy, perhaps, is the fact that 42 percent of Nevada's military and overseas ballots were requested after the 45-day MOVE Act deadline. That number is clearly too high. It indicates that many

unregistered UOCAVA voters had not indicated their UOCAVA eligibility prior to that deadline. And it indicates that many UOCAVA voters who did not request a ballot for the primary would have automatically—who then would have automatically received the general election ballot by the 45-day deadline.

Despite the progress that we have made, I want to point out a significant initiative, and that was an overseas trip that Chairman Miller referenced. It included a bipartisan delegation of Secretaries of State—three Republicans, two Democrats. We traveled to Kuwait, Qatar, and Bahrain in a trip that was sponsored by the Department of Defense in which FVAP accompanied us in an effort to try to come up with some recommendations and to survey how this process was coming.

Overall, it was very productive. And at the outset, I will note that the military personnel that are overseeing the process of ensuring that those ballots get to our troops in time are doing significant work. They made it clear throughout process that the transmission of ballots is the highest priority. As they said over and over again, ballots go before beans and bullets, in terms of the transportation of assets.

FVAP is also doing an outstanding job. In every base that we visited and every troop that we talked to, their outreach efforts were significant. And, clearly, the troops were aware of the things that they were doing in order to make sure that they got the ballots.

That said, we do have a few recommendations that I want to explore with you.

The first is that we heard time and time again that the preferred method from our troops, in order to receive the ballots, is that they be able to receive the ballots electronically and then transmit them.

There is a little bit of a history to this that some of the Members may remember. Not so long ago, Secretaries of State across the country changed the legislation in order to allow for ballots to be transmitted by fax. That wasn't working too well because in many forward operating bases they don't have access to fax machines. We then took an additional step and allowed those ballots to be transmitted by email. That makes it more convenient, but it still requires them to print out the ballot and scan it and send it back. And in many of those instances, they don't have access to a scanner.

And so the recommendation that we came forward with was to explore the use of a Common Access Card to enable the electronic transmission of absentee ballots. This is a card that members of the military are familiar with. It provides a level of security that, at least in Nevada, we are comfortable with. And so we moved forward with legislation to allow that to happen. We can transmit the ballot to them electronically, they can fill it out electronically, and transmit it. It is a much more streamlined process, and I think it will make the process much more efficient for members of the military.

The second recommendation that this bipartisan group came up with is to enhance efforts to provide individualized content to absentee voters, direct-to-the-voter assistance.

FVAP currently retains an online portal where they direct, through wizard technology, the information that any military over-

seas voter would need in terms of timelines, basic procedures in certain States. The feedback that we heard was that the system is easy to use and has been well received by absentee voters, but it is nevertheless cumbersome because it requires an affirmative commitment by that individual voter to seek out that information.

The recommendation that we have is to seek out ways to communicate jurisdiction-specific information directly to the voter in an individualized communication. There are a couple of barriers that are outlined in our report to potentially doing that, but we think it should be explored.

And, finally, the final recommendation is to enhance coordination with the Military Postal Service and State and local election offices.

The military postal system operates a very sophisticated system in order to track where ballots are in the process and transmit that information to the appropriate resources. Funding was made available in 2010 in order to enhance State systems to be able to further track those ballots, but the common complaint that we heard from military personnel is, if they filled out their forms and they completed the basic requirements, oftentimes there was no confirmation, and so they weren't aware whether or not that request had been received in a timely manner. We think that by moving towards further communication with the military system and State and local election officials, that could clearly be enhanced.

And then, additionally, the administration of absentee ballots could be further enhanced by better integrating the military postal systems and those of State and local election offices. The Automated Military Postal System, often referred to as AMPS, logs valuable data. And if that information were shared with State and local election offices, it would clearly help the efficiencies in maintaining the election.

That said, we obviously have provided a copy of the full report to the committee, and we welcome any questions that you may have.

The CHAIRMAN. Thank you very much. We appreciate that testimony.

[The statement of Mr. Miller follows:]

STATE OF NEVADA



OFFICE OF THE SECRETARY OF STATE

Testimony of Secretary of State Ross Miller (NV)  
U.S. House of Representatives  
Committee on House Administration  
November 20, 2013

Chairman Miller, members of the committee, thank you for the opportunity to be here today to discuss military and overseas voting procedures and issues, and in particular how they are addressed in my home state of Nevada.

We have a significant military presence in Nevada, most notably at the Fallon Naval Air Station in the Northern part of the state, and at Nellis Air Force Base in the South. Many of the troops and their families are, of course, from other states and are now making their home in Nevada, and we value their service and consider it a priority to serve them in return by ensuring that they have every opportunity to participate in the democratic process that they protect around the world.

I had the opportunity in September of last year to visit the Middle East with some of my fellow Secretaries of State: In Kuwait we met with U.S. Ambassador Matthew Tueller and had extensive discussions of voter outreach efforts for U.S. troops and citizens living abroad. Military leadership briefed the secretaries on the U.S. Army Central voting assistance program. As you know, that program is in place to ensure successful absentee voting during the election year.

## STATE OF NEVADA



## OFFICE OF THE SECRETARY OF STATE

The Secretaries of State also met with assigned officers at military installations to resolve any outstanding issues, given that we were entering the final two months prior to the 2012 elections. The stop in Kuwait also included a tour and an extensive presentation at the U.S. Army Post Office to learn how military ballots are processed and transported. At Al Udeid Air Force Base in Qatar, we were briefed regarding the Combined Air Operations Center voting assistance program. We also met with the Qatar Embassy regarding voter outreach and toured the military postal facilities.

Upon conclusion of this eye-opening visit, the other Secretaries of State and I prepared a report addressing our concerns and the problems we saw. The report also provides recommendations for improving access to elections information and processes for military and overseas voters – the keys being the availability and use of technology, as well as the leadership of both civilian and military election officials in developing and implementing procedures that will facilitate military and overseas voting. A copy of the report was submitted with my written testimony.

I have been and continue to be a strong advocate of changes to Nevada's military and overseas voting laws to ensure all ballots are received on time and counted in elections. I have worked with the Nevada Department of Veteran Services and local elections officials to support and pass legislation which allows Nevada voters overseas to register to vote and to request and submit absentee ballots

## STATE OF NEVADA



## OFFICE OF THE SECRETARY OF STATE

electronically. I have also worked to adopt into state law language that was closely aligned with the provisions from the federal Military and Overseas Voter Empowerment (MOVE) Act.

In the 2012 election, 6,449 ballots were transmitted to covered voters and of the 6,110 absentee ballots and federal write in ballots that were returned to our counties and my office, 5,871 of them were counted - 265 of the ballots returned were not counted. 152 of those ballots were not received on time. 17 ballots were rejected because of issues with the voter's signature. The remaining 96 uncounted ballots were a result of various administrative errors made by the UOCAVA voters, which reflect on the various issues that UOCAVA voters still encounter. In sum, more than 15% of Nevada's military-overseas paper ballots were either not returned, returned as undeliverable, or spoiled. As with the rejected ballots, this number could have been significantly lower if UOCAVA voters were more aware of the resources available, or had better access to those resources and the requisite technology.

It is notable that 42% of Nevada's military and overseas ballots were requested after the 45 day MOVE Act deadline. I believe that number is higher than it should be, because it represents voters that were not registered to vote; voters that had not indicated their UOCAVA eligibility prior to the 45-day deadline; AND voters that had not requested a military or overseas ballot for the primary election.

## STATE OF NEVADA



## OFFICE OF THE SECRETARY OF STATE

Of course, the intention of the military and overseas voters legislation is to make it easier to access and participate in the electoral process while absent from one's residence. This is exactly what our Middle East Delegation reported in their observations and recommendations. The number one recommendation in the 2012 Report suggests using the military's Common Access Card to make it easier to access a military voter's registration, absentee ballot request, and balloting materials. Nevada is currently working to streamline the resources available to military and overseas citizens as recommended in the Report. In addition to expanding access to a voter's ballot, systems like the one Nevada is currently developing will allow military and overseas citizens the ability to simultaneously incorporate voter registration and absentee ballot request documents.

My office is taking advantage of enabling legislation that allows our military and overseas voters to use electronic and digital signatures on election documents by developing a convenient, streamlined online ballot delivery system, which will allow our covered voters to request, mark and deliver a ballot to their county without the need of a printer or scanner.

Doing so will significantly reduce the number of ballots not counted by providing local election officials with everything they need upfront. As online ballot preparation evolves, the systems have been streamlining the process into a few steps that take minutes to complete as opposed to making multiple communications over several days with a voter's local election office.

STATE OF NEVADA



OFFICE OF THE SECRETARY OF STATE

Spearheaded by the Federal Voting Assistance Program in 2010, these systems not only provide benefits to the voter but the local election offices, which translates into more ballots returned and fewer ballots rejected. States with online ballot marking systems continue to demonstrate higher participation rates than those of the general public.

We are very excited about this development and are looking forward to significantly improved numbers for our military and overseas voters in future elections in Nevada. The project will take advantage of existing technology and increase access and availability for our military voters as recommended in the Middle East Report.

Thank you for the opportunity to testify on this important issue today. I would be happy to answer any further questions the committee may have.

The CHAIRMAN. The chair now recognizes Mr. Boehmer for his testimony.

**STATEMENT OF MATT BOEHMER**

Mr. BOEHMER. Thank you.

Chairman Miller, Ranking Member Brady, and distinguished members of the committee, thank you for the opportunity to discuss the Federal Voting Assistance Program and its mission to ensure that uniformed services personnel, their eligible family members, and our overseas citizens are aware of their right to vote and have the tools and resources they need to do so from anywhere in the world.

As Congress and the courts have repeatedly affirmed, voting is a citizen's most fundamental right. Recognizing military and overseas voters face unique challenges participating in U.S. Elections, Congress created a set of protections to make voting in Federal elections easier and more accessible, which are codified in the Uniformed and Overseas Citizens Absentee Voting Act. This year, we put forward recommendations to further strengthen these safeguards for military and overseas voters.

In fulfilling our responsibilities under the law, the Federal Voting Assistance Program is committed to two voting assistance tenants: promoting the awareness of the right to vote and eliminating barriers for those who choose to exercise that right.

At FVAP, we provide assistance every day. Voters seeking assistance find a myriad of resources available, including an expertly staffed call center, well-trained voting assistance officers, and a robust Web site at [fvap.gov](http://fvap.gov), where voters can find intuitive online tools to help them complete their voter registration, ballot application forms, as well as the backup ballot. We also work with State and local election officials, such as Secretary Miller, ensuring they are aware of the law's requirements and helping them serve our military and overseas citizen voters.

In 2012, FVAP made great strides to improve processes, programs, and our tools. As detailed in our post-election report to Congress, FVAP launched several new voting initiatives and executed an aggressive communication and media engagement plan to promote the awareness of our resources available to our military and overseas citizen voters.

Our post-election survey data revealed that when servicemembers use one of the Department's resources, they are more likely to return their ballot. However, data also show us that we need to do more to raise awareness of these voting resources provided by FVAP. It is my personal goal, as the new director of FVAP, to ensure that we accomplish this. I have spent my career in the Department of Defense working to strengthen the all-volunteer force, and I am honored now to work to enhance the voting ability for those who defend that very freedom.

For the 2014 election cycle, we are expanding several key outreach efforts and launching some new initiatives to raise awareness of our voting resources. Specifically, FVAP is developing new public service announcements aimed at our overseas citizens and military spouses. We are providing customized digital toolkits to our voting assistance officers, election officials, advocacy organiza-

tions, and overseas companies with a large number of U.S. citizen employees. We are also targeting our younger population with an integrated communications plan leveraging social media and mobile devices.

Military members are consistently registered to vote at a rate equal to or greater than that of the general population. But registration isn't the end of the story. As you know, servicemembers are an especially mobile population, and keeping up-to-date contact information on file at the appropriate election office is an ongoing challenge.

To overcome this obstacle, FVAP is working on two new initiatives to automate address updates and inform servicemembers proactively to notify their election official of any new address. I look forward to keeping you up to date on the progress of these efforts throughout 2014.

The pace at FVAP hasn't slowed since the 2012 election, and we continue to make ongoing improvements to our core services. This year, we optimized our prescribed absentee voting forms to improve clarity and usability. We updated the Voting Assistance Guide and our interactive training modules for use by the military and Department of State voting assistance officers as well as our State and local election officials.

Also in 2013, FVAP provided an additional round of research grants to 11 States and localities. These grants funded two research areas: the first, the effect of online blank ballot delivery; and the second explores the efficiencies of providing a single State-wide point of contact for our military and overseas voters.

Madam Chairman, members of the committee, thank you for the opportunity to speak with you today about our efforts in the 2012 election cycle as well as the upcoming 2014 election. Voting is an individual's choice and personal responsibility, and FVAP is committed to providing the best voting assistance possible to those who want to vote, whether they are studying abroad, fighting downrange, or serving on U.S. soil.

Thank you, and I look forward to our discussion and answering your questions.

[The statement of Mr. Boehmer follows:]

**STATEMENT OF**  
**MR. MATT BOEHMER**  
**DIRECTOR**  
**DEPARTMENT OF DEFENSE**  
**FEDERAL VOTING ASSISTANCE PROGRAM**  
**BEFORE THE**  
**COMMITTEE ON HOUSE ADMINISTRATION**  
**HEARING ON**  
**MILITARY AND OVERSEAS VOTING IN THE 2012 ELECTION**

**November 20, 2013**

Chairman Miller, Ranking Member Brady and distinguished members of the Committee, thank you for the opportunity to appear before you today to discuss the Department of Defense's (DoD) Federal Voting Assistance Program (FVAP) and its mission to ensure Uniformed Services personnel, their eligible family members and overseas citizens are aware of their right to vote and have the tools and resources to do so — from anywhere in the world.

As Congress and the courts have repeatedly affirmed, voting is a citizen's most fundamental right. Traditionally, voting is an interaction between individual citizens, who receive, mark and cast a ballot, and a State or local government that distributes, collects and counts the ballots. Recognizing that absent members of the military, their families and U.S. citizens living abroad face unique challenges to participating in U.S. elections, Congress created a set of protections to make voting in Federal elections easier and more accessible. These protections are codified in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff, *et seq.*, hereafter "UOCAVA" or "the Act"), most recently amended by the 2009 Military and Overseas Voter Empowerment (MOVE) Act.

For military and overseas citizen voters, as for all U.S. citizens, the decision to cast a vote in an election is a personal choice. The mission of FVAP is to provide assistance to Service members and overseas citizens in exercising this choice. First, FVAP assists voters directly through voter education campaigns to raise awareness of the right to vote by absentee ballot and by offering easy-to-use online tools and resources. Second, FVAP assists the Military Services and the Department of State (DOS) by providing training tools and other resources to support their specific voting assistance programs. Third, FVAP assists State and local election officials to ensure they are aware of the requirements of the Act, and to support their efforts to expand services provided to absent military and overseas citizen voters. Through these assistance

efforts, FVAP optimizes the opportunity for absent Uniformed Service and overseas citizen voters to exercise their voting rights.

The remainder of this statement focuses in greater detail on the challenges UOCAVA voters face, FVAP's accomplishments during the 2012 election cycle and preparations for 2014.

#### **UOCAVA Voting Challenges**

The two primary obstacles faced by military and overseas citizen voters are time and complexity. For absentee voters, the voting process may take significantly more time compared to that of the general population. Ballots and other election materials may face lengthy round-trip transit time, especially if absentee voters and election officials rely upon foreign postal services to reach more remote areas of the world. Absentee voting rules are complex. For example, the deadline for ballot requests, even within a State, can vary based on the geographic location of the voter, and the eligibility of the voter to participate in local elections can vary based on whether the voter is a Service member or a civilian. Military families face an additional challenge given they are an especially mobile population, often moving between or during election ballot mailing periods. To successfully receive, mark and return their ballots, these voters must keep their registration and ballot request information current with their local election official — an important action to be sure, but only one of many important tasks for families when moving or when preparing for a loved one's deployment.

A key element of the MOVE Act amendments to UOCAVA sought to address the transit-time obstacle by placing several requirements on States to ensure more timely delivery of ballots. States are now required to transmit any previously requested blank absentee ballots to voters at least 45 days before any election for Federal office. States must offer at least one means of electronic transmission (*e.g.*, email, online download or fax) for sending blank ballots and

materials to voters. Sending blank ballots to voters electronically significantly reduces a ballot's round-trip transit time. As demonstrated above, hurdles remain due to the complexity of the process, and FVAP is working to reduce them by directly assisting voters.

### **2012 Election Cycle**

#### **Serving Voters**

FVAP provides tools and resources to make the absentee voting process as simple and accessible as possible for military members, their eligible family members and overseas citizens. As required by UOCAVA, FVAP provides online assistants that guide voters through the process of filling out the Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB), which are key absentee voting forms. At the end of the voter's experience, each is provided a completed form to sign and send to their election official. The online assistants at FVAP.gov reflect the individual absentee voting rules for all 50 States, the territories and the District of Columbia, by seamlessly prompting voters to fill out only the information required by their voting jurisdiction. In 2012, to ensure UOCAVA voters could participate in all primary elections for Federal office, FVAP adjusted the online FWAB assistant to accommodate primary election rules, including Presidential primaries, within each of the States and successfully incorporated newly established redistricting data.

UOCAVA requires FVAP to send voting notifications to military members 90, 60 and 30 days prior to a regularly scheduled Federal election. FVAP sends messages to all ".mil" email addresses directing them to FVAP.gov, making it easy for Service members to take action. In 2012, FVAP sent a total of 18.4 million emails to military members, to include communications sent in January, February and June, then 90, 60, 30, 15, 10 and three days prior to the General Election. Additionally, the Voting Assistance Officers (VAO) network established by the

Services and DOS disseminated FVAP voting information in person and *via* electronic means. Following each of these messages, FVAP experienced significant increases in traffic on FVAP.gov. During the calendar year 2012, FVAP.gov received more than 20 million page views.

In addition to email messaging, FVAP developed and executed a comprehensive communication and media engagement plan to promote awareness of the resources available at FVAP.gov. The Armed Forces Network heavily promoted voting videos, and FVAP placed print advertisements in *Military Times*, *Stars and Stripes* and *Military Spouse*, which were complemented with targeted placement of online advertisements.

U.S. citizens residing abroad can be more difficult to reach than their military cohort due to their greater geographic dispersion and the lack of a centralized method to make contact with this group. To address this, FVAP partners with the DOS Voting Assistance Officer network to ensure voting assistance is provided to this important population. During the 2012 election cycle, FVAP conducted several outreach activities specifically targeted at overseas citizens: online advertising; a video contest resulting in a new PSA for overseas citizens; blogger network participation; and various social media efforts. Other key outreach activities are detailed in FVAP's 2012 Post-Election Report to Congress (see enclosure).

As social media has become integrated into the daily routine of many citizens, FVAP is active on popular networks such as Facebook, Twitter and LinkedIn. These platforms enable two-way conversations with voters and offer an effective means to disseminate news and information quickly within the military and overseas citizen communities. FVAP social media efforts primarily target 18- to 24-year-old members of the military who, like their general population counterparts, have less experience voting and may be less familiar with the process.

For the 2012 General Election, FVAP provided a professional call center to handle voting-related questions from military and overseas voters utilizing long-established toll-free numbers. The call center handled more than 60,000 requests for assistance in the form of calls, web chats, emails and faxes.

While FVAP is the Federal source of information for absent military and overseas citizen voters, it is by no means the only source of information. Individual States set their own electoral policies and procedures. Each State, as required by the Act, maintains a webpage dedicated to military and overseas voters. Several advocacy groups provide voting information and tools to military and overseas voters, and FVAP often works with these groups to share messaging and ensure accuracy of information.

UOCAVA requires expedited mail delivery service for marked absentee ballots of overseas Uniformed Services personnel in general elections and is facilitated by the U.S. Postal Service and Military Postal Service Agency (MPSA). The voted ballots of overseas Service members and their eligible family members are processed using the Express Mail Service (EMS) Label 11-DoD. Upon receipt from military voters, the MPSA applies the label to each ballot, ensuring expedited delivery to the local election office upon arrival in the U.S. The label provides voters and MPSA the capability to track ballots from acceptance through delivery using scans at the initial intake point, en route and upon arrival at the U.S. International Gateway and a final delivery scan conducted by the U.S. Postal Service upon delivery to the election office. During 2012, the overall average transit time of voted ballots from the absentee voter to election offices was 5.6 days — more than a day faster than UOCAVA's seven-day requirement. (See enclosure for details regarding the collection and delivery of overseas military ballots.)

Several State Chief Election Officers witnessed DoD's commitment to timely ballot transmission while on a trip to Southwest Asia during the 2012 election cycle. A bipartisan delegation of five Secretaries of State traveled to Kuwait, Qatar and Bahrain in September 2012 to observe military and State Department voting assistance activities and to talk with Uniformed Service members and overseas citizens about the absentee voting process. FVAP sponsored a similar trip in 2008. FVAP and Navy staff escorted the Secretaries of State as they met with troops, VAOs, senior military commanders and U.S. Embassy staff, and visited MPSA facilities. The bipartisan group of Secretaries of State jointly drafted a report on the trip and presented their observations at the annual meeting of the National Association of Secretaries of State.

**Supporting the Services**

The Act directs the Military Services to administer their own voting assistance programs, including requiring the designation of Installation Voter Assistance (IVA) Offices on military installations. Department of Defense Instruction (DoDI) 1000.04, "Federal Voting Assistance Program" outlines the requirements and procedures the Services must follow in establishing and maintaining voting assistance programs, including assigning one VAO to each military unit.

To assist the Services with these requirements, FVAP provides in-person and webinar training, self-paced courses, handbooks and document templates for all personnel providing voting assistance. The training suite provides the Services with an "IVA Office in a box" turnkey course. FVAP provides these training materials on FVAP.gov and through the network of Service Voting Action Officers. In 2012, FVAP staff conducted assistance visits and in-person "train-the-trainer" workshops at 43 installations. FVAP continues to make these offices a priority and conducted more than 50 site visits earlier this year to provide training, assistance and feedback to ensure IVA Office staffs fully understand their responsibilities. While FVAP

provides assistance, the Services are responsible for execution and compliance, and are required to submit annual assessment reports to FVAP. The Department of Defense Inspector General conducts its own assessment of the Services' respective voting assistance programs; its April 2013 report confirmed the Services' programs are compliant with UOCAVA.

FVAP provides in-person training for Unit Voting Assistance Officers (UVAOs), conducts webinars, and last year FVAP developed and deployed a self-paced UVAO online training for greater convenience and flexibility for VAOs in geographically separated locations and those assigned to their VAO duties closer to the election.

To prepare for the 2012 election, FVAP conducted UVAO training workshops at 81 military installations and DOS posts around the world and provided 42 webinar training sessions. In addition to supporting the Services, FVAP assists DOS in providing voting assistance at embassies and consulates around the world. In 2012, FVAP and DOS partnered to host 22 in-person workshops for overseas citizens and held a series of conference calls for consular officers to address questions from overseas voters and organizations of American citizens abroad. (See enclosure for further information regarding military and DOS voting assistance programs.)

#### **Building State Capabilities**

By law, the Department consults with State and local election officials to ensure they are aware of the requirements of the Act. Additionally, FVAP works closely with State election officials as they expand and improve the services available to absent Uniformed Service and overseas citizen voters.

FVAP expanded its partnerships with States during the 2012 election cycle and awarded more than \$25 million in 35 research grants to States and localities between October 2011 and June 2012. The Electronic Absentee Systems for Elections (EASE) research grants explore

technological improvements such as online ballot delivery, online voter registration, automated ballot duplication, online ballot requests and online ballot tracking. It is important to note awardees are not permitted to use grant award funds to develop any system for the electronic return of voted ballots in a live election. For the next five years, awardees are required to submit detailed data reports to FVAP following each Federal election in which a grant-funded tool or system is used.

Although too early to identify trends, research grant recipients Minnesota and Louisiana reported the rejection rate for absentee ballots from military and overseas voters was lower than the rate for absentee ballots cast by members of the general, domestic population. Additionally, blank ballot delivery systems were well-received by voters and local election officials. FVAP's 2013 Annual Report to Congress will provide a more comprehensive analysis of research data gathered during the 2012 General Election, but further details regarding the grant program and FVAP's partnership with the States are available in the enclosed 2012 Post-Election Report to Congress.

FVAP announced a second round of research grants in May 2013. EASE 2 grants are more focused and concentrate on the development and effect of online blank ballot delivery tools and the establishment and effect of a single point of contact in a State election office for the transmission of election materials. In 2002, the Help America Vote Act (HAVA) recommended each State establish a single office for sending and receiving election materials, including voted ballots, from military and overseas voters. Since HAVA, only one State, Maine, has adopted this Congressional recommendation (Alaska established its single office prior to HAVA). FVAP believes the establishment of a single point of contact will help streamline a complexity inherent to the UOCAVA voting process. State adoption of these procedures could reduce the list of

thousands of election offices nationwide to only 55 — one for each State, territory and the District of Columbia. Currently, voters have to comb through a list of local offices if they do not have immediate access to FVAP's automated tools or similar online resources.

#### **Post-Election Analysis**

Following the 2012 General Election, FVAP surveyed five stakeholder populations. The Defense Manpower Data Center used industry standards in the development and administration of the surveys of active duty military, military spouses, UVAOs, DOS VAOs and local election officials.

As the enclosed 2012 Post-Election Report to Congress illustrates, active duty military voter registration and participation rates remained steady from the 2008 election. In terms of evaluating overall approach and effectiveness of the DoD network of voting assistance resources, FVAP's post-election analysis revealed a statistically significant relationship between the use of DoD voting assistance resources and the likelihood of an active duty member actually voting and returning his or her absentee ballot. For 2014, FVAP will attempt to further isolate and refine this relationship. The survey results also provided FVAP with valuable information regarding opportunities for improvement such as increasing awareness of the tools and resources available to voters and election officials.

While voter participation rate may be an indicator, it does not provide a complete picture of FVAP's ability to effectively assist voters or reduce obstacles to voter success. The available suite of DoD voting assistance tools work together to support each UOCAVA voter's needs and ability to participate in the electoral process. To enable better measurement of program effectiveness and research the most appropriate methods for evaluating military voter behavior

and trends, FVAP is working with a Federally Funded Research and Development Center and expects recommendations in 2014.

#### **2014 Preparations**

FVAP's 2014 election cycle preparations are in full swing. FVAP is working with the Services on a comprehensive Voting Action Plan to increase military and eligible family member awareness of voting resources and is expanding several key outreach efforts and launching new initiatives, tools and resources for FVAP stakeholder groups.

Specifically, FVAP is developing new Public Service Announcements targeting overseas citizens and military spouses, launching a redesigned and dynamic website and providing customized digital toolkits for VAOs, election officials, advocacy organizations and overseas companies with large numbers of U.S. citizen employees.

This year, in further preparation for 2014, FVAP has optimized absentee voting forms to improve clarity and usability, refreshed interactive training modules for VAOs and election officials and updated State absentee voting regulations, laws, deadlines and procedures in FVAP's newly redesigned Voting Assistance Guide.

#### **Conclusion**

Madam Chairman, members of the Committee, thank you for the opportunity to speak with you today about FVAP's efforts during the 2012 election cycle and its preparations for the upcoming 2014 election.

Voting is fundamentally an individual's right, choice and personal responsibility. FVAP provides for those who want to vote a myriad of resources, including a call center, well-trained VAOs, automated tools and an intuitive website at FVAP.gov. FVAP is working diligently to increase awareness of these resources to further ensure any Uniformed Service member, eligible

family member or overseas citizen who wants to vote is able to successfully cast his or her ballot from anywhere in the world. I look forward to answering your questions.

The CHAIRMAN. Thank you both so very, very much. I appreciate your testimony.

Secretary, I was trying to take a couple notes when you were talking, particularly when you mentioned you had 6,429 ballots sent overseas, 96 percent returned, and only 265 not counted. First of all, hats off. That is a fantastic number. A lot of States would love to have those kind of percentages. So that is really a tribute to you and your staff and all of your election officials through Nevada that you have that kind of percentage.

Then I was also taking a couple of notes as you were talking about some specific recommendations, which, as I told the both of you before we started the hearing, really, that is really one of the impetuses for this hearing and something that I want to—and I know all the members of this committee share a commitment to not just hearing about best practices and various things that have happened but what else can we do, particularly as a committee, to assist in every way. So I am always looking and taking notes when have you have some specific ideas.

One about the Military Postal Service. I guess, for some reason, I hadn't really thought too much about that before until you were talking, Secretary, about that the troops couldn't get confirmation of their ballots once they were put into the Military Postal Service and how the Military Postal Service should be able to integrate better with the civilian postal service.

And since I have both of you two experts right here at this table talking to one another about how that—could you expand on that a little bit maybe so that I can understand exactly what we might be able to do and how the Department of Defense with their Military Postal Service could help with that?

Mr. MILLER. Thank you, Chairman Miller.

Yes, one of the common complaints about the overseas and absentee voting process was that the tracking and confirmation mechanisms in place with the local election offices were not sufficient. Several military members reported some frustration that they had attempted to communicate with their local election office but had not received any acknowledgment or confirmation that their communication had been received—in other words, that they attempted to register to vote or requested an absentee ballot and hadn't gotten any confirmation from the local election officials.

And so the recommendation is to enhance those systems. Notably, in 2010, FVAP provided grants to a number of States, Nevada included, in order to enhance our systems so that we could do just that. Unfortunately, the timeline that was provided under the grants was very limited. And, in many instances, the restrictions on the grants did not allow us to integrate it into our legacy systems. And so many of those projects and initiatives were not continued.

And that is, in fact, the case in Nevada. We had a superb system that was put in place for the 2010 election under a very tight timeline, but because of the limitations with the grant, we weren't able to expand it to future elections. And that is unfortunate. We would like to build a system that would integrate with our system so that we could take advantage of those services.

The other recommendation with regard to enhancing coordination with the Military Postal Service and State and local election officials is that the military has a very sophisticated system, the AMP System, the Automated Military Postal System, which logs data as to where those ballots are in the system. That information to date, to my awareness, is not shared with local or State election offices. And if we had that information, that would obviously help us prepare for the number of ballots that could be headed our way so that we could more efficiently run the election. And I think, through that coordination, obviously, we would see significant results.

The CHAIRMAN. I appreciate that.

Mr. Boehmer, maybe you could comment on that. I am just thinking, as the Secretary is talking, perhaps you can't share that information because you don't want to let everybody know where everybody is at sometimes, as well. That may be some reason. I am not sure. What is the reason?

Mr. BOEHMER. I can certainly share that information with the Director of the Military Postal Service Agency.

From what I know, they are actually working on a couple of new efforts. It is a partnership with the United States Postal Service as well as with the Department of State. It is called the MILPARS. And it takes the Postal Address Redirection System that we all currently use—it is that little yellow sticker that you get on mail when someone has moved. They are coordinating that system now for military addresses, both military post offices and diplomatic post offices.

So I know that MPSA is working on this issue, they are working it in partnerships. But I certainly can pass that information on to the Director of MPSA.

The CHAIRMAN. Okay. I appreciate that.

Also, Director Boehmer, first of all, the Inspector General had a somewhat critical report, actually, on the progress of establishing installation voting assistance offices at all the individual military facilities. And I am just wondering if you could talk a little bit about that.

And then I will then ask the Secretary, when had you your opportunity to be overseas talking to our brave men and women, what was their thought about actually having a voter assistance station there? Like, for instance, if you were in Bahrain with the Fifth Fleet, were they more interested in using this electronic, as you were mentioning about—I think you called it the CAC card, that you are using in Nevada, were they more interested in improving on that?

But, first of all, in regard to the IG report.

Mr. BOEHMER. Absolutely.

The installation voter assistance offices were determined and established before the 2012 election. I think the issue that the IG faced is they used outdated contact information on our Web site to try to reach out to the installation voter assistance offices. When we were made aware of outdated contact information, we quickly corrected that and then worked with the installation voter assistance offices on a weekly basis to make sure that that contact information stayed up to date.

As you are aware, in military environments, personnel change. There are deployments and transfers and new assignments. So keeping up-to-date contact information can be a challenge with military personnel.

But we took that seriously; we addressed the problem quickly. And we are happy to see that, in the IG's most recent report, they actually concurred with the services' IG findings that all of the services' voting assistance activities, including the installation voter assistance offices, were compliant.

If I could take a moment, too——

The CHAIRMAN. Sure.

Mr. BOEHMER [continuing]. I think it is important to realize that these installation voter assistance offices are just one of the many resources that our military members have at their disposal for information.

So if I am a type of person that wants to receive information in person, I have that as a resource, but I also have my unit voting assistance officer, who really is in the front lines of voting assistance. If I am an 18-year-old military member and very comfortable going online for my voting assistance, I can use all the tools and resources that we have at fvap.gov. I mentioned our call center. We are able to send our servicemembers more than 18 million emails over the course of the election cycle reminding them of key dates.

So the installation voting assistance offices are just one of the many resources——

The CHAIRMAN. Right.

Mr. BOEHMER [continuing]. That our servicemembers have available to them.

The CHAIRMAN. Particularly, as you say, when they are so mobile, you also mention about PSAs, and I thought, well, how are you getting a PSA to somebody who that is up in the mountains of Afghanistan? Unless you have——

Mr. BOEHMER. We actually use Armed Forces Network to do that for us. We had great success using——

The CHAIRMAN. Good.

Mr. BOEHMER [continuing]. That station, particularly during the Super Bowl season, which we know that is of particular interest to military members. So those public service announcements have been very beneficial to us.

The CHAIRMAN. Very good. Good.

Secretary, again, what was your experience as you have actually talked eyeball-to-eyeball with the customers, if you will, the users of these systems? And what was their thought about having something there physically or being able to use electronically to a greater degree?

Mr. MILLER. Thank you, Chairman Miller.

The issue of installation voting assistance office outreach was a significant issue for this delegation because it had been the subject of recent scrutiny. And during our interaction with military personnel, there was a general lack of awareness of the presence of specific voter assistance offices at any given installation.

But, notably, there was also specific feedback given to us that that wasn't the most effective use of resources. You have to remember that many of the military men and women that are serving

over there are 18 to 24 years old; they are more accustomed to using technology. It is also the demographic that is least likely to become politically engaged.

The feedback that we heard was that these voting installation offices weren't convenient for them and it is not the means that they wanted to be outreached to. And so, again, their preference was to be able to register to vote online to the extent possible and for those ballots to be able to be transmitted to them electronically, along with being able to transmit it back to the local election offices electronically.

And so, in our report, we suggested that if that program is to be continued that there be some examination as to the efficacy of maintaining brick-and-mortar installation offices at any facility.

The CHAIRMAN. Well, I appreciate that.

The chair recognizes the ranking member.

Mr. BRADY. Thank you, Madam Chairman.

I guess it must be tough because general elections are always the same date; primaries, State by State, are different, and the rules are different. And, you know, we have our men and women over there, you know, in harm's way, and I am sure that they have a lot and their commanders have a lot more on their mind than who they are voting for or not voting for. But it still is their right. I mean, they are fighting for our rights, and I want to make sure and hope to make sure—I know that you have been. I was reading over your statements and what both of you are doing to make sure that we assure that right.

How do we help you? Do we need to do something State by State, because every State is different? Do we need to do something uniformly to be able to make that easier?

And we talked about electronic, maybe the Internet voting. I know there is a so-called pilot program that—I mean, it isn't like they are living—or they are not in town that day or they are not feeling well or they are 60 years old. I mean, we know where they are at and we know what they are doing. And I just think that maybe there should be some kind of—I don't like to use the word "exception," but there should be some type of something that we could do, you know, to make sure that they have that right and it is available for them. Whether they choose to use it or not, you know, that is another issue completely but not under our control, nor your control.

You are right at the front lines with this here, State-wide and national, you know. Anything we can do to make sure that we can give them every ability, if it needs to be an ability? I mean, like you mentioned, they are all younger. They are not my age, that I have to learn a little bit and get my 7-year-old grandson to get me out when I am stuck with the—I have a good story to tell you, but that is for another day—but when I am stuck on the computer.

But is there something we could do to make it more available and more easier and make it—because you hear the horror stories, you know, about that.

I mean, either one of you, or both.

Mr. MILLER. Thank you, Ranking Member Brady.

One, I would note that you have helped significantly. Obviously, the passage of the MOVE Act was the biggest barrier—addressed

the biggest barrier that military and overseas voters faced, which was the timely delivery of the ballots.

The delegation that I went on in the Middle East was the second such delegation of Secretaries of State. There was one in 2008, and that was their primary recommendation. What was it? The troops reported that even though they had requested ballots in a timely manner, they weren't transmitted in a timely manner in order for them to get the ballots back to them.

And so we have made significant enhancements. The recommendations that we have provided in the report, I personally believe, would be of great value and should be further explored.

In 2008, the troops indicated, as they did during this delegation's tour, that their preferred method of voting is through an electronic transmission of ballot delivery. We have made specific recommendations as to how that could happen.

The other significant recommendation, I think, that is going to make it easier for members of the military and overseas voters to vote is, again, trying to look at ways where we could provide more individualized content to absentee voters about the rules and process that they need to follow in order to get their ballots in a timely manner.

Again, I think the FVAP portal is outstanding. It provides wizard technology where, if you walk through, it will guide you State by State, help select your jurisdiction and your residency, and provide you with the timelines that are necessary and how you can request that ballot, how to register to vote, et cetera.

But what we heard from troops is they are busy. Oftentimes, this isn't the highest priority for them. The limited free time that they have, they want to be on Facebook, Skyping with their family. And this is still a cumbersome process.

There are, obviously, agencies within the Federal Government that know the residencies of these troops. If we were able to share that information with State and local election officials, I can guarantee that, as big of a priority as it is for chief elections officers across this country, we would then be able to provide individualized content that was tailored for that individual so that they wouldn't have to go through this cumbersome wizard tech process in order to figure out the rules and regulations.

We could spell it out for them. Say, it looks like you live in Nevada, and in Nevada we have online voter registration. And if you go to this direct Web site, you can not only register to vote but you can request your ballot and ship it back to us immediately.

If we offered that, I think it would remove one of the significant barriers there appear to be for military and overseas voters.

Mr. BOEHMER. Sir, thank you.

I also agree with Secretary Miller that you have already done a lot. We certainly have made great strides, and, as Secretary Miller said, we still have a lot more things that we can do.

The issue that we are working on are two of the big issues that face our voters as they navigate through the absentee voting process, and that is the issue of time and then complexity. You know, each State, different rules. Our voters, you know, they have to be able to figure that out.

Secretary Miller mentioned, if we knew which jurisdiction our military members were actually voting in, we could actually target communications. And we all know, in the marketing world, if you are able to target your customer, you are able to deliver better information to them.

The problem is the Department of Defense doesn't have that information. So I agree, if we could find that information and bring that in, it would be a resource that not only the States could use but that the Department of Defense could use, as well.

Elections are complex; they are certainly not impossible. And, as Secretary Miller said, our voters are young, they are inexperienced. They do want to use online technology. And we are lucky, with our grant program, to have been able to offer the States grants for online blank ballot delivery. And I think that, working with the States and seeing some of the results over the 5-year grant period, we should be able to make some really good recommendations.

So thank you.

Mr. BRADY. Thank you.

So what I understand is probably education, communication, you know, and some information that they may be able to receive, that we can make it easier for them to know that—you know, as you said, and I can certainly imagine, voting for somebody is not the most priority that is on their mind when they have a minute or 2 from not being out in the front lines out there.

But to let them know, I guess—again, the problem is the State-wide—I mean, every State is a different timeframe. I may be sitting next to a friend of mine and he may have missed his timeframe and I may not. And, I mean, so I guess the information is, like, most important too.

When a ballot is received and the proper ID or whatever, proper box is not checked off, that ballot just gets tossed away? There is no provisional? There is no timeframe where we can allow them to fix it or go back to it? If I submit an absentee ballot and I don't have the proper ID and then somebody rules that—probably State-wide, I guess—rules that invalid, there is no provisional or anything? We have provisionals in the State of Pennsylvania. There is no provisional?

Again, I hate to—if somebody goes through that process, and they go through and they vote at the right and proper time, or maybe they miss a day or 2 or don't check a proper box, I would be a little disturbed knowing I am over here fighting for somebody, you know, protecting their rights, and they are not protecting my rights because I was a day or 2 late or I didn't put on that my ID is who I am, it is written here. And, God forbid, if I come home disabled or not come home at all, they will know my ID then.

What happens with that? I mean, is there anything we could do to provisionally help them?

Because I get that. I get people that have been over in harm's way and come back and said that they were denied to vote, for me specifically, because they didn't check a box, you know. And whether they wanted to vote for me or not, I think we should make sure that that can happen for them.

Mr. MILLER. Thank you, Ranking Member Brady. I think that is an issue that every State is exploring. And every State, obviously,

has different standards in terms of the procedures that must be followed in order for that ballot to be counted.

In Nevada, we do have some rejection of the ballots. I discussed it in my testimony. Ninety-six percent of the ballots were, in fact, counted. Many of the ones that were not counted were not received in time. So they have to be received by Election Day in order to be counted. There were some instances of ballots that were not counted because they weren't signed on the ballot where you require a signature in order to verify the identity of the voter that is attempting to cast ballots; and some for a handful of other reasons.

You know, I think the issue could certainly be explored, to your point, about providing additional leeway or flexibility. Because members of the military and overseas voters often don't have the time or the resources to be able to come in as a voter in State would be able to do and correct a ballot that may be cast provisionally.

Mr. BRADY. Your absentee ballots in the State of Nevada have to be in on Election Day?

Mr. MILLER. Yes.

Mr. BRADY. What happens if they came in the next day or 2? I mean, and, again, they did it properly, they did it at the right time, they met the deadline when they had to sent it out. Through no fault of their own, again.

If it comes, like—Election Days are Tuesdays—if it comes on Wednesday or Thursday, there is nothing you could do to be helpful for somebody that is overseas? Not somebody that is at another location and just didn't feel like being home that day.

Mr. MILLER. Ranking Member Brady, I will double-check the statute, but my recollection is it has to actually be received by Election Day in order to be counted.

Mr. BRADY. Because in Pennsylvania our ballots, absentee ballots, come in days later, because they are collected at the polling place and they come in later or they are counted later or whatever.

And I am not saying that Nevada should be different. I am just saying that, anything we could do to enhance it? If somebody does the right and proper things, and then the mail or whatever—maybe they didn't pick up the mail on Tuesday, maybe they pick it up on Thursday, and they are 2 days late, I just think it is a shame to have them, the men and women over there fighting for us, not to be able to have their vote counted.

But I appreciate both of you for coming, and I appreciate your participation in making this a better place for them. Thank you.

Thank you, Madam Chair.

The CHAIRMAN. Thank you. I thank the gentleman.

And the chair now recognizes the gentleman from Georgia, Dr. Gingrey.

Mr. GINGREY. Madam Chairman, thank you.

Representative Brady certainly had some very good questions. In my hometown of Marietta, Georgia, we just had mayoral and city council elections. And one of the city council members, who is a good friend of mine that I served on the school board with way back when I started into politics, lost by one vote. And she was an incumbent and had served on the school board and city council.

And they did a recount, and she still lost by one vote. So it is over. So, I mean, one vote counts.

And when my good friend, Mr. Brady, Representative Brady, said, you know, especially these members of the military, they have a provisional ballot that doesn't get counted, that that is not right. And their vote I won't say is more important than anybody else's vote, but, as he pointed out, they are at the tip of the spear. They give the rest of us the opportunity to have the right to vote.

And I am just sitting here thinking, we marked up and passed H. Res. 77. Maybe in the competition one of these young people, with developing apps, can help you guys, can figure out—and that will be the prize winner.

But, obviously, you are doing a great job, but, you know, there are things that need to be improved, as you have alleged and admitted to. And, certainly, we will continue to work on that.

Well, let me ask a couple of questions. Secretary Miller, first I will ask you. Local jurisdictions may not be as familiar with the MOVE Act requirements, are less able to keep up with changing regulations, but are simultaneously tasked with running elections. Despite this, Secretaries of State are legally responsible for compliance with election law, causing some concern that their offices may be the target of a DOJ enforcement action.

How can we better educate local jurisdictions about compliance? And what can State officials like yourself do both to better educate local jurisdictions like the cities and the counties and to protect themselves from costly legal disputes?

Mr. MILLER. Thank you, Dr. Gingrey. Again, Secretary of State Ross Miller from Nevada.

You know, that may have been a more significant issue when the MOVE Act was first implemented. Speaking only from my perspective in Nevada, the local election officials are acutely aware of those deadlines. They work very closely with our office to ensure that those ballots are timely transmitted in time for the 45-day deadline and are fully aware of the fact that, should we fail to meet that deadline, the DOJ would come in with a fairly significant hammer.

We had one local jurisdiction in the 2010 election that had an issue with their printer, and they had some 30-some ballots that were not transmitted within that 45-day deadline. We worked aggressively to make sure that all of those voters did, in fact, receive their ballots and, I think, resolved the situation to the Department of Justice's satisfaction.

The issue that you pointed to, I think, is a good one, that on paper it seems like a good idea to hold the chief elections officer responsible for compliance with the MOVE Act, but the bottom line is that these local election officers don't work for the Secretary of State, in most instances. And so, while we can work to encourage them to try to meet the deadline, there really isn't much of a hammer.

I don't think that any of those local election offices, at least in Nevada, are deliberately ignoring those timelines. Sometimes we have court challenges, we have other issues that come up that prevent us from being able to timely transmit those ballots. But it is a high priority, and it is Federal law. And I think, at this point,

at least speaking from Nevada, we have done an outstanding job. We didn't have any issues in 2012.

Mr. GINGREY. Oh, your numbers are fantastic.

Let me go to Director Boehmer.

An April 2013 report by the Department of Defense Inspector General, IG, noted that FVAP had data on its activities but little data on the effects of those activities. The IG recommended that FVAP develop and track metrics of the effectiveness of its programs.

What progress has been made on developing these metrics, and when do you expect them to be implemented?

Mr. BOEHMER. Sir, thanks for the question.

As you noted, the IG did make a recommendation for us to enhance our current metrics as well as develop new ones to show program effectiveness.

As an assistance agency, we want to make sure that we are collecting the appropriate metrics and that FVAP is accountable under those metrics for the activities that we are actually responsible for. In order to help us with that, we actually engaged with a federally funded research and development center to take a look at what our responsibilities are and what are the appropriate metrics that would help with looking at effectiveness.

We are currently right in the middle of that effort now. I am looking at seeing preliminary results from their work in the beginning of 2014, and we are hoping that we can have something to share with the Hill and your staff late spring.

Mr. GINGREY. Madam Chairman, you have been very generous with the gavel. Can I go back to Secretary Miller for one last—

The CHAIRMAN. Sure.

Mr. GINGREY. Thank you.

Secretary Miller, you mentioned in your testimony that your office has taken advantage of legislation that will allow military and overseas voters to use electronic and digital signatures on election documents and to request, mark, and deliver a ballot to their county without the need of a printer or a scanner.

Can you tell us more about the system you are working on to allow voters to mark and return ballots using this electronic signature method? And do you see, in particular, any security or voter integrity risk associated with the move in that direction?

Mr. MILLER. Thank you again, Dr. Gingrey.

You know, our report when we returned clearly noted, again, that the preferred method of voting was the electronic transmission of the ballot. And that was the same feedback that the 2008 delegation had received.

One of the issues that we explored in some depth in order to get around some of those security concerns is that the members of the military use a Common Access Card. And that card is unique to each individual that is within the military. They cannot log on to their system, as I understand it, without the use of that card, which further requires a PIN number to be entered. And so there is a high level of authentication in terms of who is on the other end of that computer terminal.

And so, when I returned from this delegation tour, we went the next legislative session and changed the statutes to allow for the

electronic transmission—not only the electronic transmission of the ballot, but for them to be able to fill out that ballot electronically and retransmit it to the local election officials using that Common Access Card.

It is a process that the members of the military are very familiar with. Anytime they need to sign a document, they do so by attaching a digital signature through that system. In fact, as I understand it, they fill out their Federal tax forms using that same system, attaching that digital signature. The emails are encrypted. And so it clearly meets military standards for the safeguards that are in place.

And so that is an issue that we explored, and we are, in fact, implementing it for the 2014 election. And so the way that all will work is, any member of the military or overseas voter would be able to register online to vote, because we are an online voter registration State. We will authenticate the identity of that voter by checking their driver's license number, the last four of their Social Security number, and their date of birth, and register them to vote.

Then, moving through the next part of that process, we would send them their individualized ballot according to their precinct. They would be able to fill that out. It would then generate a PDF, which is the exact same way that the ballots were previously transmitted, encrypt it, and send it to the local election official, where they could then further authenticate the identity of that ballot and, should any questions arise, obviously, take the appropriate recourse.

Mr. GINGREY. All right. Thank you both very much.

The CHAIRMAN. The chair now recognizes the gentleman from California, Mr. Vargas.

Mr. VARGAS. Thank you very much, Madam Chair. I appreciate it.

I do want to follow some of the questions. First of all, thank you again for being here. Thank you for the work that you did. And I was happy to see that you are attempting to reduce the number of ballots that haven't been counted.

I do have to say that I am—I was in politics, and I left politics for a while, went back to private practice. And then I ran for the State Senate, and I won by a whopping 22 votes. However, at the end of the counting of the votes, I had only won by 12. What had happened was that there was a process that wasn't followed in one of the counties whereby about 12,000 ballots were appropriately brought to the post office but the post office didn't deliver them to the registrar of voters. So they just sat on the deck there of the post office, 12,000 of them, about 500 in my particular area, the way the thing was set up.

And I had already won, I had already won by 12 votes, but my opponent went to court to say that those 12,000, and in particular those 500, should be counted. And I agreed with that. I agreed. I thought, you know, I had read a lot of the letters that had been sent. There were a number of military personnel who said, "That is not fair. I did what I was supposed to do. I voted. I took my ballot down to the post office on time. They forgot to deliver it to the registrar of voters."

And so I didn't challenge that. I thought, well, they are right, you know? If I lose, I lose. I mean, I have already won, but, you know, it is the right thing to do. I had lost in that county, so I thought I was going to lose. But, you know, I think it is the right thing to do, and God always helps out those who try to do the right thing. But, anyway, so I just thought, I will do it. Turns out, I got another 10 votes out of it, so I won with a whopping—I almost doubled my victory. I always like to say I won by double digits. It was only 22 votes.

But I do think that if, you know, there is some technicality like that, especially service personnel and our military, that we ought to bend over backwards to make sure that those votes are counted. I don't think that that is fair at all. Again, I have had that personal experience, and I just think you have to count those votes.

You know, I have been to Afghanistan, too, also, to see how these poor guys and gals are out there defending our liberties, our freedoms. And for some technicality for their vote not to be counted, like that post office that, you know, the delivery guy just forget to take it to the registrar—they always had done it every year. The guy just forgot to do it, left it out there on the dock.

If you could comment on that?

Mr. MILLER. Thank you, Mr. Vargas. Again, Ross Miller, Secretary of State, for the record.

I don't know when this occurred. But what I can tell you, at least from the observations of the delegation, was that this is the highest priority for the military in order to be able to transmit these ballots. I think that the military clearly recognized, along with local and State election officials, that we had a problem and that, you know, many of these ballots that had been cast by our military and overseas voters weren't transmitted in time. And so they worked very aggressively to address that and, I think, have done an outstanding job.

In fact, the U.S. Central Command issued a regulation, Regulation 2564, that mandates that absentee ballots shall be afforded the most expeditious handling and transmission possible. As I stated, they commonly refer to this as the fact that ballots go before beans and bullets in the priority of transportation of assets, that they walked us through ad nauseam the process of the military postal system. I saw more about the postal system than I think I wanted to see in tour after tour. And pointed out that, with every ballot, the military postal system applies an express mail service, Label 11-DOD, to each ballot from an overseas servicemember. And so what that means is that that is the highest priority within the postal system, is getting those ballots back in time so that the local election offices can count those.

I don't think that was in place before the previous delegation tour and, clearly, in prior elections when we realized that we may have a problem with the timely delivery of ballots. But I think they have largely corrected it, or at least that is the hope.

Mr. VARGAS. Okay. Great.

And I look forward to that app. I think that is a good idea, Doctor, that these students come up with an app so we can have the technology.

So thank you.

Thanks again, Madam Chair.

The CHAIRMAN. Thank you. We are going to start calling you “Landslide Vargas” over there. But that is interesting, because the Senate districts in California are larger than the congressional districts, so to win by 22 votes even after that, that is—

Mr. BRADY. Double digits.

The CHAIRMAN. Double digits. That is something.

The chair now recognizes Representative Rokita from Indiana, former Secretary of State.

Mr. ROKITA. I thank the chair.

And I thank the witnesses for their testimony here today.

Mr. Boehmer—is that how you pronounce it?

Mr. BOEHMER. Yes.

Mr. ROKITA. I appreciate your leadership over at what we lovingly call FVAP. And thank you for you and your whole team’s continued work. I haven’t had a chance to meet or work with staff members and leaders of any agency here, yet in Congress, that I think met the level of professionalism and sophistication and care for what their job was, than I did when I got to work as former Secretary of State with FVAP. So thank you.

Secretary Miller, thank you for being here, as well. It is good to see you. You remind me of older and simpler times, but definitely good times.

Very interested to learn a couple things from you. How many other States accept the Common Access Card method of doing things? Do you happen to know? I don’t mean to put you on the spot, but you are the NASS president, and with that paycheck comes extreme responsibility, sir, to know all these things.

Mr. MILLER. Thank you, Congressman Rokita, for indeed putting me on the spot as the former NASS president.

Mr. ROKITA. I would be interested to know. Yes.

Mr. MILLER. And it is a pleasure to have a question from my former mentor, a fine mentor at the National Secretaries of State Association.

I can’t give you the specific figures as to how many States employ the use of the Common Access Card. I don’t think many do. But there are a couple of States that will at least allow for the electronic transmission of the ballots back to the election offices.

Notably, Montana has a system in place that is similar to Nevada’s. That is where we copied our legislation from, along with Washington. And my understanding is that both of those States have seen enormous success. They have seen higher participation rates among the members of the military as a result of that.

I know that there are some vendors in the room today, in fact, that have this technology and have really worked to try to capitalize on marketing that towards other offices, should they want to take advantage of it.

Mr. ROKITA. Thank you, Ross.

Thinking back to our time together and remembering things I was concerned about—and this is new information to me, but I am very interested in it and intrigued by it—what are the distractions from this process? What would a hardliner like Rokita have thought, back when he was Secretary of State, about the Common Access Card and its vulnerabilities? Or would I have loved it?

Mr. MILLER. Well, that is another difficult question, Congressman Rokita, as to what you would have thought of it. But I think—

Mr. ROKITA. It sounds great—

Mr. MILLER [continuing]. Some of the reservations that were pointed out in 2008, along with 2012, is that with what is commonly referred to as Internet voting, there would be all kinds of problems with security. And I think maybe many Secretaries of State across the country would acknowledge that.

The use of the Common Access Card, I think, largely resolves a lot of the concerns that people may have with it, because you can definitively identify the other individual on the other end of the terminal.

Mr. ROKITA. Yes.

Mr. MILLER. Clearly, there may be some concerns about how appropriately the email is encrypted when it goes back to the election office so that it couldn't be grabbed out there in cyberspace and in any way manipulated and have somebody—

Mr. ROKITA. You are dangerously walking close to another hearing, so—the subject matter of another hearing.

Mr. MILLER. But, you know, this is a system that is in place in the military. It clearly meets their needs where they deal with issues of high-level national security, and so I think it should be explored.

Clearly, in Nevada, we are comfortable with it. Our legislation, despite the fight we are a significant battleground State, it passed in an overwhelmingly bipartisan fashion when we walked through the security protocols with the transmission of the ballots.

Mr. ROKITA. That is great to hear. Thank you for your leadership at NASS, too.

By the way, I was able to weasel myself onto that first trip in 2008, and it was an amazing trip. A lot of what you described in your report was similar to what we found, as your testimony indicates.

The priority, as I remember it—and correct me if I am wrong—was that the ballots came only second to, unfortunately, bodies. It was bodies first, then ballots. That is what we were told, and that is what we saw, fortunately and unfortunately.

Do you have any different recollection or different observation than that?

Mr. MILLER. I don't. That may very well be the case. I know through their regulation it says it is given the highest priority, but there may well be a legitimate and understandable exception for—

Mr. ROKITA. Absolutely.

Mr. MILLER [continuing]. The transmission of bodies back to the U.S.

Mr. ROKITA. Here is—and I would hope that the Chairman would just give me a little bit of time with the gavel here.

The CHAIRMAN. Certainly.

Mr. ROKITA. A question for both of you, and then I will be quiet.

I don't remember the answer to this or if there is an answer to this, but let's assume there was a servicemember in Indiana, lived in Indiana his or her whole life. At the age of 18, enlisted. Trained,

let's say, in Georgia. Then may have, right before deployment, gone to Nevada, to one of your bases. Where is this person supposed to vote?

Mr. MILLER. Thank you. I will take a stab at this, although it is not my area of expertise. And I think it may depend upon Federal law. But my understanding is that that voter can designate the residency of their choice. And so, if they wanted to, they could designate that their residency is in Nevada.

By default, as I understand it, their residency is their last residence as of their deployment date. And this ties in to some of the complexities with local and State election offices being able to identify that voter's residence so that we could send that individualized communication.

But one of the things that I still do not understand, in terms of those barriers, is that somewhere in the Federal Government, you have to know where our troops live. Somebody knows. And if they have that information, why can't they share it with FVAP and the local and State election offices so that we would be able to provide that communication so that they wouldn't be left to guess as to which jurisdiction they live in and what those rules and procedures are.

Mr. ROKITA. That is an excellent assignment, I think, perhaps, for us. So thank you for that.

Matt.

Mr. BOEHMER. Before I start answering your question, thank you very much for the compliment to the FVAP staff. I am honored to be in this position but more honored to work with a highly dedicated team of experts and professionals who do nothing but all day make sure that our military members, their families, and overseas citizens do have the voting assistance that they need and deserve. So thank you, sir, for that recognition.

Where a military member votes is incredibly complex. And as we talk about one of the challenges even for a servicemember, him or herself, that could be a question that they ask. On our Web site, we do have some guidance to them. And it certainly can be their legal residence. For some who are young, it could be their home of record. As you know—

Mr. ROKITA. Do States determine this still, by and large? Or is there a Federal statute that—

Mr. BOEHMER. Actually, the military member would determine that. They can actually change their legal residence.

So, as you can tell, because this is a very mobile population, changing addresses is something that is complex. And it is something that we try to help our military members and their families with, again, providing them with that information and awareness about what their legal State of residence could be and then asking them to work with their JAG officers, their legal counsel in their units to help them determine what that residence actually is.

So we will give them some guidance and some advice, but it is almost that that bottom-line answer is: Consult your legal person in your unit; they should be able to help you figure this out.

Mr. ROKITA. I thank the Chair for her indulgence.

The CHAIRMAN. Thank you very much.

And I certainly just want to thank—does the ranking member have any further questions? No? Okay.

I just want to thank our witnesses again, both of you, for coming so very, very much. It has been, I think, a very good hearing. I know I have taken a couple of notes, talking to my staff here in the back, that we want to take a look at, in particular, this Military Postal Service. And, particularly, Mr. Vargas talking about all the mail left out on the tarmac there, so to speak, of the postal service, and what we can do to coordinate that better. That is a great suggestion, something we maybe can take a look at, as well.

And I also have been, just as Mr. Rokita—I mean, I listened to this CAC card and thought, well, I don't know how that would work, but yet it sounds like something that has worked, that your State legislature has agreed to in a bipartisan way. And so it is something that really, I think, merits looking into, as well, and is very interesting, as well.

But I, again, just want to thank you all very much. And I hope you continue to look at this committee as a resource both for FVAP and NASS, as well. And I know you have the executive director of NASS that is in the audience here today, as well, who does a remarkable job, Leslie Reynolds.

And this committee really wants to work very closely with the Secretaries and all of our customers, particularly those in the military, to make sure that we do everything that we possibly can to expedite their voting rights and assistance in however we can. We are always looking for input and suggestions, comments on how we can better that process, certainly.

So thank you very much for your attendance today. Look forward to working with you.

The committee now stands adjourned.

[Whereupon, at 12:50 p.m., the committee was adjourned.]

CANDICE S. MILLER, MICHIGAN  
CHAIRMAN

GREGG HARPER, MISSISSIPPI  
PHIL GINGREY, GEORGIA  
AARON SCHOCK, ILLINOIS  
TODD ROKITA, INDIANA  
RICH NUGENT, FLORIDA

KELLY CRAVEN, STAFF DIRECTOR

## Congress of the United States

### House of Representatives COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building  
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ROBERT A. BRADY, PENNSYLVANIA  
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA  
JUAN VARGAS, CALIFORNIA  
ONE HUNDRED THIRTEENTH  
CONGRESS

KYLE ANDERSON, MINORITY STAFF  
DIRECTOR

December 27, 2013

Secretary Ross Miller  
Secretary of State, Nevada  
Nevada State Capitol Building  
101 North Carson Street, Suite 3  
Carson City, NV 89701

Dear Secretary Miller,

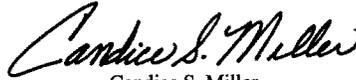
Thank you for testifying during the November 20, 2013, Committee on House Administration hearing on, "Military and Overseas Voting in 2012." The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **Friday, January 17, 2014**.

1. In your testimony you discussed a system Nevada is developing to facilitate electronic transfer of election documents between UOCAVA voters and election officials. Regarding that system:
  - a. Please describe each function it will perform (e.g., voter registration, blank ballot delivery).
  - b. Will the system utilize the CAC card? If so, how?
  - c. You referred to electronic return of voted ballots through this system. How will this return be performed? For example, will it consist of sending a PDF file of the voted ballot via email, transmitting votes from the voter's computer to an election official's computer, or something else?
  - d. Will funds received from the Department of Defense (EASE II grants) be used in the development of this system?
2. There have been a number of bills introduced this Congress that deal with military and overseas voters---Do you have an opinion on any of the bills? In particular, HR 2168, the Helping Heroes Vote Act of 2013 and The Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act) introduced in the Senate.
3. What form of ID do military and overseas voters have to submit to get their absentee ballots? What happens to the ballot or request should the ID not be included? What steps are being taken to ensure that overseas voters are not disenfranchised?

4. How does your state interact with overseas voters? Are there improvements that can be made to allow the process to run more effectively?
5. Many overseas voters have complained about the lack of consistency of rules for overseas voters? Does it make sense to have a uniform set of rules for all voters living and working overseas?
6. What is the level of assistance your state provides to overseas voters? How do you work in concert with other states to provide voting assistance to military voters?

If you have any questions concerning this matter, please feel free to contact Yael Barash on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Candice S. Miller". The signature is written in a cursive, flowing style.

Candice S. Miller  
Chairman

**ROSS MILLER**  
*Secretary of State*

**NICOLE J. LAMBOLEY**  
*Chief Deputy Secretary of State*

**ROBERT E. WALSH**  
*Deputy Secretary  
for Southern Nevada*

STATE OF NEVADA



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*Deputy Secretary for Elections*

**RYAN M. HIGH**  
*Deputy Secretary  
for Operations*

January 17, 2014

Committee on House Administration  
Candice S. Miller, Chairman  
1309 Longworth House Office Building  
Washington, D.C. 20515-6157

**VIA E-MAIL**

Dear Chairman Miller:

Thank you for the opportunity to testify before the Committee on House Administration regarding Military and Overseas Voting in 2012. The following are answers to the committee's additional questions:

**1. In your testimony you discussed a system Nevada is developing to facilitate electronic transfer of election documents between UOCAVA voters and election officials. Regarding that system:**

**(a) Please describe each function it will perform (e.g., voter registration, blank ballot delivery).**

The online resource being is being developed as a one stop shop that will facilitate UOCAVA voters with every step of the process. The online resource will use information provided by the user to identify any of the voter's existing Nevada voter registration information, and it will prefill their voter registration, information updates, and absentee ballot request documents. UOCAVA voters will also be able to seamlessly access their ballot.

Additionally, the online resource will provide a UOCAVA voter the ability to print out their blank ballot or mark it online. The user will then be provided with directions and information on how to return the ballot to their county clerk. UOCAVA voters will be able to sign their documents manually or by using a digital or electronic signature thanks to recently enacted enabling state legislation. Digital signatures may be used by military CAC card users and electronic signatures will be made accessible to users who are already registered to vote in Nevada or those who have a current driver's license or identification card issued by the Nevada Department of Motor Vehicles (DMV).

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Committee on House Administration  
January 17, 2014  
Page 2 of 4

**(b) Will the system utilize the CAC card? If so, how?**

The system will allow a CAC card user to prefill certain fields and sign their election documents with their CAC card digital signature. This functionality and the CAC card digital signature will also provide local election officials with an extra level of personal verification when processing election documents submitted from a CAC card user.

**(c) You referred to electronic return of voted ballots through this system. How will this return be performed? For example, will it consist of sending a PDF file of the voted ballot via email, transmitting votes from the voter's computer to an election official's computer, or something else?**

Nevada's system will facilitate the user's electronic return of their election documents by providing the user with a PDF containing a pre-filled return cover sheet and the election documents, including marked ballots. A user choosing to return their election documents electronically will need to manually email their PDF as an attachment to their county clerk. The system will also allow a user to print out their ballot and return it by mail or facsimile.

**(d) Will funds received from the Department of Defense (EASE II grants) be used in the development of this system?**

The development of Nevada's online resource is being developed with existing internal resources and contractors working internally that are being paid with funds received from the Department of Defense (EASE II Grant).

**2. There have been a number of bills introduced this Congress that deal with military and overseas voters—Do you have an opinion on any of the bills? In particular, HR 2168, the Helping Heroes Vote Act of 2013 and The Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act) introduced in the Senate.**

Nevada would not have any significant issues implementing the requirements proposed in the above-referenced bills. With the completion of Nevada's online system for UOCAVA voters described herein, Nevada will be prepared and situated to provide the additional reporting and data required by the legislation and meet all the ballot request and delivery requirements of the legislation. The Secretary of State's office does not support any legislation that would extend to UOCAVA voters a private right of action against the state.

**3. *What form of ID do military and overseas voters have to submit to get their absentee ballots? What happens to the ballot or request should the ID not be included? What steps are being taken to ensure that overseas voters are not disenfranchised?***

Nevada does not require registered military and overseas voters to submit identification with an absentee ballot request. Already registered voters simply need to submit a signed absentee ballot request to their county clerk. Unregistered voters can register by providing their Nevada DMV issued driver's license or identification card number or the last four digits of their social security number.

**4. *How does your state interact with overseas voters? Are there improvements that can be made to allow the process to run more effectively?***

It is Nevada's county clerks who interact directly with UOCAVA voters on registration and ballot transmission issues. Improvements can be made to simplify and make more convenient the voting process for UOCAVA voters. As described above, the Secretary of State's office is developing an online resource for its UOCAVA voters to register, request a ballot, mark a ballot and return a ballot electronically.

However, the biggest potential improvement would be increased ability to "push" registration and voting information to identified UOCAVA eligible voters. The "Military and Overseas Voters 2012: Observations & Recommendations by a Delegation of State Chief Elections Officers" report prepared by Secretaries Miller, Martin, Grimes, Schedler and Johnson (previously submitted to the Committee) identifies as its #2 recommendation the ability to "communicate jurisdiction-specific information to the voter in an individualized communication." The overwhelming challenge in presenting information to absentee voters in this manner is the fact that information about an individual voter's residence for purposes of determining their voting jurisdiction is not always readily available to local and state election officials. In fact, in some instances the issue is complicated even further by the fact that some citizens who are eligible to vote via absentee ballot may not know themselves in which U.S. jurisdiction they are eligible to vote.

An additional barrier is that even though some federal agencies may collect or maintain data relating to residency, legal privacy barriers prevent sharing the data with election officials. However, to the extent that the DOD or the Department of State maintains information pertaining to the residency of these absentee voters, it should be further explored whether use of the residency data could be enhanced to better provide these voters with individualized information relating to how and when they can cast their ballots.

Committee on House Administration  
January 17, 2014  
Page 4 of 4

**5. Many overseas voters have complained about the lack of consistency of rules for overseas voters? Does it make sense to have a uniform set of rules for all voters living and working overseas?**

Yes. In this vain, Nevada's state legislature adopted UMOVA in its 2011 Legislative Session. Although, considerations need to be made with any federal legislation for states and local election jurisdictions that are situated differently and have different resource capabilities.

**6. What is the level of assistance your state provides to overseas voters? How do you work in concert with other states to provide voting assistance to military voters?**

Nevada provides overseas voters with individualized support. Nevada election officials work with requests received from another state's voter and work with them to contact their appropriate jurisdiction.

Should you have any follow-up questions to these answers, please do not hesitate to contact my office at (775) 684-5705.

Respectfully,

ROSS MILLER  
Secretary of State

By: /s/ Scott Gilles  
Scott F. Gilles  
Deputy of Elections

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## Congress of the United States

### House of Representatives COMMITTEE ON HOUSE ADMINISTRATION

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DIRECTOR

December 27, 2013

Mr. Matt Boehmer  
Acting Director  
Federal Voting Assistance Program  
4800 Mark Center Drive, 03J25-02  
Alexandria, VA 22350-5000

Dear Mr. Boehmer,

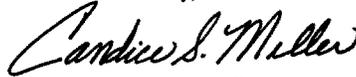
Thank you for testifying during the November 20, 2013, Committee on House Administration hearing on, "Military and Overseas Voting in 2012." The Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **Friday, January 17, 2014**.

1. If a ballot is mailed to a service member who has moved, what is the process to ensure that the service member receives their ballot in a timely manner? Does this allow for enough time for the ballot to be sent back and counted? Are there non-legislative procedures that can be implemented to speed up the process?
2. What is being done to fix the perceived and real problems from the 2012 general election for overseas voters? Can these fixes be implemented in time for the 2014 election cycle?
3. How did the delivery system for sending electronic ballots overseas work in 2012? 2013? Is there any grant money remaining from the pilot program? In these days of tighter budgets, should this continue to be a funding priority for Congress? Why or why not?
4. Have the issues raised with the Federal Write-in Absentee Ballot (FWAB) been resolved?
5. Do you have the statistics for the number of ballots sent out and the rate of return for 2012? How does this compare with stateside absentee ballot requests? Is this an improvement over 2008?
6. Other than fax and email—is FVAP working (on its own or in partnership with other entities) on new technology to transmit ballots securely to voters living overseas?

7. An August 2012 DOD Inspector General report indicated that calls to many of the voter assistance offices on military bases went unanswered. Has this issue been resolved for 2014? Are there enough voting assistance officers assigned?
8. What form of ID do military and overseas voters have to submit to get their absentee ballot? Who assists overseas voters who are not near military installations?
9. Did any states have problems implementing the rules under the MOVE Act for 2012?
10. The Senate has proposed fixes and amendments to the MOVE act. The Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act) has a number of provisions. One would require express mail of ballots should a state fail to send out ballots after the mandated 45 days mark. Do you consider these provisions valuable and do they adequately address the underlying problems?
11. We have heard a great deal about voters being able to use the internet to vote in elections. Can you briefly discuss the pilot program for sending ballots electronically? How are results being measured?

If you have any questions concerning this matter, please feel free to contact Yael Barash on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely,



Candice S. Miller  
Chairman

Hearing Date: November 20, 2013  
Committee: HADMINC  
Member: Congresswoman Miller  
Witness: Mr. Boehmer

Question: #1

Question: If a ballot is mailed to a service member who has moved, what is the process to ensure that the service member receives their ballot in a timely manner? Does this allow for enough time for the ballot to be sent back and counted? Are there non-legislative procedures that can be implemented to speed up the process?

Answer: Currently, a ballot destined for Service members who have changed their address is redirected only after it travels from the election office to an overseas Military Postal Service (MPS) facility where it is relabeled with the new address and then re-routed to the voter or returned stateside. This additional transit time is considerable in a process where voters in distant locales have little time to spare, even in ideal circumstances. On the return side of the absentee voting process, FVAP encourages these voters to use the back-up Federal Write-In Absentee Ballot (FWAB). In addition, the Military Postal Service Agency (MPSA) establishes "Recommended Mailing Deadlines" based on geographic location so voters know when to use the FWAB if their state ballot has not arrived. The MPSA provided an overall average transit of voted ballots from the absentee voter to election offices of 5.6 days in 2012, well below the UOCAVA required timeframe.

In a coordinated effort with the Military Postal Service Agency (MPSA) and the Department of State, the United States Postal Service (USPS) is modernizing its mail delivery system this year to redirect undeliverable election materials to military and diplomatic addresses in the same manner as civilian mail. This will allow misaddressed time-sensitive ballots to be redirected at its first processing point stateside — rather travelling to an overseas processing center before a redirect or return to sender takes place.

Additionally, FVAP is working with the Defense Manpower Data Center on two new initiatives to automate voting address updates and inform Service members to notify their election official each time a change of address is entered into the military benefits system.

The updated USPS system, along with the automated address updates and 45 day electronic ballot transmission should allow enough time for ballots from most locations to be sent back and counted.

Question: #2

Question: What is being done to fix the perceived and real problems from the 2012 general election for overseas voters? Can these fixes be implemented in time for the 2014 election cycle?

Answer: As overseas citizens are an important voter group that is more difficult to reach than its military-UOCAVA counterparts, developing productive, mutually beneficial relationships is important. To this end, FVAP works very closely with the Department of State's (DOS) Service Voting Action Officer and Embassy and Consulate Voting Assistance Officers to ensure voting assistance is provided to overseas citizens. In 2012, FVAP conducted training workshops at embassies and consulates around the world and participated in DOS's Twitter town hall regarding absentee voting from abroad. FVAP also conducted several outreach activities specifically for overseas citizens, such as a video contest, blogger network and social media engagements.

To further increase overseas citizens' awareness of the tools and resources available, FVAP is expanding these efforts for 2014 and will launch new initiatives, including the online deployment of a new overseas voting Public Service Announcement and distribution of targeted digital toolkits to advocacy groups and overseas companies with large numbers of U.S. citizen employees.

Question: #3

Question: How did the delivery system for sending electronic ballots overseas work in 2012? 2013? Is there any grant money remaining from the pilot program? In these days of tighter budgets, should this continue to be a funding priority for Congress? Why or why not?

Answer: A review of the preliminary 2012 post-election data report indicates promising prospects for future analysis of effectiveness. The review is provided in FVAP's 2012 Post-Election Report to Congress; a more detailed overview of the data will be available in March 2014.

FVAP awarded research grant funds to 35 States and localities between October 2011 and June 2012 totaling over \$25 million. The Electronic Absentee Systems for Elections (EASE) research grants explored possible technological improvements; some grant recipients used the funds to develop blank ballot delivery systems. In 2013, FVAP awarded a second round of research grants totaling \$10.5 million to 11 States and localities to further examine blank ballot delivery and the establishment of a single point of contact for the transmission of election materials to State election offices.

Because grant-funded systems are developed individually and managed by each grant recipient, States are the best resource to how their respective systems work. However, grant recipients are required to submit data reports to explain FVAP following each Federal election in which a grant-funded tool or system is used over the five-year life of the grant.

We believe that the grants are an important tool to find innovations. Currently, all grant funds have been awarded, and FVAP will receive and analyze data to make recommendations regarding the success of the efforts and whether the program should be extended.

Question: #4

Question: Have the issues raised with the Federal Write-in Absentee Ballot (FWAB) been resolved?

Answer: As discussed in FVAP's 2012 Post-Election Report to Congress, local election officials rejected FWABs submitted from Uniformed Service voters at a higher rate versus those submitted by overseas citizens. In 2013, FVAP updated the backup ballot in an effort to clarify form use and requirements. FVAP conducted a series of usability assessments resulting in substantial improvements using many established best practices for election-related forms. FVAP recently entered into an agreement with the Council of State Governments in part to facilitate a greater understanding of the specific reasons military FWABs are rejected at a higher rate. FVAP will digest and incorporate the findings into actionable guidance.

As an interim action, FVAP created a FWAB factsheet for voters to address common issues leading to the rejection of the form. The factsheet and other educational materials are included in FVAP's 2014 election outreach efforts.

Question: #5

Question: Do you have the statistics for the number of ballots sent out and the rate of return for 2012? How does this compare with stateside absentee ballot requests? Is this an improvement over 2008?

Answer: Due to a substantial change in FVAP's survey methodology for its post-election survey of local election officials from 2008 to 2012, the best data comparing the number of ballots transmitted versus returned from 2008 to 2012 comes from the United States Election Assistance Commission (EAC). Based on the 2008 EAC published report, 989,208 ballots were transmitted to UOCAVA voters with 682,341 returned for counting, a 69 percent rate of return. In 2012, 876,362 ballots were transmitted to UOCAVA voters with 578,706 yielding a 66 percent rate of return. We recommend referring to the EAC for the most comprehensive numbers regarding the rate of ballots transmitted and returned domestically.

The rate of ballots transmitted in 2008 was likely inflated due to the existing federally mandated period of extended eligibility for UOCAVA voters who submitted an Federal Post Card Application. At that time, States were required to send ballots for a period of four years (two general elections) based on a single request. The MOVE Act amendments to UOCAVA in 2009 narrowed this minimum period of eligibility which has likely reduced the total number of ballots automatically transmitted.

FVAP plans to conduct a deeper comparative analysis of each State's election laws for absentee voters to determine where problem areas exist and the impact of various statutes in combination with military status. Until then, our best indicator for success and driver of improvement across election cycles is through an examination of voter participation based on direct surveys of military voters and ballot rejection rates from local election officials.

Question: #6

Question: Other than fax and email—is FVAP working (on its own or in partnership with other entities) on new technology to transmit ballots securely to voters living overseas?

Answer: Other than FVAP's grant program, FVAP is not developing on its own or in partnership with other entities new technologies to transmit ballots.

Question: #7

Question: An August 2012 DOD Inspector General report indicated that calls to many of the voter assistance offices on military bases went unanswered. Has this issue been resolved for 2014? Are there enough voting assistance officers assigned?

Answer: In April 2013, the DoD Inspector General confirmed the Service Inspectors General findings of compliance with the Service Voting Assistance program statutes and regulations to include IVA Office provisions. FVAP maintains the accuracy of the IVA Office contact information through regular outreach with IVA Offices and does not anticipate any issues during the 2014 election cycle.

IVA Offices are designated and managed by the Services. Because they are most familiar with their installations and the voting assistance needs of the people assigned at each, the Services are best-suited to determine the number designated. FVAP will continue providing IVA Office guidance and training to the Services.

With regard to Unit Voting Assistance Officers (UVAOs), current guidance states a UVAO should be assigned to any unit of 25 or more permanently assigned members, and an additional UVAO should be assigned for each additional 50 members above the 25-member base. Similar to the number of IVA Offices designated, the Services are best-suited to determine if the number of UVAOs assigned is sufficient.

Question: #8

Question: What form of ID do military and overseas voters have to submit to get their absentee ballot? Who assists overseas voters who are not near military installations?

Answer: Voter identification requirements are set by the States and most States with voter ID laws exempt UOCAVA voters from the requirement so they are not required to provide an ID to vote.

Overseas voters can receive voting assistance at any U.S. embassy or consulate. There are many resources available in the Department of Defense's voting assistance toolbox. UOCAVA voters may use online tools available at [FVAP.gov](http://FVAP.gov), contact 800-438-VOTE, email [vote@fvap.gov](mailto:vote@fvap.gov), visit FVAP social media pages, and sign up to receive and respond to voting alerts.

Question: #9

Question: Did any states have problems implementing the rules under the MOVE Act for 2012?

Answer: FVAP's focus is on assistance; however, we are aware that the Department of Justice, who enforces UOCAVA, took action against seven States and territories for failing to comply with the 45-day requirement.

Question: #10

Question: The Senate has proposed fixes and amendments to the MOVE act. The Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act) has a number of provisions. One would require express mail of ballots should a state fail to send out ballots after the mandated 45 days mark. Do you consider these provisions valuable and do they adequately address the underlying problems?

Answer: Constructive legislation that enhances current efforts to support overseas Service members and civilians to vote in federal elections is valuable.

While there are specific technical edits we would recommend, the SENTRI Act does contain several provisions that are helpful to the Department in enhancing overseas Service member and civilian voting experience and may address some of the challenges we face.

Furthermore, the Department is committed to complying with statutes currently in place, as well as continued development of innovations to facilitate our overseas Service members and civilian voters. We look forward to working with Congress in these efforts.

Question: #11

Question: We have heard a great deal about voters being able to use the internet to vote in elections. Can you briefly discuss the pilot program for sending ballots electronically? How are results being measured?

Answer: The Department neither advocates for nor disagrees with internet voting. FVAP is awaiting standards to ensure the legislatively mandated electronic voting demonstration project would maintain the integrity of the elections process.

FVAP's research grant program explores the electronic delivery of blank ballots. The terms and conditions of each research grant expressly prohibit the use of funds for the electronic return of marked ballots. Grant recipients are required to submit data reports to FVAP following each Federal election in which a grant-funded tool or system is used. FVAP reviews the returned-ballot-method data to ensure systems are compliant with the terms of the grant. FVAP is

currently analyzing the 2012 data reports (year one of the grants program) and will provide an overview of its findings in March 2014.