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STATEMENT OF
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REGARDING MILITARY AND OVERSEAS VOTING

STATEMENT FOR THE RECORD
FOR THE FEDERAL VOTING ASSISTANCE PROGRAM

Mr. Chairman, Commissioners Hillman and Davidson, Secretary Carnahan, fellow panel members and meeting attendees, thank you for this opportunity to speak on the Federal Voting Assistance Program (FVAP) in the Department of Defense. In 1988, President Reagan issued Executive Order 12642 designating the Secretary of Defense as his agent to implement the provisions of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and to discharge the Federal functions required by the *Act*. The Director of the Federal Voting Assistance Program administers the Program for the Secretary of Defense.

Background

The *Uniformed and Overseas Citizens Absentee Voting Act* preserves the right to vote for federal offices by absent Uniformed Services voters and overseas U. S. citizens. As mandated by the *Act*, the FVAP prescribes uniform absentee forms such as the Federal Post Card Application (FPCA, SF-76) for registration and ballot request to facilitate these citizens' Constitutional right to vote. In its administration of this law, the FVAP works cooperatively with state and local election officials to carry out its provisions.

The absentee voting process for *UOCAVA* citizens requires the successful completion of several steps. The citizen submits a completed FPCA to his/her local election official (LEO) who determines the citizen's legal voting residence based on the information provided. In most instances, the FPCA serves as simultaneous application for registration and request for an absentee ballot. Approximately 30 to 45 days prior to the election, the LEO provides a state absentee ballot to the citizen. The citizen then votes the ballot and returns it to his/her local election official. These steps, in most cases, are accomplished by through the United States Postal Service, Military Postal Service Agency and foreign country postal systems.

After each presidential election, the FVAP conducts a statistically-based, random sample survey of *UOCAVA* citizens to gather information about their participation. These surveys have consistently demonstrated that mail transit time can be a barrier to their ability to receive their ballot and return it in time to meet the state's deadline. The use of existing and emerging technologies as alternatives to the by-mail absentee voting process is not a panacea, but can help mitigate some of the transmission issues.

In the 2004 Presidential Election, 79 percent of uniformed service members responding to the FVAP post election survey participated in the absentee voting process or voted in person. Overseas U.S. citizens participated at a rate of 58 percent and overseas federal employees had an 80 percent participation rate.

DoD Progress in Working with the Federal and State Governments

Recent legislation has greatly facilitated FVAP's ability to assist and facilitate uniformed service and overseas voters in the absentee voting process. The Department appreciates the Congress' assistance in dealing with the operational and logistical challenges of the absentee voting process, and for taking proactive steps to address some of these concerns.

Title XVI of the *Defense Authorization Act for Fiscal Year 2002* required states to accept the FPCA as a simultaneous voter registration and absentee ballot application. The *Act* also required State Governors to issue a yearly report to their Congressional delegation via FVAP on the implementation status of FVAP's suggested legislative initiatives, a provision which sunset in 2004.

Title VII of the *Help America Vote Act* required the Secretary of Defense to prescribe regulations & procedures for VAOs to be provided time & resources necessary to perform their duties; to implement measures to ensure a postmark or other official proof of mailing on ballots collected by DoD overseas or vessels at sea; and, to develop a standard oath for *UOCAVA* voting materials. All of these provisions required by the title have been successfully implemented. The *HAVA* also required states to designate a single office responsible for *UOCAVA* citizen procedures; report to the Election Assistance Commission on the number of *UOCAVA* absentee ballots sent, received and cast; extended the effective period of the FPCA through the next two regularly scheduled general elections and inform *UOCAVA* voters if their registration or ballot application was refused and the reason for the refusal. The FVAP issued a *HAVA* Interpretive Memo dealing with *UOCAVA* related issues to State and Local election official in August 2003.

Title V, Subtitle I of the *Defense Authorization Act for Fiscal Year 2005* expanded the use of the Federal Write-In Absentee Ballot (FWAB, SF-186) to allow its use by Uniformed Service members and their dependents within the United States; extended the ballot request deadline for use of the FWAB and delayed the DoD online voting demonstration project until electronic voting guidelines are established by the Election Assistance Commission and the National Institute of Standards and Technology.

State legislatures are also doing their part to facilitate absentee voting. For twenty-five years, FVAP has proposed Legislative Initiatives to state election officials for introduction in their state legislatures that would help facilitate absentee voting for *UOCAVA* citizens. The current top legislative priorities are for states to:

- Provide at least 45 days between the ballot mailing date and the date ballots are due.
- Give State Chief Election Officials the emergency authority to alter election procedures in certain circumstances (i.e. to extend the ballot return deadline, to allow electronic transmission of blank or voted ballots, etc.
- Further expand the use of electronic transmission of voting materials.

- Allow election officials to provide a state write-in absentee ballot, to be sent out 90-180 days before all elections, that would allow the voter to cast votes for all elections in which they are eligible to cast votes.

FVAP has made significant progress over the years towards achieving the goals of these legislative initiatives. States have been a tremendous partner with the Department in continuing to facilitate the absentee voting process through their legislative advocacy. To date:

- 50 states and territories allow for the Electronic Transmission of election materials.
- 50 states and territories have eliminated notary and witness requirements for the Federal Post Card Application.
- 27 states and territories allow for a Special State Write-in Absentee Ballot.
- 18 states and territories allow for the Late Counting of Absentee Ballots sent prior to the close of polls.
- 15 states and territories allow give emergency authority to the Chief Election Official regarding absentee ballots.
- 16 states and territories enfranchise citizens who have never resided in the United States, but have a parent eligible to vote in that state or territory.

Educating

The Department has continued to ensure that its customers are properly informed and educated about the process of absentee voting. The Department has a significant apparatus available to undertake this goal. This education includes formal training of military and civilian Voting Assistance Officers, information provided to State and Local Election Officials, as well as ensuring that our customers have adequate and proper access to the necessary means to request and submit their absentee ballot.

FVAP staff members conduct voting assistance workshops to give military and civilian Voting Assistance Officers the hands on training required to understand their mission and to perform their duties. The training is also available via CD-ROM and on-line.

FVAP undertook efforts to inform and educate State and Local Election Officials of absentee voting issues. Since the state and local election officials are the individuals who administer elections, they are partners in facilitating the absentee voting process. It is important that they be kept abreast of the latest issues surrounding *UOCAVA* voting. FVAP staff has addressed conferences of several national election official organizations in 2006, including:

- National Association of Secretaries of State
- National Association of State Election Directors
- International Association of Clerks, Recorders, Election Officials and Treasurers
- National Association of Election Officials (Election Center) - Joint Election Official Liaison Committee

FVAP staff also addressed local election official conferences in:

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

While addressing these local election officials, FVAP recommends practices and procedures to Local Election Officials to ensure maximum compliance with *UOCAVA* procedures. These recommendations include:

- Ensuring all employees in local election offices throughout the state are trained on provisions of *UOCAVA*.
- Providing a website dedicated to *UOCAVA* citizens and elections for use by *UOCAVA* citizens.
- Differentiating between *UOCAVA* and other state absentee voters in state literature, in state laws and administrative codes, an on state and local election websites.
- Preparing a state *UOCAVA* Voter Guide for publication on website and in hard copy.
- Designating a contact person or team to address *UOCAVA* issues.
- States performing an internal survey of elections jurisdictions prior to an election to determine compliance with state law for outbound mailing of absentee ballots to *UOCAVA* citizens.

Informing and Equipping

The Department has also taken steps to ensure that absent Uniformed Service and overseas citizen voters are informed about upcoming elections and the procedures for registering and requesting an absentee ballot. Department communication efforts have been varied in order to gain maximum exposure for the voting program in a variety of communications media. Interviews have been done and stories on *UOCAVA* absentee voting have been run on commercial print and broadcast media as well as DoD media outlets.

Communication is undertaken through extensive Command Support of the Voting Program. Particular emphasis has been placed on voting responsibility and participation of each individual member of the unit. Messages regarding absentee voting have been included in the Plans of the Day as well as Commander's Call briefings. Billboards have been posted on installations reminding members of the ability to vote absentee. Installations support Armed Forces Voters Week and provide general election information, to include family members, through: displays, voter registration drives, information at Military Welfare and Recreation Facilities, Family Service Centers, Medical Facilities, Commissaries and Exchanges, and DoD Dependent Schools.

The FVAP website allows uniformed service members, voting age dependents, and overseas citizens access to voting information directly on their computer. The site received 1,540,810 hits between January 1, 2006 and September 7, 2006. During that time period, the online version of the Federal Post Card application was downloaded 42,689 times. The Online version of the Federal Write-in Absentee Ballot was also downloaded 5,504 times. The site is updated frequently with information pertinent to absentee voters.

FVAP also takes steps to ensure that all military and civilian Voting Assistance Officers have up-to-date information. FVAP publishes its *Voting Information News* newsletter on a monthly basis. FVAP also issues News Releases routinely to announce time sensitive information such as changes in absentee procedures or the holding of special federal elections. Both the newsletter and the News Releases are distributed electronically via email as well as posted on the FVAP website. The newsletter is also made available to VAOs in a hardcopy format.

The Department is also working to ensure that voters and Voting Assistance Officers have access to the essential tools, materials, and information necessary to get people registered. The Services, the US Department of State and overseas citizen organizations have made Voting Assistance Guides, Federal Post Card Applications and Federal Write-in Absentee Ballots available to their VAOs and individual voters. Those VAOs who need additional stocks of supplies can contact their Service, Department or FVAP for additional shipments. From October 1, 2005-September 7, 2006, FVAP distributed 227,000 hardcopies of the FPCA and 91,000 hardcopies of the FWAB. The Services and Department of State distributed additional copies of the forms through their normal supply chains.

Facilitating Ballot Movement

The Department continues its efforts to help move ballots for members of the Uniformed Services, their dependents, and overseas citizens at every step of the process. Expediting ballots, particularly via mail, is a very important aspect of the absentee voting process. Most ballots are physical in nature and are moved by mail.

The Department's effort to expedite delivery of ballots started well before the election year. FVAP, in conjunction with the U.S. Postal Service, worked to redesign the state absentee ballot transmittal and return envelope in an effort to minimize the amount of processing time for absentee ballots moving through modern mail handling equipment.

The Military Postal Service Agency is ensuring that their outlets have the capabilities to move military absentee ballots. All major military units in forward deployed roles have postmarking capabilities to ensure that ballots are able to carry the proper postmark. Weekly messages are being sent to military post offices reminding workers of the proper procedures in handling ballots. Biweekly and weekly surveys of all military post offices are being conducted to ensure no ballots are delayed. MPSA is also publishing

recommended mailing dates based on location to assure ballot receipt by state deadlines, and that Service Members understand when their absentee ballots need to be returned to their local election officials.

FVAP, in conjunction with the USPS, is again expediting delivery of military absentee ballots with APO and FPO addresses. Beginning September 18, 2006 absentee ballots from local election officials will be handled as Express Mail to APO and FPO gateways and mailing addresses to ensure that absentee ballots arrive promptly. Beginning October 1, USPS will ensure that absentee ballots from APO and FPO facilities are expedited back to the local election official. This agreement includes special marking and handling of absentee ballots and, in the days leading up to the election, the use of Express Mail for inbound voted absentee ballots.

The Department is also aggressively promoting the continued expansion of the use of technology through electronic transmission alternatives. The Department, in conjunction with state and local election officials, is exploiting the technological capabilities available to both election officials and troops deployed in the field to ensure that *UOCAVA* voters have options available to them when registering to vote, requesting an absentee ballot, receiving their absentee ballot, and returning their voted absentee ballot. Fax, email and online options can greatly reduce the amount of time needed to complete the absentee voting process, and gives voters additional alternatives when they are unable to use regular mail.

FVAP first established its Electronic Transmission Service (ETS) in the fall of 1990 in support of Operation Desert Shield. The ETS allowed voters deployed in the Persian Gulf region to receive their blank absentee ballot and to return their voted ballot via fax. Currently, ETS exists as a toll-free option for voters to return their applications and/or ballots to the Local Election Officials where allowed by state law. Voters have the capability of sending and receiving their absentee balloting materials through toll-free fax numbers in 51 countries. Uniformed Service members and dependents also have access to a toll-free number through the Defense Switched Network. Current state law and administrative practice shows that:

- 50 states allow *UOCAVA* voters to submit an FPCA for absentee ballot request via fax.
- 32 states allow *UOCAVA* voters to submit an FPCA for registration by fax.
- 35 states allow *UOCAVA* voters to receive the blank ballot via fax.
- 25 states allow *UOCAVA* voters to return the voted ballot via fax.

Many states have expanded their Electronic Transmission Alternative capabilities to include email. FVAP is aggressively urging states to consider using email as an integral part of the electronic alternatives made available to their citizens. Since many forward deployed soldiers have email capabilities but may not have access to fax machines, the institution of processes that allow for email ballot request, ballot delivery, and ballot return can be critical. Current state law and administrative practice shows that:

- Eight states allow *UOCAVA* voters to submit an FPCA for absentee ballot request via email. (Alaska, Hawaii, Florida, Missouri, Puerto Rico, South Dakota, Virginia and Wisconsin)
- Seven states allow *UOCAVA* voters to submit an FPCA for registration via email. (Alaska, Hawaii, Missouri, Puerto Rico, South Dakota, Virginia and Wisconsin)
- Twelve states allow *UOCAVA* voters to receive the blank ballot via email. (Alaska, Florida, Illinois, Iowa [2006 election], Montana, Mississippi [for active duty overseas], North Dakota, Oregon, South Carolina, Virginia, Washington and Wisconsin)
- Seven states allow *UOCAVA* voters to return the voted ballot via email. (Alaska, Iowa [2006 election], Mississippi [for active duty overseas], Missouri [2006 election], Montana, North Dakota, South Carolina, and Washington)

The Department is also encouraging states to make available to citizens online tools that allow voters to check their registration status. FVAP has encouraged states to launch these sites and promoted the use of such sites to allow voters the opportunity to promptly know their registration status and provide the opportunity to take corrective measures if necessary. To date, ballot registration status sites have been launched in seventeen states:

- **Delaware**, pollingplace.delaware.gov/
- **District of Columbia**, www.dcboee.org/voterreg/vic_step1.asp
- **Georgia**, www.sos.state.ga.us/cgi-bin/Locator.asp
- **Indiana**, www.indianavoters.com/PublicSite/Public/PublicVoterRegistration.aspx?AspxAutoDetectCookieSupport=1
- **Kansas**, <https://myvoteinfo.voteks.org/>
- **Kentucky**, cdc.ky.gov/VICWeb/index.jsp
- **Louisiana**, sos.louisiana.gov/polllocator/
- **Maryland**, mdelections.umbc.edu
- **Michigan**, michigan.gov/sos/0,1607,7-127-1633-49313--,00.html
- **Nebraska**, <https://www.votercheck.necvr.ne.gov/>
- **North Carolina**, www.sboe.state.nc.us/
- **Ohio**, www.sos.state.oh.us/sosapps/elections/voterquery.aspx
- **Puerto Rico**, www.ceeput.org/serviciosLineas/estatusEelectoral/index.htm
- **South Carolina**, <https://webprod.cio.sc.gov/SCSECVoterWeb/voterInformationSearch.do>
- **Utah**, gva1.utah.gov/elections/polling.aspx
- **Virginia**, www.sbe.state.va.us/VotReg/VR_Confirmation/Default.html
- **Washington**, www.secstate.wa.gov/elections/lookup.aspx/

The Department, as mandated by the Congress, is continuing and expanding its IVAS effort from 2004. For 2006, IVAS provides a feature on the FVAP website which consolidates information from the 55 States and Territories on electronic ballot request

and delivery alternatives with the goal of communicating these alternatives to absent Uniformed Service Voters and U.S. citizens overseas.

Additional features of IVAS 2006 are two online ballot request and delivery tools being offered for use by the states and territories. States may choose the tool best suited to the needs of their *UOCAVA* voters as well as state laws and administrative procedures. These tools are only available to Uniformed Service Members, their family members and overseas DoD employees and contractors.

Tool # 1 is an online Ballot Request System developed by the Defense Manpower Data Center which allows registered voters to submit an FPCA ballot request to their local election office via email.

Tool # 2 is an online Ballot Request and Delivery System, developed through the Department's Business Transformation Agency and contractor PostX which allows registered voters to submit an FPCA ballot request to their local election office and receive their blank ballot via a secure server.

Conclusion

Over the last two years, the Department has continued to build on the successes of the 2004 Presidential Election. While mid-term voting participation rates for military and overseas voters, as with the participation rates for the general voting age population, may be lower than in 2004, voters will have had an unprecedented amount of resources available to them that give them the opportunity to vote. The effort of the Department and its partners in Congress, State and Local Governments, and the U.S. Postal Service will allow more voters a greater opportunity to participate in this year's election. Additionally, through our collective efforts in promoting and fighting for expanded Electronic Transmission alternatives, voters will continue to reap the benefits of these expanded alternative options in this and future elections.