

**The Presidential Commission on Election Administration**  
**Public Hearing, Friday, June 28, 2013 University of Miami**  
**Paul Lux, Supervisor of Elections, Okaloosa County, Florida**

My name is Paul Lux and it is my privilege to serve the voters of Okaloosa County as their Supervisor of Elections. I am not only an Army veteran myself, but I was also a Reservist as well as a military family member. I am honored by your invitation to share my thoughts regarding voting by military members.

Issues surrounding voters covered under the Uniformed and Overseas Citizen Absentee Voting Act, more commonly known to the elections community as UOCAVA voters, are important to me and my staff because we live in a unique area. Okaloosa County is a rectangle that has Alabama as its northern border, the Gulf of Mexico as its southern border and is divided by a 20-mile-wide swath of Federal property. In addition to Eglin Air Force Base and Hurlburt and Duke Fields—together comprising the largest Air Force base in the world—we also share our community with the US Army 7<sup>th</sup> Special Forces Group, the 6<sup>th</sup> Army Ranger Training Battalion, the US Navy Explosive Ordnance Disposal School, and Coast Guard Station Destin. Of our 124,000 registered voters, nearly 20% are UOCAVA voters representing all 5 service branches.

On a national level, we largely conduct absentee balloting for our military today just as we have done since the Civil War. A voter mails me a request for an absentee ballot and hopes I get it. I mail that voter a ballot and hope he gets it. He votes the ballot and mails it back to me and hopes I get it in time to be counted.

In his remarks last week, Dr. Persily distilled the problems encountered by UOCAVA voters down to three points: ballots that are never received, ballots that are not correctly or timely cast, and ballots that are not counted.

A lot of effort has been expended over the years to fix the first of those problems—the MOVE Act not least among them—and EASE grants being the most recent. I have been directly involved in each of them. I have seen them at work; seen the direct results. I have seen their

shortcomings, too. I would submit to you that with few exceptions, any UOCAVA voter who wanted a ballot got a ballot in 2012.

One can't legislate UOCAVA voters correctly casting their ballots—they either follow the instructions provided or they don't. Many of the reasons for which ballots are not counted can be attributed directly to the voter. Ballots should be signed by the voter, not a spouse—even with a power of attorney. Ballots, at least in Florida, cannot be returned by fax if the voter is not overseas. In order to ensure votes are counted as cast, ballots should be marked correctly.

Ballots being timely cast usually have a direct correlation to requests being timely filed and ballots being delivered as soon as possible. Federal law requires all jurisdictions to mail or e-mail ballots to all UOCAVA voters with a request on file not later than 45 days before any Federal election. My office routinely exceeds that deadline by 5 days or more—mailing and e-mailing ballots out 50 or more days prior. But if we don't have a request on file, we have less time to get a ballot to that voter. That means the voter has less time to return the ballot to election officials. This is more problematic for those serving in harm's way. Voters in forward-deployed areas receive mail less frequently and have more problems getting mail out.

There are a myriad of problems that can cause a ballot to not be counted; I would like to highlight the most prevalent. Many voters send in Federal Write-in Absentee Ballots—FWABs in our vernacular—without first having a request on file. These ballots cannot be counted in many jurisdictions. Ballots received after election day for stateside voters and after the 10-day period for overseas voters cannot be counted in many jurisdictions. Yes, we really do verify signatures on absentee ballot certificates before ballots are counted.

Looking forward from here, I would offer the following advice:

First, continue to expand opportunities to make ballots available electronically. It is really hard to beat how fast electronic delivery can put a ballot in a voter's hands. Eliminating the first half of the problem is winning half the battle.

Second, expand efforts to educate UOCAVA voters on the state-specific requirements and help them understand the most common reasons ballots are rejected. The Federal Voting

Assistance Program has been working hard for this goal, but laws can change annually. What remains unchanged is the fact that uniformed service members can't use the FPCA to register in the state they reside. Some states do not accept FWABs as a registration document. Voting Assistance Officers—the VAO's at virtually every level of the military organization—need to be able to impart these important differences to those seeking their assistance. Emphasize that absentee ballot requests should be submitted as early as possible! Ensure that any troops being deployed—especially during Presidential election years—are specifically afforded the opportunity to register and request an absentee ballot as part of deployment processing.

Third, encourage more states to adopt laws that are UOCAVA-friendly. Florida, in recent years, has expanded the use of FWABs, extended late registration for those returning from combat, and allowed for the complete ballot—not just Federal races—to be counted for 10-day overseas absentee ballots. I commend my legislative delegation from Okaloosa County for spearheading efforts to make these changes. I would like to see all 50 states make similar considerations for UOCAVA voters.

Finally, and no surprise to those who know my passion for aiding our hardest-to-reach voters, encourage and conduct more pilot projects that facilitate the electronic return of absentee ballots from UOCAVA voters.

Florida law currently allows overseas voters to return voted ballots via fax, so we can e-mail those voters a ballot that can be printed out, voted, and faxed back. However, one of the recurring problems we encounter—especially in big elections—is how few voters today have access to a fax machine. There is no FedEx in the Green Zone in Baghdad. The guy in the foxhole in Afghanistan does not have either a printer or a fax machine. He does have internet access, however. I know this because I get e-mail from him. We have to find a way to leverage web-based technologies to create a system that can help these voters. The service of those defending our freedoms should not be rewarded by being disenfranchised.

I'm not necessarily advocating "pure" internet voting, and I'm certainly not advocating allowing electronic return without any type of security measures; but opponents of electronic ballot return would prefer to not even have the conversation. The scope of the VOI project in 2000

was too limited to provide data worth studying. The SERVE project in 2004 was cancelled due to a lack of political will in Washington D.C. Tired of waiting for a government solution, Okaloosa County created the Okaloosa Distance Balloting Pilot Project—a kiosk-based system that was a good proof-of-concept. EASE grants—research grants from 2011—helped further electronic ballot delivery but specifically prohibited using those funds to develop any system that would return a marked ballot electronically.

When I spoke at a symposium hosted by NIST and the EAC back in February, I asked for help from the very people who oppose this idea. UOCAVA voters need this. UOCAVA voters want this. We will get there with or without the help of our detractors; but we would prefer to do this with their help and expertise.

I would like to thank you again for the opportunity to speak to you today, and I will be happy to answer any questions.

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## GLOSSARY

EAC – Election Assistance Commission

EASE – Electronic Absentee System for Elections

FPCA – Federal Post Card Application

FVAP – Federal Voting Assistance Program

FWAB – Federal Write-in Absentee Ballot

MOVE – Military and Overseas Voter Empowerment Act

NIST – National Institute of Standards and Technology

SERVE – Secure Electronic Registration and Voting Experiment

UOCAVA – Uniformed and Overseas Citizen Absentee Voting Act

VAO – Voting Assistance Officer

VOI – Voting Over the Internet Project