

TESTIMONY TO ELECTION ASSISTANCE COMMISSION
Military and Overseas Voting
Public Hearing, September 21, 2006

By Joni K. Ernst
Montgomery County Commissioner of Elections
Red Oak, Iowa

As the County Commissioner of Elections for Montgomery County, Iowa, I was pleased when my Secretary of State's staff called to ask my opinion of e-mail voting by military and other overseas personnel during the staff's preliminary assessment of the e-mail voting process. I was ecstatic when I was asked to participate in a press conference with Iowa's Secretary of State, the Director of the Federal Voting Assistance Program (FVAP), and the Deputy Adjutant General of the Iowa National Guard in Des Moines, Iowa on August 24, 2006, as the Secretary announced that Iowa would be the seventh state in the nation to accept ballots by e-mail from military and overseas personnel.

The implementation of this program in Iowa excited me not only because I am a commissioner of elections, but also because I served as an Army National Guard transportation company commander in Operations Enduring and Iraqi Freedom from February, 2003, to April, 2004. As my company ran transportation missions throughout Kuwait and southern Iraq, I witnessed first-hand the difficulty soldiers encountered when sending or receiving mail in a combat zone.

One of the missions my company supported was the pick-up of mail at a mail distribution point in Kuwait. In the early part of the war, mail was placed into 20 foot containers, and the containers were not scheduled for movement until the container was full. It was not uncommon for us to receive mail from home four or five weeks after it had been mailed. The return for mail going to the US was similar. As the war progressed, the system became much better and by the time we redeployed in April, 2004, mail was reaching us within one or two weeks.

One or two weeks is an acceptable delivery time if a soldier is expecting a care package, but when he or she is waiting to receive a ballot or send a ballot home, time is of the essence. There are so many constraints to voting in a war zone, that any measure of flexibility is welcome. Allowing our service men and women to vote by e-mail meets this measure of flexibility, and is a wonderful initiative in our election process.

Through a former initiative, many states allowed overseas voters to send their ballots by fax when the voter believed the ballot would not be received in time to be counted when sent by conventional mail. This alternative method of voting is helpful, but not always practical. Lower level units existing in remote locations do not always have access to facsimile machines. My experience while deployed was that I had easier access to the internet than I did to a fax machine. The e-mail voting process will be similar to voting by fax, but I believe it will reach a greater number of voters in remote locations.

Several concerns were expressed after the announcement that Iowa would be accepting ballots by e-mail from these voters in remote locations. One concern was that by allowing someone to vote by fax or e-mail, how do we protect the voter's privacy? The voter is not guaranteed privacy when returning a ballot by e-mail or fax. The voter must fill out a secrecy waiver cover sheet when returning the ballot. However, as an election commissioner, it is my responsibility to ensure that when the ballot is received, I maintain the privacy of that voter to the best of my ability.

A second concern is how do we know the ballot has not been tampered with during transmission? The e-mail or fax transmission would be difficult to alter, but as an added safety measure, the voter is required to mail the original ballot to his or her election commissioner. If necessary, the original ballot can be compared to the ballot received by fax or e-mail.

I am sure there will continue to be concerns as new voting methods are implemented. Each state's elections processes are continually evolving. It is important to allow flexibility in voting for those that are living in geographical areas outside of the United States, as long as the chosen voting method is balanced with checks that will allow for the determination of tampering or fraud.

The e-mail voting process may cause a minimal amount of additional work for election commissioners and their staffs, but it is the very least we can do to protect the vote of our service members overseas. As a county commissioner of elections, I fully support any steps that will allow our service members to participate in our democratic process, especially when they are the ones defending our democracy.