

To: Benjamin Ginsberg, Katherine Crytzer
From: Daniel Hartman
Date: April 19, 2013
Re: Outline of Department of Defense Instruction Number 1000.04. – September 13, 2012
SUBJECT: Federal Voting Assistance Program (FVAP)

Department of Defense Instruction Number 1000.04 – September 13, 2012

1. Purpose

- a. Reissues Department of Defense Directive (DoDD) 1000.04¹ in accordance with the authority in Dodd 5124.02.
- b. Establish Policy and Assign responsibility for implementation of Installation Voter Assistance offices (IVA).²
- c. Establish Policy and assign responsibilities for the implementation and development of voting registration procedures at recruitment offices of the Military Services in connection with the National Voter Registration Act (NVRA).
- d. Incorporate DoDD 1344.13 regarding the implementation of the NVRA.

2. Applicability

- a. OSD, Military Departments, The Office of Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (the DoD Components).

3. DoD Policy:

- a. FVAP ensures eligible voters receive information about registration and voting procedures, materials pertaining to scheduled elections (such as dates, constitutional amendments, and ballot initiatives).³
- b. Each voter shall be given opportunity to register and vote in any eligible election and shall be given the opportunity in person or by absentee.⁴
- c. All persons assisting with the voting process shall prevent the following actions:
 - i. Using military authority to influence the vote of any member of uniformed services or to require any member to march to a polling place. This does not prohibit free speech about political issues or candidates.⁵

¹ DoD Instruction 1000.04, September 13, 2012 (The “Instruction”) at 1. Reissuing DoD Directive 1000.04, “Federal Voting Assistance Program (FVAP),” April 14, 2004

² In accordance with section 1566a of title 10, U.S.C.

⁵ *Id.* at 2. See Sections 592, 593, 596, 607, 608, and 609 of title 18, US Code

³ DoD Instruction 1000.04, at 1. “The Uniformed and Overseas Citizens Absentee Voting Act” (UOCAVA) and “The National Voter Registration Act” (NVRA)

⁴ *Id.* at 2.

- ii. Polling any member of the uniformed services before or after he or she votes.⁶
- d. FVAP shall conduct official surveys authorized by UOCAVA to report to President and Congress on effectiveness of assistance provided to eligible voters, consisting of separate analyses for (i) voter participation and (ii) Federal-State cooperation.⁷
- e. DoD personnel assisting with voter registration or absentee voting process shall only use the names of persons applying or declining to register to vote for voter registration purposes only.⁸
- f. Military or civilian personnel employed by Military Services recruitment offices are subject to the Instruction.⁹
- g. Installation commander may permit non-partisan voter registration activities on an installation by State and county officials, or §501(c)(19) groups.¹⁰

4. Responsibilities of Personnel

- a. Under Secretary of Defense for Personnel and Readiness (USD(P&R))
 - i. Execute responsibilities in accordance with DoD Directive 5124.02.¹¹
 - ii. Administer FVAP in accordance with (i) Executive Order 12642, (ii) UOCAVA and NVRA, and (iii) Sections 1566 and 1566a of title 10, US Code.¹²
 - iii. Coordinate/implement actions necessary to discharge Federal responsibilities.¹³
 - iv. Develop policy and procedures to implement DoD responsibilities under NVRA.¹⁴
 - v. Grant/Deny Hardship waivers submitted by States (after consulting the Attorney General's designee).¹⁵

⁶ *Id.* at 2. See Sections 592, 593, 596, 607, 608, and 609 of title 18, US Code

⁷ *Id.* at 2.

⁸ *Id.* at 3.

⁹ *Id.* at 3

¹⁰ *Id.* at 3. See §501(c)(19) of the Internal Revenue Code

¹¹ *Id.* at 7. See DoD Directive 5124.02, June 23, 2008.

¹² *Id.* at 7.

¹³ *Id.* at 7. In accordance with DoD Directive 5124.02; Executive Order 12642; UOCAVA and NVRA; Sections 1566 and 1566a of Title 10, US code; section 1604 of Public Law 107-107 ("The National Defense Authorization Act for Fiscal Year 2002," December 28, 2001); and Section 567 of Public Law 108-375, ("The National Defense Authorization Act for Fiscal Year 2005," October 28, 2004).

¹⁴ *Id.* at 7.

¹⁵ *Id.* at 7. In accordance with section 1973ff-1(g) of title 42, US Code (section of UOCAVA).

- vi. Ensure the Director, Department of Defense Human Resources Activity (DoDHRA) designates a civilian Director of FVAP, who will be responsible for all administration of FVAP¹⁶
- b. Director, Department of Defense Human Resources Activity (DoDHRA)
 - i. Designate an office for execution of FVAP.¹⁷
 - ii. Ensure the Director, FVAP carries out its responsibilities.¹⁸
- c. Inspector General, DoD (IG DoD)
 - i. Submit Report to Congress in accordance with section 1566(c)(3) of title 10, US Code.¹⁹
 - ii. Provide the Director, FVAP with copies of supporting data collected during reviews for the report submitted to Congress, as deemed appropriate by the IG DoD.²⁰
- d. Chief of the National Guard Bureau
 - i. Designate in writing a senior service voting representative (SSVR) to manage the voting assistance program within National Guard.²¹
 - ii. Designate service voting action officer (SVAO), to assist the SSVR, responsible for voting assistance operations within National Guard.²²
 - iii. Working with Adjutants General of the National Guard of the States and territories, inform State or territory chief election official when National Guard units are mobilized or placed in a Federal Status.²³
- e. Heads of DoD Components and the Uniformed Services
 - i. Shall disseminate voting information to assist eligible voters in their respective organization following the DoD Component and Uniformed Services Procedures (see herein).²⁴
- f. Combatant Commanders
 - i. Ensure that deployed forces have access to Federal voting information and assistance and to extent practicable, provide uniformed service members with access to computers and the Internet, printers and scanners for absentee voting purposes.²⁵
 - ii. Emphasize importance of participation by uniformed service members in Federal, State, and local election process make every reasonable effort to assist the Military Services in discharging FVAP.²⁶

¹⁶ *Id.* at 7.

¹⁷ *Id.* at 7.

¹⁸ *Id.* at 7.

¹⁹ *Id.* at 7.

²⁰ *Id.* at 7.

²¹ *Id.* at 8.

²² *Id.* at 8.

²³ *Id.* at 8.

²⁴ *Id.* at 8.

²⁵ *Id.* at 8.

²⁶ *Id.* at 8.

5. FVAP Director Procedures

- a. Manage, coordinate, and perform duties in section 1973ff of UOCAVA.²⁷
- b. Encourage/Assist States and other US jurisdictions in adopting and promoting awareness of mandatory and recommended provisions of 1973ff-1 of UOCAVA.²⁸
- c. Establish/maintain contact with State election officials, legislators, and other government officials so improve absentee voting for UOCAVA citizens. Consult with Defense State Liaison Office for legislative/policy matters involving UOCAVA.²⁹
- d. Obtain from each State current voter registration and absentee voting information to disseminate to Federal Executive departments, agencies, DoD components, and eligible voters, pursuant to UOCAVA.³⁰
- e. Establish/maintain voting assistance program to assist all eligible voters covered by UOCAVA.³¹
- f. Establish maintain FVAP website that provides: (i) information about voter registration and absentee voting process; (ii) electronic submission of materials; (iii) method to assist citizens; (iv) list of State contact information; (v) ability to print a Standard Form 186, “Federal Write-In Absentee Ballot,” and list of all candidates in a Federal Election; (vi) portal with Service-specific information regarding voting assistance programs, contact information for voting assistance offices (VAOs) within DoD Component, procedures to order voting materials, and links to Federal State voting website; (vii) Absentee ballot data; and (viii) other information as deemed necessary by Director, FVAP.³²
- g. Survey US Citizens, VAOs, and election officials to prepare reports to President and Congress required by section 1973ff of UOCAVA.³³
- h. Prescribe the oath to be used with any document under UOCAVA.³⁴
- i. Work with Military Postal Service Agency to ensure postmark/proof of mailing dates and expeditious transportation of ballots.³⁵
- j. Establish means to inform the uniformed services members of voter registration/absentee voting information 90, 60, and 30 days before each Federal Election.³⁶
- k. Develop Standards with US Election Assistance Commission and the Chief State election official of each State, for each state to report data

²⁷ *Id.* at 9.

²⁸ *Id.* at 9.

²⁹ *Id.* at 9.

³⁰ *Id.* at 9.

³¹ *Id.* at 9.

³² *Id.* at 9–10.

³³ *Id.* at 10.

³⁴ *Id.* at 10.

³⁵ *Id.* at 10.

³⁶ *Id.* at 10. In accordance with section 1973ff-2B(a)(2) of UOCAVA.

on absentee ballots for Federal office election and a means to store and transmit this information to public.³⁷

- l. Establish procedures regarding hardship waivers working with the Attorney General.³⁸
- m. Prescribe voting program metrics to evaluate each DoD Component's voting assistance program, and establish and maintain an online portal to the extent practicable.³⁹
- n. Provide technology programs to assist uniformed service members in their absentee voting/voting registration.⁴⁰
- o. Develop/coordinate with States implementing operational procedures to establish voter registration at recruitment offices of the Military Services and assist the Deputy Assistant Secretary of Defense for Military Personnel Policy with this initiative.⁴¹
- p. Develop training materials for installation voting assistance offices and recruitment offices of the Military Services for voter assistance. Conduct this training in even-numbered years worldwide.
- q. Analyze impact of providing voter registration assistance and make recommendations for improvements
- r. Maintain multiple lines of support for use by uniformed services and overseas voters, personnel at recruitment offices, and State election official to provide assistance.⁴²

6. DoD Component and Uniformed Services Procedures

- a. Develop written policies to support uniformed services personnel and family, and establish maximum number of voters that can be represented by a VAO.⁴³
- b. Designate an SSVR to manage in each uniformed service to manage the respective Service voting programs.⁴⁴
- c. Designate an SVAO to assist the SSVR in each Service (prefer a civilian employee GS-12 or higher).
 - i. If military member, SVAO should be pay grade O-4 (if officer), E-8 (if enlisted) and shall be a permanently assigned member within SSVR.
 - ii. Director of each Reserve Component shall designate an SVAO to coordinate with SSVR and the Director, FVAP, to maintain program in National Guard and Reserve units.⁴⁵

³⁷ *Id.* at 10.

³⁸ *Id.* at 10.

³⁹ *Id.* at 10.

⁴⁰ *Id.* at 10.

⁴¹ *Id.* at 10–11.

⁴² *Id.* at 11.

⁴⁵ *Id.* at 12.

⁴³ *Id.* at 12.

⁴⁴ *Id.* at 12.

- d. Establish Installation Voter Assistance (IVA) office on each military installation and maintain updated list of IVA offices, published on FVAP voting assistance website. Satellite offices may be established as well.⁴⁶
 - i. IVA office will offer voter assistance to all qualified voters, military personnel and dependents, and Federal employees with access to the IVA office, and shall also serve as a voter registration agency under the NVRA.⁴⁷
 - ii. IVA office shall be within the headquarters of the installation organization and report directory to installation commander, and should be well-advertised and in an area that is consistently visited by Service personnel, family members, and DoD civilians. It shall hold hours when the installation office is open.⁴⁸
 - iii. Each IVA office shall:
 - 1. Be included in administrative in-processing and out-processing activities of reporting and detaching personnel.⁴⁹
 - 2. Provide proper voting assistance, including opportunity to update voter registration information through a revised SF 76, “Federal Post Card Application (FPCA), or National Mail Voter Registration Form.⁵⁰
 - 3. Ensure voting assistance to all personnel (military or civilian) reporting for duty, detaching from duty, deploying, and returning from deployment of 6 months or longer.⁵¹
 - a. SF 76’s are used to notify local election officials of mailing address for absentee ballots.⁵²
 - b. Uniformed service members released from active duty are told to notify local election office that they are no longer covered by UOCAVA and given opportunity to submit a National Mail Voter Registration Form.⁵³
 - 4. Ensure small/geographically separated units are provided voting assistance
 - 5. Provide written information on voting assistance procedures with Standard Form (SF) 76, SF 186, “Federal Write-In Absentee Ballot,” National Mail Voter

⁴⁶ *Id.* at 12.

⁴⁷ *Id.* at 12.

⁴⁸ *Id.* at 12–13.

⁴⁹ *Id.* at 13.

⁵⁰ *Id.* at 13.

⁵¹ *Id.* at 13.

⁵² *Id.* at 13.

⁵³ *Id.* at 13.

Registration Form, and state-specific instructions from the Voting Assistance Guide (VAG), in addition to computer, Internet, printer and scanner to access FVAP website.⁵⁴

- a. SF 76 and SF 186 shall be provided to uniformed services personnel and family members who have access to the IVA office.⁵⁵
- b. National Mail Voter Registration form shall be provided to Federal civilian employees and other US citizens, as well as uniformed services voters who currently residing in their voting districts.⁵⁶
6. Provide assistance filling out voting forms.⁵⁷
7. Collect and Transmit any SF 76 or National Mail Voter Registration form for applicant within 5 calendar days.⁵⁸
8. Maintain voting program metrics and submit report to the FVAP Director each quarter.⁵⁹
- iv. Designate VAO's at every level of command; assign one VAO on each installation and in each major command to coordinate programs.⁶⁰
 1. IVAO's should serve for 18 months, from October of year before a Federal general election, and ending in March following the year of a Federal general election.⁶¹
 2. VAOs are authorized to administer oaths.⁶²
- v. Designate IVAOs (Installation Level VAO)
 1. Must Complete FVAP training.⁶³
 2. Work closely with IVA office to coordinate unit-level voting assistance programs.⁶⁴
 3. Must notify personnel of the last date before a general election by which absentee ballots must be mailed to be on time, based on recommendations by the Military Postal Service Agency.⁶⁵
- vi. Designate a UVAO (Unit Level VAO)

⁵⁴ *Id.* at 13.

⁵⁵ *Id.* at 13.

⁵⁶ *Id.* at 14.

⁵⁷ *Id.* at 14.

⁵⁸ *Id.* at 14.

⁵⁹ *Id.* at 14.

⁶⁰ *Id.* at 14.

⁶¹ *Id.* at 14.

⁶² *Id.* at 14.

⁶³ *Id.* at 14.

⁶⁴ *Id.* at 14.

⁶⁵ *Id.* at 14.

1. Within each unit of 25 or more permanently assigned members.⁶⁶
2. Shall complete FVAP training.⁶⁷
3. Shall ensure that small/geographically separated units are assisted.⁶⁸
4. Additional UVAO should be assigned for each additional 50 members above the 25-member base.⁶⁹
- vii. Require uniformed service members and dependent have access to all necessary forms and information, both online and in writing, and expeditiously provide information, materials, for all elections.⁷⁰
- viii. Within each military command establish a VAO Network and establish a communications network to disseminate information quickly among all DoD components. Also, develop DoD Component-wide communications process to disseminate information across networks.⁷¹
- ix. Develop system to deliver SF 76's directly to all eligible voters (in-hand or electronically) by the following process:
 1. By January 15 of each calendar year to eligible voters and, to extent practicable, voting-age dependents.⁷²
 2. By July 15 of even numbered years to eligible voters and, to the extent practicable, voting age dependents.⁷³
- x. Require Inspectors General of Military Departments to review each department's voting review assistance program each year.⁷⁴
- xi. Establish/maintain link from the DoD's Component's website to the FVAP website.⁷⁵
- xii. Establish a uniform email address.⁷⁶
- xiii. Annually train all uniformed service members on voting procedures.
 1. Encourage members to register and to vote.⁷⁷

⁶⁶ *Id.* at 15.

⁶⁷ *Id.* at 15.

⁶⁸ *Id.* at 15.

⁶⁹ *Id.* at 15.

⁷⁰ *Id.* at 15.

⁷¹ *Id.* at 15.

⁷² *Id.* at 16.

⁷³ *Id.* at 16.

⁷⁴ *Id.* at 16.

⁷⁵ *Id.* at 16.

⁷⁶ *Id.* at 16.

⁷⁷ *Id.* at 16.

2. Provide additional assistance for deploying members who are heading to remote areas or at-sea.⁷⁸
- xiv. Require all major command, installation, and UVAOs to attend an FVAP voting assistance workshop in even-numbered years.⁷⁹
- xv. Maintain the privacy and independence of the voting process and the ballots after being filled out.⁸⁰
- xvi. File an annual “after-action” report to the Director, FVAP.⁸¹
- xvii. Provide Quarterly statistical information.⁸²
- xviii. At recruitment offices of the Military Services:
 1. Provide each prospective enlistee with National Mail Voter Registration Form, and assist in filling it out.⁸³
 2. Transmit applications within 5 calendar days to the State election officials.⁸⁴
 3. Maintain statistical information and records on voter registration.⁸⁵
- xix. Cooperate with the Director, Military Postal Service Agency to implement FVAP measures.⁸⁶

7. Executive Department and Agency Procedures

- a. Encourage other Federal Executive departments and agencies to conform to this Instruction.⁸⁷
- b. Head of each Government department or agency should distribute ballots and establish a program to inform and educate voters.⁸⁸
 - i. Agency is responsible to provide voter assistance with some support from FVAP.⁸⁹
 - ii. Each department should appoint someone to administer the voting assistance program if they have eligible employees.⁹⁰

⁷⁸ *Id.* at 16.

⁷⁹ *Id.* at 17.

⁸⁰ *Id.* at 17.

⁸¹ *Id.* at 17.

⁸² *Id.* at 17.

⁸³ *Id.* at 17–18.

⁸⁴ *Id.* at 18.

⁸⁵ *Id.* at 18.

⁸⁶ *Id.* at 18.

⁸⁹ *Id.* at 20.

⁹⁰ *Id.* at 20.

⁸⁷ *Id.* at 20.

⁸⁸ *Id.* at 20.

- iii. The Secretary of State designates a voting action officer at the Department of State headquarters and at each U.S embassy or consulate.⁹¹
- iv. Embassies and consulates shall have sufficient forms, information, and voting assistance.⁹²
- v. The Department of State appointed officer should coordinate with the Director, FVAP to conduct voting events and programs that inform and educate US citizens outside the US.⁹³

8. Information Collection Requirements

- a. The Instruction requires the following information collections (as described above) to be submitted⁹⁴:
 - i. FVAP Survey.
 - ii. Report on Voting Assistance Metrics
 - iii. Voter Registration Information

9. Effective Date

- a. This Instruction is effective September 13, 2012; this Instruction expires September 13, 2022 if not reissued, cancelled, or certified current within 5 years of its publication.

⁹¹ *Id.* at 20.

⁹² *Id.* at 20.

⁹³ *Id.* at 20.

⁹⁴ *Id.* at 3.